

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 13 April 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

Officers: Hamish Reid – Director City Planning and Amenity
Terry Callant – Manager Governance and Corporate Reporting
Matthew Cripps – Manager Development Services
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Robert Lamb – Governance Officer

Table of Contents

1.	Apologies	
2.	Disclosure of any Conflict of Interest of any Councillor	
3.	Adoption and Confirmation of the minutes of previous meeting	
4.	Matters of Decision	
4.1	52 Black Street, Brighton Notice of Decision to Grant an Amendment to a Permit Application: 2018/725/3 Ward: Bleazby	6
4.2	50 Middle Crescent, Brighton Notice of Decision to Grant a Permit Application: 2020/616/1 Ward: Dendy	7
4.3	2/9 Edward Street, Sandringham Notice of Decision to Grant a Permit Application: 2020/592/1 Ward: Boyd	9
4.4	3a Bent Parade, Black Rock Notice of Decision to Grant a Permit Application: 2020/588/1 Ward: Ebden	11
4.5	13 Lileura Avenue, Beaumaris Notice of Decision to Grant a Permit Application: 2020/661/1 Ward: Beckett Ward	13
4.6	1 Cambridge Street, Brighton East Notice of Decision to Grant a Permit 2019/682/1 Ward: Bleazby Ward	19
4.7	168-188 Tulip Street and 152 Tulip Street, Cheltenham Notice of Decision to Grant a Permit Application: 2020/49/1 Ward: Ebden	26
4.8	415 Bay Street, Brighton Notice of Decision to Grant a Permit Application: 2020/546/1 Ward: Bleazby Ward	32
4.9	78-80 Orlando Street, Hampton Notice Of Decision to Grant a Permit Application: 2020/653/1.....	39
4.10	28-30 Boxshall Street, Brighton Support the Grant of a Permit (VCAT Consent Order) Application: 2019/703/1 Ward: Dendy.	41
4.11	Statutory Planning - VCAT Report (February 2021)	51
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 ensure the community continues to have ongoing access to Council debate and the decision-making process.

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

It is recorded that an apology was submitted to the meeting from Cr Stitfold.

Moved: Cr Evans

Seconded: Cr Samuel-King

That the apology from Cr Stitfold be received and noted.

CARRIED

2. Disclosure of any Conflict of Interest of any Councillor

It is recorded that Cr El Mouallem declared a conflict of interest specifically relating to a general interest in item 4.1 – 52 Black Street, Brighton.

Procedural Motion

Moved: Cr Evans

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 Thursday 15 March 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 9 March 2021.

Moved: Cr Martin

Seconded: Cr El Mouallem

That the minutes of the Planning and Amenity Delegated Committee held on 9 March 2021, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 52 BLACK STREET, BRIGHTON NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT APPLICATION: 2018/725/3 WARD: BLEAZBY

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/94480

It is recorded that Cr El Moullem declared a conflict of interest specifically relating to a general interest in this item and Cr El Moullem vacated the Chamber at 6:34pm prior to any discussion on the item.

It is recorded that Mr Reg Gleeson, Mrs Kate Gleeson, and Joe Grech each submitted a written statement in relation to this item.

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr Samuel-King MBBS

That Council resolves to Notice of Decision to Refuse to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2018/725/3 for the land known and described as 52 Black Street, Brighton for the construction of a three storey multi-dwelling building over basement car parking with a fence exceeding 1.5 metres in height and buildings and works within the Design and Development Overlay 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 11.
- 2) The proposed amendments will unreasonably impact the neighbourhood character of the area in terms of additional visual bulk.
- 3) The proposed roof deck will present with an unreasonable amenity impacts to surrounding properties.

CARRIED

It is recorded that Cr El Moullem was not present during consideration of the above item and re-entered the meeting at 6:40pm.

**4.2 50 MIDDLE CRESCENT, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/616/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/87519

It is recorded that Dr Ross Breadmore, Ms Louise Kerr, Mr Jason Barnfather, and Mr Warwick Cavanagh (on behalf of Bayley House) each submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr Evans OAM (Mayor)

A.

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 2020/616/1 for the land known and described as 50 Middle Crescent, Brighton for the use of the land for an education centre in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The use as 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.
2. The operator of the use is to be limited to Bayley House.
3. The use of the building must only operate between the following hours:
 - 9am to 3pm from Monday to Friday.

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

4. A maximum of 2 staff members may be present on the premises at any one time without the prior written consent of the Responsible Authority.

Car Parking

5. Clients are not to access the building via the common driveway that is shared with 48 Middle Crescent.
6. No buses are to park at, or access 50 Middle Crescent.
7. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and clearly marked line marked for use as staff to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
8. Car spaces, access lanes and driveways shown on the endorsed plan must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Permit Expiry

9. This permit will expire if one of the following circumstances detailed below 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
 - c) irrespective of the above, the use must cease by 1 June 2024.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

B.

That Council's Traffic Team undertake investigations into car parking management arrangements within Middle Crescent, Brighton to determine what alternate arrangements could be implemented to manage the increasing parking congestion and potential parking impact of the future education facility at 50 Middle Crescent, Brighton, including but not limited to:

- time restrictions; and/or
- resident parking permit schemes.

The investigations must include parking surveys and community engagement. The findings of the investigation and proposed recommendations are to be reported to the Planning and Amenity Delegated Committee by not later than September 2021.

CARRIED

**4.3 2/9 EDWARD STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/592/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/69687

Moved: Cr Evans OAM (Mayor)

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 2020/592/1 for the land known and described as 2/9 Edward Street, Sandringham, for the construction and extension of one dwelling on a lot less than 500 square metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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.
2. 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.
3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
4. All pipes (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.
5. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Permit Expiry

7. 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.

CARRIED

**4.4 3A BENT PARADE, BLACK ROCK
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/588/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/79426

It is recorded that Mr David Greco & Bernie Moss, and Ms Nikki Taylor (on behalf Brett Capron) 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 Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/588/1 for the land known and described as 3A Bent Parade, Black Rock for the buildings and works associated with an extension of a dwelling on a lot less than 500 square metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans TP-101, TP-102, TP-200, TP-201 and TP-300 , advertised February 2021, but modified to show:
 - a) a landscape plan in accordance with Condition 8
 - b) the west facing window seat and window frame associated with dining and kitchen area to be setback a minimum of 1826mm from the western property boundary.
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. 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 A15 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.

Landscaping

8. 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 drawn to scale with dimensions. 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.
9. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

CARRIED

**4.5 13 LILEURA AVENUE, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/661/1 WARD: BECKETT WARD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/79703

It is recorded that Mr David De Giovanni submitted a written statement in relation to this item.

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 2020/661/1 for the land known and described as 13 Lileura Avenue, Beaumaris, for the construction of two (2) dwellings on a lot, a front fence exceeding 1.2 metres and the construction of a roof deck within Design and Development Overlay Schedule 1 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans amended prepared by Sketch Building Design referenced P21-155, date 23/03/2021 and revision number D-02 but modified to show:
 - a) the master bedroom north facing windows of both dwellings to be screened in accordance with Standard B22 (Overlooking) or the provision of an overlooking diagram detailing that no overlooking will occur
 - b) the height of the access structure to the roof decks to be shown on the plans and not exceed 2.4 metres
 - c) the roof deck to be set back 2 metres on all sides from the edge of the roof immediately below
 - d) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - e) an amended Landscaping Plan in accordance with Condition 11
 - f) the provision of a Tree Management Report and Protection Plan in accordance with Condition 14
 - g) provision of the development contributions fee in accordance with Condition 20all 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 Landscapes by Design, dated 22/12/2002 and be drawn to scale with dimensions. The plan must show:
 - a) the three 'Old Man Banksias' within the front setback of the dwellings between the two driveways to be replaced with an indigenous species that is capable of reaching a mature height of at least 8 metres

- 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.

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
 - 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 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.

Street tree protection

17. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) fencing is to be secured and maintained prior to demolition and until all site works are complete
 - b) fencing must be installed to comply with AS4970-2009, Protection of trees on development sites
 - c) fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development
 - d) fencing is to be constructed and secured so its positioning cannot be modified by site workers
 - e) if applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
18. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
19. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

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
 - 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.

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. 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.

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:

- 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 – 13A Lileura Avenue BEAUMARIS 3193
 - Eastern Dwelling – 13B Lileura Avenue 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 no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the development starts the applicant must pay \$4,507.87 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 1 CAMBRIDGE STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
2019/682/1 WARD: BLEAZBY WARD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/37941

It is recorded that Ms Clare Chadderton 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 2019/682/1 for the land known and described as 1 Cambridge Street, Brighton East, for the construction of three dwellings on a lot including a front fence in excess of 1.2m in height, three lot subdivision and creation of an access to a road in a Road Zone, Category 1 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (amended) prepared by PSCA Property Subdivision referenced TP01-TP16, Council dated Jan 2021 and revision number B but modified to show:
 - a) infills of the proposed front fence to be a minimum of 50% transparency
 - b) all intermediate AHD levels to be shown on the proposed ramp access
 - c) the ramp where it intersects with the footpath to be 3.6m wide with 1m offset from the northern property boundary. The vehicle crossing shall match the same width of the ramp
 - d) adequate sightlines are to be provided where the ramp intersects with the footpath as per Clause 52.06-8 of the Bayside Planning Scheme
 - 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 9 of this permit
 - g) a Landscaping Plan in accordance with Condition 11 of this permit
 - h) a provision of development contribution in accordance with Condition 18 of this permit
 - i) dwelling 1 with an increased front setback of 200mm from the Nepean Highway property frontageall 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 F&G Design, dated 5/10/20 and be drawn to scale with dimensions. The plan must show:

- a) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways
 - f) one additional small canopy tree in the rear yard of Dwelling 2.
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.

Street tree protection

14. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
15. 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 3 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.

Drainage

16. 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.

For Subterranean and Basement Drainage

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.

17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site

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

Development 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.

Section 173 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
 - 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.
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.

Subdivision

22. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.
23. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay a Public Open Space Contribution to the Responsible Authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision, pursuant to Section 18 of the *Subdivision Act 1988*.
24. All basic services including water, electricity, gas, sewerage and telephone shall be installed underground and located to the satisfaction of the Responsible Authority.
25. The owner of the land must enter into an agreement with:
- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in

accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

26. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time
 - and a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
27. Before the Plan of Subdivision being certified by the Responsible Authority, the owner must enter into an agreement with the Responsible Authority and (name of other authority or person) made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following:
- a) The development of the land indicated on the plan of subdivision shall be in accordance with approved plans forming part of planning Permit No. 2019/682/1 or any amendment to the plans approved by the Responsible Authority.
 - b) The agreement shall be prepared and executed at the owners cost.
 - c) The agreement shall be submitted to the Registrar of Titles to register the Section 173 on the title to the land under Section 181 of the Act.

Except with the written consent of the Responsible Authority.

United Energy Conditions

28. The plan of subdivision submitted for certification must be referred to United Energy Distribution Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.

The applicant must –

Enter into an agreement with United Energy Distribution Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.

Multinet Gas Conditions

29. A Statement of Compliance be obtained from Multinet Gas prior the plan of subdivision being released from the Titles Office.

South East Water

30. POTABLE WATER

The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.

SEWER

The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

GENERAL

Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

All lots shown on the Plan of Subdivision must be included in the Owners Corporation schedule.

The certified Plan of Subdivision will need to show a 2.0m wide sewerage supply easement over the existing South East Water sewer main, along and within the East boundary, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

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
 - c) the plan of subdivision is not certified within two years of the date of this permit
 - d) the registration of the subdivision is not completed within five 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.
- 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 that a raised decking shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the responsible Authority/Authorities. The items shall be partially demountable over the easement.

- 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.
- Before the development starts the applicant must pay \$4,374 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.
- Eastern Dwelling – 1B Cambridge Street BRIGHTON EAST 3187
Central Dwelling – 1C Cambridge Street BRIGHTON EAST 3187
Western Dwelling – 1D Cambridge Street BRIGHTON EAST 3187
- As a renumbering of a nearby property will be required, Council's Senior Property Data Officer must be notified 60 in writing at least days prior to the addressing being used in any way.
- Department of Transport
The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria. Please contact the Department of Transport (Roads) prior to commencing any works.

CARRIED

**4.7 168-188 TULIP STREET AND 152 TULIP STREET, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/49/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/77543

It is recorded that Mr Paul Foxworthy (on behalf of Friends of Native Wildlife), Mrs Caroline Lawton (on behalf of Beaumaris Conservation Society), and Ms Sue Forster each submitted a written statement in relation to this item.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Samuel-King MBBS

A.

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 2020/49/1 for the land known and described as 168-188 Tulip Street and 152 Tulip Street, Cheltenham, for the construction of a minor sports and recreation facility (basketball stadium consisting of four courts) and the removal of native vegetation in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (amended) prepared by Hede Architects referenced 16064, date Feb 2021 and revision K but modified to show:
 - a) bike rails spaced 1m apart in accordance with AS2890.3-2015
 - b) the retention of Tree 75
 - c) the modified car parking layout adjacent to the basketball stadium as shown in the HEDE Architects site plan - car park works 3 – Option 2 layout dated 29/3/2021 but amended to retain Trees 39 & 40all 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. The walls on the boundary of the adjoining properties shall be cleaned and

finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

7. 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

8. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan submitted with the application prepared by Michael Smith and Associates but modified to show:
 - a) the updated building location and provision of the green barrier within the setback from Reserve Road
 - b) an updated Existing Conditions plan identifying the trees to be retained and removed from the site, including:
 - i. the retention of the Vegetation Protection Overlay (Schedule 3) protected Trees (Tree Nos. 7, 9, 15, 16, 17, 18, 19, 20, 21, 23, 24, 29, 30, 31, 32, 39, 40, 75, 78, 80, 82, 83, and 90)
 - ii. the removal of the Vegetation Protection Overlay (Schedule 3) protected Trees (Tree Nos. 34, 36, 41, 49, 50, 51, 52, 91 and 92)
 - c) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - d) a 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 100% indigenous by species type and count. All plants must be obtained from Council's Community Plant Nursery where practicable
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways
 - g) details of how removed vegetation will be retained and used on site, with key trunks and branches retained for habitat purposes.
9. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Native Vegetation

11. Before works start, the permit holder must advise all persons undertaking the vegetation removal on site of all relevant conditions of this permit.
12. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in

accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either

- a) a credit register extract from the Native Vegetation Credit Register (Third Party Offset); or
- b) a security arrangement, to the required standard for the offset site or sites; including a 10 year offset management plan to the satisfaction of the Department of Environment and Primary Industries and approved by the responsible authority. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department
- c) an offset site condition statement, including photographs must be included in this notification (First Party Offset).

Tree Management and Protection Plan

13. Before the development starts, 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:

- 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.

Construction Management Plan

14. 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 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.

Drainage

15. 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.
16. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-

**4.8 415 BAY STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/546/1 WARD: BLEAZBY WARD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/75326

It is recorded that Mrs Maureen Huebel, and Mr Michael Ryan each submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr Castelli (Deputy Mayor)

A.

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 2020/543/1 for the land known and described as 415 Bay Street, Brighton, for partial demolition in a Heritage Overlay, construction of buildings and works comprising a three-storey building, and a reduction of the standard car parking requirement 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. The plans must be generally in accordance with the amended plans prepared by Bruce Henderson Architects, Ref:41004 revision B but modified to show:
 - a) introduce a square corner at Ground Level on the corner of Bay Street and Hillcrest Avenue with a column on face
 - b) demonstrate that both the car spaces comply with Clause 52.06 and/or AS2890.1-2004
 - c) glass blocks proposed along the northern elevation to be placed at driver height for improved visibility to the rear lane
 - d) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - e) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit
 - f) a Waste Management Plan in accordance with Condition 10
 - g) a Green Travel Plan in accordance with Condition 11
 - h) development Contribution Payment in accordance with Condition 20
 - i) a Public Realm Improvement Plan in accordance with Condition 21 of this permit
 - i) the north facing windows on level 1 and 2 are to be screened to a minimum height of 1.7 metres above the finished floor levelall 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. 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

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

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

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

Waste Management Plan

10. 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) strategies for how the generation of waste and recyclables will be minimised
- k) compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Green Travel Plan

11. Before the endorsement of plans, a Green Travel Plan must be submitted to and approved by the Responsible Authority. This plan must be generally in accordance with the Green Travel Plan prepared by Impact dated 29 January 2021 and include, but not be limited to the following:
 - a) Development Proposition
 - b) Site Specific Transport Assessment
 - c) Green Travel Plan including:
 - i. objectives
 - ii. targets
 - iii. Design Features
 - iv. Operational Opportunities
 - d) Monitoring Program.

When approved, the plan will be endorsed and will then form part of the permit.

Street tree protection

12. If the Bay Road frontage is to be used for site and construction access the following street tree protection measures must be followed.
13. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The 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.
14. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 3 metres of the 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.

Demolition Method Statement

15. Before demolition works begin, a fully detailed Demolition method statement from a qualified structural engineer must be submitted to and approved by the responsible authority. The report must be prepared by a qualified structural engineer. When approved, the statement will be endorsed and will then form part of the permit.

The Demolition method statement must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the endorsed plans approved under Condition 1 of the permit will be safeguarded during and after the demolition process has occurred. The demolition method statement may need to include reference to staging of demolitions on site in some instances. The statement must detail the necessary protection works required to retain individual walls, chimneys, flooring, roofing and other heritage features of significance during demolition.

16. Before demolition works, a report from a structural engineer must be submitted to Council for approval which demonstrates that the engineer has inspected the existing building and has designed a suitable retention system to preserve the original façade taking account of the nature of the existing structure.

Construction Management Plan

17. Prior to commencement of any building works 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 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.

18. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
19. Except with the prior written consent of the Responsible Authority, demolition or construction works must be carried out in accordance with EPA regulations.

Development Contribution

20. Prior to the endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy of \$1136 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 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

21. 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 Bay Street
 - b) the upgrade of the existing Council footpaths on Hillcrest Avenue
 - c) the new or upgraded vehicle crossovers
 - d) the remarking of the lines of the on-street car parking spaces in front of the site where required
 - e) the relocation of any existing street parking signs to align with any new vehicle crossings or removed vehicle crossings
 - f) 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.

22. 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.

Drainage

23. 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.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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 Basements or Below Ground Structures.

B.

That Council's Traffic Team undertake investigations into car parking management arrangements within Hillcrest Avenue, Brighton to determine what alternate arrangements could be implemented to manage the increasing parking congestion and potential parking impact of the future retail and office proposal at 415 Bay Street Brighton, including but not limited to:

- time restrictions; and/or
- resident parking permit schemes.

The investigations must include parking surveys and community engagement. The findings of the investigation and proposed recommendations are to be reported to the Planning and Amenity Delegated Committee by not later than September 2021.

CARRIED

**4.9 78-80 ORLANDO STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/653/1**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/84323

It is recorded that Mr Denis Duka, Mrs Judy Pavlou, Mrs Constantinis Raptis, Mrs Jenny Yelland, Mr Terry Moloney, Dr Arlene Harriss-Buchan & Mr Damian Harriss, Mr Tony and Mrs Marg Batt, Mr John Dulfer, Mr Craig Cartwright, Ms Melissa Lovejoy, Mrs Shirley Walker, Mr Tony Shepherd (obo Hampton Neighbourhood Association), Mrs Cherry Thompson, Mr Nicholas Pavlou, Mr Paul Pavlou, Mr Keith Thompson, Mr John & Mrs Margaret Balmer, Mrs Irma Crombie, Mr Gordon Addison, Mr Angus Addison, Mrs Michelle Addison, Mr Josh Pavlou, Miss Maddison Cloke, Mr Geoffrey Fagan, Mrs Lindy Fagan, and Mr Scott Matheson each submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Evans OAM (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 2020/653/1 for the land known and described as 78-80 Orlando Street, Hampton for the construction of a three storey building containing multiple apartments and associated front fence (within the Special Building Overlay) for the following reasons:

- 1) The proposed apartment building constitutes an overdevelopment of the site.
- 2) The proposed apartment building does not appropriately conserve and enhance the valued urban character and heritage places in the area as required by the Design and Development Overlay, Schedule 12.
- 3) The proposal does not satisfy the following requirements of Clause 55 of the Bayside Planning Scheme:
 - a) Neighbourhood Character – Standard B1
 - b) Street Setback – Standard B6
 - c) Side and Rear Setbacks – Standard B17
 - d) Private Open Space – Standard B28
 - e) Front Fences – Standard B32
 - f) Integrated Water and Stormwater Management – Standard B39
 - g) Private Open Space above Ground Floor – Standard B43
 - h) Functional Layout – Standard B46.
- 4) The traffic impacts of the additional dwellings are unreasonable and does not ensure the orderly planning of the area.

B.

That Council engages appropriate external legal representation in the event of the matter proceeding to a VCAT hearing.

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

DIVISION: **FOR:** Crs Laurence Evans OAM (Mayor), Clarke Martin, Sonia Castelli (Deputy Mayor), Hanna El Mouallem and Jo Samuel-King MBBS (5)
AGAINST: Cr Alex del Porto (1)

CARRIED

**4.10 28-30 BOXSHALL STREET, BRIGHTON
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)
APPLICATION: 2019/703/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/85720

Moved: Cr El Mouallem

Seconded: Cr Evans OAM (Mayor)

That Council resolves, subject to all other parties to the proceedings consenting, to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/703/1 for the land known and described as 28-30 Boxshall Street, Brighton, for the construction of a three (3) storey building with basement containing seventeen (17) dwellings and the removal of a carriageway easement in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Cera Stribley Architects, TP_1002 – TP_1006 (Revision B), TP_2000 (Revision A), TP_2001 – TP_2003 (Revision B), TP_3000 – TP3002 (Revision B), TP_4000 – TP_4001 (Revision B) and TP_4002 (Revision A) all dated 28 January 2020, but modified to show:
 - a. the extent of built form shown on the plans prepared by Cera Stribley Architects, TP_1003 – TP_1005 (Revision E) all dated 26 February 2021
 - b. privacy screening to all windows and terraces, as required, in compliance with Standard B22 of Clause 55. This includes the skylight in the kitchen at 26 Boxshall Street
 - c. the areas where evergreen trees (that are capable of growing to a height of at least 8 metres) are to be planted at a height of 4 metres, as shown on the plans prepared by Cera Stribley Architects, TP_1003 – TP_1005 (Revision E) all dated 26 February 2021
 - d. the 1.0 metre high planter boxes at the first floor level along the south-west elevation, as noted on the plans prepared by Cera Stribley Architects, TP_1003 – TP_1005 (Revision E) all dated 26 February 2021
 - e. convex mirrors installed at appropriate locations throughout the basement
 - f. all column locations in the basement to comply with the AS2890.1 or Design Standard 2 of Clause 52.06-9, to the satisfaction of the Responsible Authority
 - g. a schedule of construction materials, external finishes and colours (incorporating colour/paint samples)
 - h. an amended sustainable management plan in accordance with condition 10 of this planning permit
 - i. an amended landscape plan in accordance with condition 14 of this planning permit

- j. a tree management and protection plan in accordance with condition 17 of this planning permit
 - k. an amended waste management plan in accordance with condition 23 of this planning permit
 - l. a car parking management plan in accordance with condition 24 of this planning permit
 - m. a public works plan in accordance with condition 25 of this permit
 - n. provision of the development contributions fee in accordance with condition 31 of this permit
- all to the satisfaction of the Responsible Authority.
- 2. The layout of the site and the size, levels, design, and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 - 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 - 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 - 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 - 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - 7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
 - 8. Storage areas within the basement visible from common areas to be enclosed within a solid cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard D20 of Clause 58 of the Bayside Planning Scheme.
 - 9. 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.

Sustainable Design

- 10. Prior to the endorsement of plans pursuant to condition 1, an amended sustainability management plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the sustainable management plan prepared by Sustainable Development Consultants and dated 1 May 2020 and include, but not be limited to, the following:
 - a) NatHERS ratings demonstrating that all dwellings do not exceed the maximum NatHERS annual cool load specified in Clause 55.07-1 of the Bayside Planning Scheme

- b) indicate and label on plans to show where and how the rainwater tank/s can be accessed for regular maintenance and for future replacement in event of tank failure
 - c) provision of on-site facilities to allow collection of combined green and food waste to be transported to an off-site composting facility or providing an on-site dehydrator for food waste.
11. All works must be undertaken in accordance with the endorsed sustainable management plan to the satisfaction of the Responsible Authority. No alterations to the sustainable management plan may occur without the written consent of the Responsible Authority.
 12. Prior to the occupation of any dwelling approved under this permit, a report from the author of the sustainable management plan, 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 sustainable management plan have been implemented in accordance with the approved plan.
 13. 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

14. Prior to the endorsement of plans pursuant to condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan prepared by Myles Baldwin Design and dated 7 May 2020 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a total of 36 small canopy trees with a minimum height of 8 metres at maturity and a canopy spread of at least 4 metres
 - b) a total of 16 large canopy trees with a minimum height of 12 metres at maturity and a canopy spread of at least 8 metres
 - c) both of the *Betula* species (*Betula nigra* and *pendula*) and the *Cupaniopsis anacardioides* (Tuckeroo) selected in the landscape plan replaced with a more suitable species
 - d) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - g) details of surface finishes of pathways and driveways.
15. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

Tree Management and Protection Plan

17. 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 tree management report and tree protection plan must be part of one document that must be named as the tree management report (TMR).

The tree management report 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 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 tree protection plan 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.
18. 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.
 19. All actions and measures identified in the Tree Management Report must be implemented.
 20. 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

21. 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. During construction of the crossover, tree protection fencing may be reduced to the

edge of the Council approved crossover to facilitate the construction of the crossover.

22. 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 2.5 metres of any street tree asset measured from the edge of the trunk. Any installation of services and drainage within the tree protection zone must be undertaken using root-sensitive, non-destructive techniques.

Waste Management Plan

23. Prior to the endorsement of plans pursuant to condition 1, an amended waste management plan must be submitted to and be approved by the Responsible Authority. The amended waste management plan must be generally in accordance with the waste management plan prepared by One Mile Grid and dated 23 April 2020, but modified to include:
 - a) provision of on-site facilities for collection of combined green and food waste for transportation to an off-site composting facility.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Car Parking Management Plan

24. Prior to the endorsement of plans pursuant to condition 1, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and car parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include (but not limited to):
 - a) allocating of car parking spaces to individual dwellings
 - b) signage of all car parking spaces
 - c) line marking of car parking spaces and detail of any proposed access controls such as roller doors/gates etc. securing access to the basement car park
 - d) both basement ramps treated with a 'stop-go' signalling system prioritising vehicles entering from the street
 - e) the 'stop-go' signal system installed with priority given for vehicles entering from the street
 - f) servicing of the drainage and maintenance of the basement car parking areas.

Public Works Plan

25. Prior to the endorsement of plans pursuant to condition 1, a public works plan must be prepared and developed in collaboration with Council. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:
 - a) details of upgrades to the existing Council footpaths on both Boxshall Street and Carpenter Street in front of the site

- b) details of new, upgraded or removed vehicle crossovers and roads/laneways
- c) details of any new street furniture, including seats, rubbish bins, etc., if required
- d) details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new or removed vehicle crossings
- e) details of the relocation of any existing street parking signs
- f) details of any public lighting
- g) details of any 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 on both Boxshall Street and Carpenter Street.

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

- 26. Prior to the occupation of the development, 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.
- 27. Before the occupation of the development, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

Drainage

- 28. 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.
- 29. Before the development starts, 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.
- 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.

Development Contributions Levy

- 31. 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.

Removal of the Carriageway Easement

- 32. Prior to the endorsement of plans required under condition 1 of this permit or as otherwise agreed to with the written consent of the Responsible Authority, the owner of the land burdened or to be burdened by the easement or restriction

must, in accordance with the planning scheme or permit and with the Planning and Environment Act 1987, lodge a certified plan at the Office of Titles for registration showing the removal of the carriageway easement.

Construction Management Plan

33. Prior to commencement of any building works, a construction management plan 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, including on adjoining properties
 - 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, where relevant
- 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.

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:

- 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.
- The new vehicle crossover must be installed in accordance with Council's standards. The redundant vehicle crossover must be removed and reinstated as kerb, channel and nature strip at the cost of the permit holder.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossover will have on Council assets, such as pits, 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 vehicle access to the proposed development.
- 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. For more information on street numbering, please contact Council's revenue services team on 9599 4444.
- All future property owners and residents within the development approved under this permit will not be permitted to obtain resident or visitor car parking permits.
- 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 Council's infrastructure department prior to the commencement of the connection to the Council drain/kerb/channel.
- 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.
- Council records indicate that there is a drainage and sewerage easement along the 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 build over the easement will require a build over easement consent from the Responsible Authority/Authorities

- 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

4.11 STATUTORY PLANNING - VCAT REPORT (FEBRUARY 2021)

City Planning and Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/21/81306

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 February 2021.

CARRIED

5. Confidential Business

There were no items of Confidential Business submitted to the meeting.

The Chairperson declared the meeting closed at 8:08pm.