

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 13 July 2021
at 6:30pm



Minutes

PRESENT:

Chair: Cr Alex del Porto

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

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

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5.	Confidential Business	

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

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

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

Cr Castelli declared a general conflict of interest in item 4.2 given her partner is an associate of the developer involved with this application.

Procedural Motion

Moved: Cr Martin

Seconded: Cr Evans OAM (Mayor)

That the Planning and Amenity Delegated Committee:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting
2. adjourns the meeting to be reconvened on Wednesday 14 July 2021 at 7:30pm 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

Adoption and Confirmation of the minutes of previous meeting

- 2.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee held on 8 June 2021.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Martin

That the minutes of the Planning and Amenity Delegated Committee held on 8 June 2021, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

3. Matters of Decision

4.1 58 MARTIN STREET, BRIGHTON LOCAL LAW TREE REMOVAL APPEAL APPLICATION 2021/122

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/21/174685

It is recorded that Mrs Danielle & Mr Nicholas Santalucia submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr Castelli (Deputy Mayor)

That Council Grants a Permit for the removal of one Lemon Scented Gum (*Corymbia citriodora*) tree at 58 Martin Street, Brighton with the addition of 2 replacement canopy trees in the rear garden.

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

DIVISION: **FOR:** Crs Alex del Porto, Sonia Castelli (Deputy Mayor) and Hanna El Mouallem (3)

AGAINST: Crs Laurence Evans OAM (Mayor), Clarke Martin, Jo Samuel-King MBBS and Fiona Stitfold (4)

LOST

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Samuel-King MBBS

That Council Refuses to Grant a Permit for the removal of one Lemon Scented Gum (*Corymbia citriodora*) tree at 58 Martin Street, Brighton.

CARRIED

**4.2 1–2/9 NORTH ROAD BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/224/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/181525

It is recorded that Cr Castelli declared a general conflict of interest in this item given her partner is an associate of the developer involved with this application. Cr Castelli vacated the Chamber prior to the discussion on the item at 6:55pm.

It is recorded that Ms HuiQin Fang, Mr Michael Chen, Mr Hanzhen Xu, Mrs Jie Lu, Mr John Phillips, Ms Bing Qian Gu, Mr William Murray Rogers AM, and Mr Simon Martin each submitted a written statement in relation to this item.

Moved: Cr El Mouallem

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 2020/224/1 for the land known and described as 1–2/9 North Road, Brighton, for the construction of a two storey multi-dwelling building over a basement car park including a front fence and a roof deck 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 Christopher Doyle Architects, referenced Job No.18-06, issue date 16/04/2021 and revision number A but modified to show:
 - a) west setback of roof terraces to be increased to a minimum of 2m from the roof below in accordance with the requirement of Design and Development Overlay Schedule 1
 - b) site coverage to be reduced to 50% in accordance with Standard B8 (Site Coverage) of the Bayside Planning Scheme
 - c) overall building height to be reduced by 200mm though the reduction of all external wall heights by 200mm
 - d) the proposed balconies associated with all first-floor apartments and pools at roof terraces to comply with Standard B22 (Overlooking) and Standard B23 (Internal Views) of the Bayside Planning Scheme
 - e) a NatHERS assessment confirming the proposal complies with the Standard B35 (Energy Efficiency) of Clause 55 of the Bayside Planning Scheme
 - f) the proposed water tank to be increased to 12,000L in accordance with the submitted Environmentally Sustainable Design Assessment, prepared by Low Impact Development Consulting, dated 15/07/2020 in accordance with Condition 24

- g) an acoustic report prepared by a qualified consultant demonstrating bedroom 2 of Apartments 1 and 3 comply with the Standard B40 (Noise Impact) of Clause 55 of the Bayside Planning Scheme
 - h) an updated floor plan demonstrating the proposal complies with Standard B41 (Accessibility), Standard B46 (Functional Layout), and Standard B49 (Natural Ventilation) of Clause 55 of Bayside Planning Scheme
 - i) location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties
 - j) the gradients annotated along the proposed driveway to basement as per Clause 52.06 of the Bayside Planning Scheme
 - k) provision and maintenance of a suitable lighting system at the entry of the ramp to the basement car park to control access/egress to the basement
 - l) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - m) a Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - n) a revised Landscape Plan in accordance with Condition 11 of this permit.
 - o) a Tree Management Plan in accordance with Condition 14
 - p) payment of Drainage Contribution in accordance with Condition 16
 - q) an Environmentally Sustainability Design Report in accordance with Condition 24
 - r) all first floor windows and balconies and roof terraces along the East, West and North side to be screened with a 1.7m high screen from finished floor level with a maximum of 25% transparency except for balconies and area which are to be 1.7m from finished floor level with no transparency
 - s) deletion of the centre two gardeners gates along the western boundary and relocation of the rear gardener's gate to the most southern part of the open space along the western boundary associated with the rear ground floor apartment
 - t) a solid western boundary fence, to be painted on the western side to match the colour of the building, to a height of 2m. The wall on boundary is also to be bagged and rendered in the same colour as the building
 - u) erection of a new gate at the entry of the driveway/easement which is to replicate the gate at No. 7 North Road
 - v) the setback of the first floor eastern elevation from the living area of apartment 3 to bedroom 1 of apartment 4 with the exception of the lobby area be increased by 750mm from the eastern boundary
- all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. 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 Jack Merlo Design & Landscape, project number 18.107, Revision D, dated 30.10.20 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 revised planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All planting species must be selected from indigenous coastal species in accordance with the Bayside Landscape Guidelines
 - 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) At least one tree in the front yard of Apartment 1 to be a minimum of 12m height at maturity
 - g) any modifications requested by Condition 1
 - h) star jasmin to be planted along the eastern side of the easement
 - i) screen evergreen trees to be planted along the side and rear boundaries to be planted at a minimum of 1.5m in height and to be planted at least every 1m and to mature to a height of at least 3m.
12. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

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

14. 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 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

15. 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 4 metres of the Ulmus x Hollandica street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Development Contribution

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

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

S173 Agreement

17. 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.
18. 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.
19. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site

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

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.

22. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Presentation Department.
23. 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.

Sustainability

24. Prior to the endorsement of plans, an updated Sustainability Report including any amendments included in Condition 1 to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by Low Impact Development Consulting amended dated 15 July 2021.
25. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

Construction Management Plan

26. Prior to the commencement of development, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to, the following as applicable:
 - a) a detailed schedule of works including a full project timing
 - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
 - c) the location for the parking of all construction vehicles and construction worker vehicles during construction
 - d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed
 - e) proposed traffic management signage indicating any inconvenience generated by construction
 - f) fully detailed plan indicating where construction hoardings would be located

- g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
- h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
- i) site security
- j) public safety measures
- k) construction times, noise and vibration controls
- l) restoration of any Council assets removed and/or damaged during construction
- m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
- n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
- o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience
- p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads
- q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
- r) details of crane activities, if any.

Permit Expiry

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

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

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

Permit Notes:

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

- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Council records indicate that there is an adjacent carriageway and drainage/sewerage easement as indicated on the drawings provided. The plans indicate a use of carriageway, with no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities and rights holders.

CARRIED

It is recorded that Cr Castelli was absent from the meeting whilst the vote was taken on the above item and re-entered the Chamber at 7:02pm.

**4.3 81 LUDSTONE STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/633/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/190517

It is recorded that Mr John Lam & Dr Natalie Law, and Ms Melinda Ryan each submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

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 2020/633/1 for the land known and described as 81 Ludstone Street, Hampton, for buildings and works and to construct and display signage within a Commercial 1 Zone and Design and Development Overlay Schedule 13, and reduction of the standard carparking requirements (associated with a Medical Centre) 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 Graham Jones Design, date November 2020 and revision number P but modified to show:
 - a) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - b) provision of the development contributions fee in accordance with Condition 17all 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.

8. Not more than four medical practitioners may be present on the premises at any one time without the prior written consent of the Responsible Authority.

Water Sensitive Urban Design

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

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

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.

Signs

11. The location and details of the sign/s, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
12. All signs must be located wholly within the boundaries of the land.
13. The sign/s must not contain any flashing light.
14. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
15. The sign/s may only be illuminated between the hours of 7.30am and 8.30pm.
16. The sign/s must be constructed and maintained to the satisfaction of the Responsible Authority.

Development Contribution

17. 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.
18. 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.

Drainage

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

Permit Expiry

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

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

Signage Expiry

22. This permit expires 15 years from the date of issue.

Permit Notes:

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

CARRIED

**4.4 ROYAL MELBOURNE GOLF CLUB
CHELTENHAM ROAD, BLACK ROCK
GRANT A PERMIT
APPLICATION 2021/190/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/211385

It is recorded that Mr Paul Little submitted a written statement in relation to this item.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Martin

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/190/1 for the land known and described as, Cheltenham Road, Black Rock for the partial demolition of buildings, buildings and works associated with an existing outdoor recreation facility in a Heritage Overlay, removal of native vegetation in a Vegetation Protection Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (submitted with the application) prepared by Demaine referenced TP001-TP400, revision TP-A dated 19 March 2021 but modified to show:
 - a) any design and construction methods required as a result of the findings from the Arboricultural Impact Assessment required in accordance with Condition 12 of this permit
 - b) any design measures required as a result of the findings from the ESD report required in accordance with Condition 14 of this permit
 - c) all column locations within the basement to comply with the AS2890.1
 - d) a minimum 2.2m headroom clearance to be provided at the entrance (measured perpendicularly to the ramp) and throughout the car park in accordance with AS2890.1
 - e) all relevant intermediate levels to the basement ramp
 - f) 'No Right Turn' signage where the basement ramp connects with the main aisle at ground floor
 - g) additional traffic directional line-marking/s (arrows) where the basement ramp connects with the main aisle at ground floor
 - h) Water Sensitive Urban Design measures in accordance with Condition 5 of this permit
 - i) a Landscaping Plan in accordance with Condition 9 of this permit
 - j) an Arboricultural Impact Assessment Report in accordance with Condition 12 of this permit
 - k) a Tree Protection Management Plan in accordance with Condition 13 of this permit

- l) an ESD report in accordance with Condition 14 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.

Water Sensitive Urban Design

5. 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.

6. 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.

Drainage

7. 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.
8. 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.

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.

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and

be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plans drawn by memLa, reference LC00, LC01, LC02, LC03 and LC04 dated 9 April 2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) a survey including botanical names of all existing trees on the site where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the development area
 - b) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - c) 6 indigenous canopy trees with the capacity to grow to 20 metres in height
 - d) 20 indigenous canopy trees with the capacity to grow to at least 8 metres in height
 - e) details of surface finishes of pathways, accessways and ramps.
10. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Arboricultural Impact Assessment Report

12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, an Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites must be provided to Council's Satisfaction. The report will explain design and construction methods proposed to minimize impacts on trees to be retained on the site where there is encroachment into the calculated Tree Protection Zone (TPZ).

Tree Protection Management Plan (TPMP)

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 include:

- 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.

Environmentally Sustainable Design Report

14. Prior to the endorsement of plans pursuant to Condition 1, an Environmentally Sustainable Design Report must be submitted to and approved by the Responsible Authority. The report should include:
- a) a BESS report with a minimum 50% score overall as well as in Water, Energy, Stormwater and IEQ category
 - b) water efficient plumbing fixtures and appliances where appropriate
 - c) provisions for bicycle parking
 - d) provisions for infrastructure to accommodate for charging electric vehicles
 - e) double glazing to all windows
 - f) appropriate shading to windows
 - g) measures to recycle construction and demolition waste
 - h) measures to reduce urban heat island impact such as light or medium coloured roove and accessways
 - i) commitment to using low VOC paints for the internal walls
 - j) commitment to timber used in the development bring Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - k) provisions for renewable energy systems such as Solar PV where appropriate.

Permit Expiry

15. 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.
- 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.

Amendment**Moved: Cr Samuel-King MBBS****Seconded Cr El Mouallem**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/190/1 for the land known and described as, Cheltenham Road, Black Rock for the partial demolition of buildings, buildings and works associated with an existing outdoor recreation facility in a Heritage Overlay, removal of native vegetation in a Vegetation Protection Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (submitted with the application) prepared by Demaine referenced TP001-TP400, revision TP-A dated 19 March 2021 but modified to show:
 - a) any design and construction methods required as a result of the findings from the Arboricultural Impact Assessment required in accordance with Condition 12 of this permit
 - b) any design measures required as a result of the findings from the ESD report required in accordance with Condition 14 of this permit
 - c) all column locations within the basement to comply with the AS2890.1
 - d) a minimum 2.2m headroom clearance to be provided at the entrance (measured perpendicularly to the ramp) and throughout the car park in accordance with AS2890.1
 - e) all relevant intermediate levels to the basement ramp
 - f) 'No Right Turn' signage where the basement ramp connects with the main aisle at ground floor
 - g) additional traffic directional line-marking/s (arrows) where the basement ramp connects with the main aisle at ground floor
 - h) Water Sensitive Urban Design measures in accordance with Condition 5 of this permit
 - i) a Landscaping Plan in accordance with Condition 9 of this permit

- j) an Arboricultural Impact Assessment Report in accordance with Condition 12 of this permit
 - k) a Tree Protection Management Plan in accordance with Condition 13 of this permit
 - l) an ESD report in accordance with Condition 14 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.

Water Sensitive Urban Design

5. 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.

6. 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.

Drainage

7. 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.
8. 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.

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.

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plans drawn by memLa, reference LC00, LC01, LC02, LC03 and LC04 dated 9 April 2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey including botanical names of all existing trees on the site where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the development area
 - b) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - c) 6 indigenous canopy trees with the capacity to grow to 20 metres in height
 - d) 20 indigenous canopy trees with the capacity to grow to at least 8 metres in height
 - e) details of surface finishes of pathways, accessways and ramps
 - f) the use of the main trunk and limbs of the lemon scented gum for habitat purposes on the site or an alternative location approved by the responsible authority.
10. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Arboricultural Impact Assessment Report

12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, an Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites must be provided to Council's Satisfaction. The report will explain design and construction methods proposed to minimize impacts on trees to be retained on the site where there is encroachment into the calculated Tree Protection Zone (TPZ).

Tree Protection Management Plan (TPMP)

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 include:

- 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.

Environmentally Sustainable Design Report

14. Prior to the endorsement of plans pursuant to Condition 1, an Environmentally Sustainable Design Report must be submitted to and approved by the Responsible Authority. The report should include:
- a) a BESS report with a minimum 50% score overall as well as in Water, Energy, Stormwater and IEQ category
 - b) water efficient plumbing fixtures and appliances where appropriate
 - c) provisions for bicycle parking
 - d) provisions for infrastructure to accommodate for charging electric vehicles
 - e) double glazing to all windows
 - f) appropriate shading to windows
 - g) measures to recycle construction and demolition waste
 - h) measures to reduce urban heat island impact such as light or medium coloured roove and accessways
 - i) commitment to using low VOC paints for the internal walls
 - j) commitment to timber used in the development bring Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - k) provisions for renewable energy systems such as Solar PV where appropriate.

Permit Expiry

15. 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.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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

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

CARRIED

The **Amendment** then became the **Motion**.

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

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

CARRIED

**4.5 26 WILLIAM STREET, BRIGHTON
SUPPORT THE GRANT OF A PERMIT
APPLICATION 2020/352/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/168294

It is recorded that Ms Kerry Hammer & Mr Ian Broadbent, and Mr Callum Bryant each submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr Evans OAM (Mayor)

That Council resolves to determine to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/352/1 for the land known and described as 26 William Street, Brighton for the partial demolition and buildings and works to a dwelling in a Heritage Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (VCAT amended) prepared by Biasol referenced TP03, 1201, 1202, 2000, 2100,2101, 2102, 3100, 3101, 3150, dated 16.06.2021 but modified to show:
 - a) a 400mm reduction to the overall height of the first floor of the rear addition such that the top of the parapet is not to exceed 23.65m AHD
 - b) light grey cladding to the upper floor
 - c) details of the type of corrugated material on the verandah roofs and annotation confirming the existing material is to be retained and made good as necessary
 - d) the replacement roof gutters to be in a material matching the corrugated roofing and is to be in Ogee profile carried on Scotia under-moulds matching the existing
 - e) the cast iron verandah frieze and post brackets to be either retained or replaced with components matching (or similar to) those at the adjacent property at No 22 William Street
 - f) a comprehensive colour scheme with Australian Standard (AS 2700 S references or manufacturers samples of each colour)
 - g) the material location of all plant and equipment, including hot water services, air conditioners, pool plant. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties
 - h) a Tree Management and Tree Protection Plan in accordance with Condition 7 of this permit
 - i) alterations to the first floor rear addition to accommodate the retention of the rear chimney above the existing single storey roofline of the dwelling.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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Tree Management and Protection Plan

7. 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.
8. 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.

Drainage

9. 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.
10. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Presentation Department.

Permit Expiry

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.
- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 5 of the Building Regulations 2018. Non-compliance with any regulation will require dispensation from Council's Building Department.

The mover, Councillor El Mouallem, withdrew his support for the above motion.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Martin

That Council resolves to determine to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/352/1 for the land known and described as 26 William Street, Brighton for the partial demolition and buildings and works to a dwelling in a Heritage Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (VCAT amended) prepared by Biasol referenced TP03, 1201, 1202, 2000, 2100,2101, 2102, 3100, 3101, 3150, dated 16.06.2021 but modified to show:
 - a) a 400mm reduction to the overall height of the first floor of the rear addition such that the top of the parapet is not to exceed 23.65m AHD
 - b) light grey cladding to the upper floor
 - c) details of the type of corrugated material on the verandah roofs and annotation confirming the existing material is to be retained and made good as necessary

- d) the replacement roof gutters to be in a material matching the corrugated roofing and is to be in Ogee profile carried on Scotia under-moulds matching the existing
- e) the cast iron verandah frieze and post brackets to be either retained or replaced with components matching (or similar to) those at the adjacent property at No 22 William Street
- f) a comprehensive colour scheme with Australian Standard (AS 2700 S references or manufacturers samples of each colour)
- g) the material location of all plant and equipment, including hot water services, air conditioners, pool plant. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties
- h) a Tree Management and Tree Protection Plan in accordance with Condition 7 of this permit
- i) alterations to the first floor rear addition to accommodate the retention of the rear chimney above the existing single storey roofline of the dwelling.

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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Tree Management and Protection Plan

7. 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.
8. 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.

Drainage

9. 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.
10. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Presentation Department.

Permit Expiry

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.
- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 5 of the Building Regulations 2018. Non-compliance with any regulation will require dispensation from Council's Building Department.

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

DIVISION: **FOR:** Crs Laurence Evans OAM (Mayor), Clarke Martin, Fiona Stiffold (3)
AGAINST: Crs Alex del Porto, Sonia Castelli (Deputy Mayor), Hanna El Moullem and Jo Samuel-King MBBS (4)

LOST

Moved: Cr El Mouallem

Seconded: Cr Samuel-King

- A. That Council resolves to Not Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/352/1 for the land known and described as 26 William Street, Brighton for the partial demolition and buildings and works to the existing dwelling on the lot in a Heritage Overlay for the following reasons:
- 1) The proposal fails to respond to the objective of Clause 15.03-1S of the Bayside Planning Scheme to ensure the conservation of placed of heritage significance.
 - 2) The proposal fails to demonstrate that the demolition, restoration and alterations and additions strategies of Clause 15.03-1L of the Bayside Planning Scheme have been met.
 - 3) The proposed alterations and additions would, by virtue of the siting, height, form, and materials adversely affect the significance of the heritage place and fail to ensure that the character of the heritage place will be protected as required by the Heritage Overlay set out in Clause 43.01-8 of the Bayside Planning Scheme.
- B. That Council engages appropriate legal representation and a heritage expert, where suitable, at any VCAT hearing.

CARRIED

**4.6 4 SUNLIT COURT, HAMPTON EAST
SUPPORT THE GRANT OF AN AMENDMENT TO A PERMIT (VCAT
CONSENT ORDER)
APPLICATION 2017/246/2 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/192254

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr Martin

That Council resolves to Support the Grant of an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/246/2 for the land known and described as 4 Sunlit Court, Hampton East for the construction of 8 double storey dwellings on a lot located in a Special Building Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by SLC Bayside Construction Project NO. 1705 Revision L dated 8 June 2021 but modified to show:
 - a) the provision of a 5.2 metre wide garage door to each double garage
 - b) the provision of a 3.2 metre wide garage door to each single garage
 - c) all pedestrian doors should open outwards from the garages
 - d) visitor car parking space to be clearly signed and/pr line marked as 'visitor parking only'
 - e) both the driveway where it intersects with the footpath and the new crossover to have at least a 1m offset from the southern property boundary and/or the existing power pole relocated accordingly at the developer's cost
 - f) location of all plant and equipment including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties
 - g) any changes required by Melbourne Water conditions
 - h) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit
 - i) a Landscaping Plan in accordance with Condition 9 of this permit
 - j) a Tree Management Plan in accordance with Condition 12
 - k) Development Contribution in accordance with Condition 23all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

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

Water Sensitive Urban Design

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

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

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

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the advertised landscape plan prepared by Harperconsults dated 17 August 2020 but modified to 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) adequate planting areas including soil volume to facilitate at least nine (9) small replacement canopy trees, located outside of any easements. The canopy tree species must be capable of achieving mature canopy dimensions of 8m in height, and 4m width in accordance with Bayside City Council Landscape Guidelines (2016)
 - g) the TPZ of neighbouring trees where it extends within the subject site
 - h) any requirements as listed in the Condition 12
 - i) any amendments to the development plans.
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report), a Tree Impact Assessment (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) any recommendations suggested by the Tree Impact Assessment
 - b) 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
 - c) the location of tree protection measures to be utilised.
13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
15. Any pruning that is required to be done to the canopy of Tree 16 to be retained is to be done by a qualified Arborist to Australian Standard - Pruning of Amenity Trees AS4373 - 1996. Any pruning of the root system of Tree 16 to be retained is to be done by hand by a qualified Arborist.

Street tree protection

16. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. 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.
17. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
18. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors.
19. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Drainage

20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
22. Council records indicate that there is a 1.83m wide drainage and sewerage easement to the East property boundary as indicated on the drawings provided. The plans indicate that items shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the benefitting parties or Responsible Authority/Authorities. The items shall be partially demountable over the easement.

Development Contribution

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

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

Construction Management Plan

24. Before the commencement of works including demolition, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
- a) a detailed schedule of works including a full project timing
 - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
 - c) the location for the parking of all construction vehicles and construction worker vehicles during construction
 - d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed
 - e) proposed traffic management signage indicating any inconvenience generated by construction
 - f) fully detailed plan indicating where construction hoardings would be located
 - g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
 - h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
 - i) site security
 - j) public safety measures
 - k) construction times, noise and vibration controls
 - l) restoration of any Council assets removed and/or damaged during construction
 - m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
 - n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
 - o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience

- p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
- r) details of crane activities, if any.

Waste Management Plan

25. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

- a) dimensions of storage waste areas
- a) the number and size of bins to be provided
- b) facilities for bin cleaning
- c) method of waste and recyclables collection (an onsite private garbage collection is to be adopted)
- d) swept path drawings for the on site private waste collection vehicle
- e) types of waste for collection, including colour coding and labelling of bins
- f) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
- g) method of hard waste collection
- h) method of presentation of bins for waste collection
- i) strategies for how the generation of waste and recyclables will be minimised
- j) 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.

Melbourne Water

26. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:

- a) the driveway and side setbacks surface levels must be designed to allow for the conveyance of floodwaters through the site to the satisfaction of Melbourne Water
- b) finished floor levels of the garages must be set no lower than 28.28 metres to AHD
- c) storage sheds and rainwater tanks located within the northern and eastern boundary setback must be relocated to allow for the conveyance of floodwaters.

27. Finished floor levels of the dwelling must be constructed no lower than 28.58 metres to Australian Height Datum (AHD).

28. Finished floor levels of the garage must be constructed no lower than 28.28 metres to AHD.
29. The building setbacks shown to site boundaries must not be further reduced without the further review and written approval by Melbourne Water, to ensure adequate open space areas to allow for the passage of overland flood flow.
30. The northern, eastern side setback and the driveway surface levels must be designed to allow for the conveyance of floodwaters through the site to the satisfaction of Melbourne Water.
31. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway.
32. The front fence and any new internal fencing must be open style (50%) of construction and any new side boundary fencing must be timber paling to allow for the conveyance of overland flow.
33. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

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.

CARRIED

4.7 STATUTORY PLANNING - MONTHLY REPORT (MAY 2021)

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/183061

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 May 2021.

CARRIED

**4.8 66-70 BLACK STREET, BRIGHTON
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)
APPLICATION: 2020/372/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/211752

Moved: Cr Castelli (Deputy Mayor)

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 2020/372/1 for the land known and described as 66 – 70 Black Street, Brighton, for the construction of a three storey multi-dwelling building over a basement, roof decks and a front fence in excess of 1.5 metres in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by Bruce Henderson Architects referenced TP-000 – TP-7.03, Job No. 40029, date 28.09.2020 and revision number A but modified to show:
 - a) amendments generally in accordance with the plans prepared by Bruce Henderson Architects referenced TP-000 – TP7.03 dated 16 June 2021, Revision F
 - b) setbacks to the eastern boundary of the site at no less than as depicted in drawings TP-2.09, TP 2.10 and TP 3.02 dated 16 June 2021, Revision F
 - c) full compliance of DDO11 in terms of second floor setbacks and roof deck setbacks
 - d) full compliance Standard B8 Site Coverage, Overlooking (Standard B22) except for windows on the western elevation facing towards 64 Black Street where windows at 64 Black Street have been screened to a height of 1.7 metres, Internal View (Standard B23)
 - e) reduction of front fence to a maximum height 1.8m with greater transparency
 - f) reduce the size of both levels of basement to ensure a minimum of:
 - i) at the north-east corner, a setback of 5 metres from Black Street and 6 metres from the eastern boundary
 - ii) at the north-west corner, setbacks of 6 metres from Black Street and from the wall of basement ramp
 - g) ramps need to show all intermediate levels and headroom in accordance with Clause 52.06 of the Bayside Planning Scheme. The headroom for the top basement level must be sufficient for a 6.4m rear mini loader to safely access and egress
 - h) adequate sightlines are to be provided where the main ramp intersects with the footpath
 - i) provision of an acoustic report to demonstrate the proposal complies with Standard B40 of Clause 55 of the Bayside Planning Scheme. Any design

treatment to must be incorporated to ensure the sensitive areas are not affected by the proposed common lift to Master bedrooms of 1W.01, 1W.05 and 1E.02

- j) location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties. Provision of all mechanical plant and air conditioning units to be within a screened platform on the roof of the proposed building, with associated screening to be no lower than the height of any mechanical plant or air conditioning units
- k) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
- l) updated Water Sensitive Urban Design measures in accordance with Condition 10 of this permit
- m) a Landscaping Plan in accordance with Condition 12
- n) a Development Contribution in accordance with Condition 17
- o) a Sustainability Report in accordance with Condition 21
- p) a Waste Management Plan in accordance with Condition 23
- q) a Car Park Management Plan in accordance with Condition 25
- r) a Public Works Plan in accordance with Condition 26
- s) inclusion of the word 'fixed' associated with all perforated metal screens with interface to and within 9m of 4 Bemmeryde Avenue, Brighton
- t) all perforated metal screens to be identified as MS01 Perforated Metal Screen, colour light grey on elevations and on the materials and finishes schedule
- u) All screening to the roof plant areas to be powder coated aluminium batten screens in light grey finish
- v) Provision of a roof plan including the full extent of all roofed areas to the roof terraces associated with dwellings 2W.01 and 2E.01 including to the stair and lift access structures and to detail that no further roof areas are proposed

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 depicted on the plans endorsed pursuant to Condition 1 of this permit 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.
9. Storage areas visible from common areas to be enclosed within a metal 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.
10. Upon completion of the development allowed by this permit, the landowner must regrade the laneway to the east of 70 Black Street across its full width to create a neat and even surface.

Water Sensitive Urban Design

10. 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*.

11. 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

12. 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 Jack Merlo Design & Landscape, Project No. 20.027, dated 24.09.20, Revision B 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) detail of soil volume will be provided to ensure the proposed soil volume is enough to house the proposed tree
 - g) a majority of the canopy trees proposed adjacent to the eastern boundary of the site to be an evergreen species of Smooth-Leaf Quandong
 - h) provision of landscaping in the planter areas and dimensions as specified on the plans prepared by Bruce Henderson Architects referenced TP.000 – TP7.03, Job 40029 dated 16 June 2021, Revision F
 - i) provision of 'Green Screen' (compact Lily Pilly) with a minimum planting height of 2m and at 0.7m intervals with the capacity to reach a mature height of 4m and width of 2m to complete the screen planting for the entire length of dwellings GW.03, GW.04 and GE.04
 - j) provision of three (3) *Lagstroemia idicja* 'Ntachez' White Crepe Myrtle along the southern boundary with a minimum planting height of 3m and a width of 1.5m with the capacity to reach a mature height of 7m and a width of 5m
 - k) landscape details to the first floor planter associated with dwelling 1W.04.
13. 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.
14. 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. This includes a requirement that all trees and shrubs planted adjacent to the eastern boundary of the site must be regularly trimmed so as to prevent encroachment into the abutting laneway.
15. All mechanical plant must comply with the requirements of State Environment Protection Policy No. N-1 or any replacement Environmental Protection Regulations facilitated by the commencement of the *Environment Protection Act 2017* (Vic).

Street tree protection

16. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. 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.

Development Contribution

17. 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.

Drainage

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

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.

20. 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.
20. 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.

Sustainability

21. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants, Revision V1 and include, but not be limited to the following:
 - a) Water Sensitive Urban Design (WSUD) initiatives to comply with the best practice performance objective set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999
 - a) a STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority
 - b) complete Green Star self-assessment demonstrating the initiatives selected to achieve the 51 points committed in the summary report
 - c) complete BESS report demonstrating the initiatives selected to achieve the 50% or greater standard committed to in the summary report
 - d) address commercial areas through the provision of a Sustainable Design Scorecard report or equivalent
 - e) preliminary building energy ratings to align with plans
 - f) street lighting technology to be high efficiency T5 lineal fluorescent or LED luminaries with low upward light spill ratios designed to P4 public lighting standard at a six metres mounting height
 - g) single side dwellings deeper than 5 metres to be provided with mixed mode ventilation providing fresh air rates of at least 2.5 L/s/m² of air movement to each habitable room for residential or an increase of at least 100% on minimum rates set out in AS 1668.2-2002 for office and retail areas

- h) demonstration that stormwater detention volume requirements are in addition to stormwater retention
 - i) clearly state that in addition to producing a Building User's Guide that it will be provided to occupants.
22. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.
23. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.

Waste Management Plan

23. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
- a) dimensions of storage waste areas
 - b) storm water drains in storage areas should be fitted with a litter trap
 - c) the number and size of bins to be provided
 - d) facilities for bin cleaning
 - e) method of waste and recyclables collection
 - f) types of waste for collection, including colour coding and labelling of bins
 - g) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
 - h) method of hard waste collection
 - i) method of presentation of bins for waste collection
 - j) sufficient headroom within the basement to accommodate waste collection vehicles
 - k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
 - l) strategies for how the generation of waste and recyclables will be minimised
 - m) compliance with relevant policy, legislation and guidelines.

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

Construction Management Plan

24. Prior to the commencement of development, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then

form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to, the following as applicable:

- a) a detailed schedule of works including a full project timing
- b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
- c) the location for the parking of all construction vehicles and construction worker vehicles during construction
- d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed
- e) proposed traffic management signage indicating any inconvenience generated by construction
- f) fully detailed plan indicating where construction hoardings would be located
- g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
- h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
- i) site security
- j) public safety measures
- k) construction times, noise and vibration controls
- l) restoration of any Council assets removed and/or damaged during construction
- m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
- n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
- o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience
- p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads
- q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
- r) details of crane activities, if any
- s) requirement that there be no obstruction of the laneway to the east of the Property at any time during construction of the development allowed by this permit.

Car Park Management Plan

25. 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 parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:

- a) allocation of parking for all individual tenancies
- b) any signs and/or line marking of car parking spaces within the basement provision and maintenance of a suitable lighting/warning system within the laneway and basement car park areas to control access/egress at the curved ramp.

Public works plan

26. 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 Black Street
 - b) details of new or upgraded vehicle crossovers and roads/laneways
 - c) details of new street tree plantings
 - d) details of new street furniture, including seats, rubbish bins, etc.
 - e) details of new bicycle parking facilities, a double-sided rail be provided.
 - f) details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new vehicle crossings
 - g) details of the relocation of any existing street parking signs
 - h) details of any public lighting
 - i) undergrounding of powerlines.

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

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

S173 Agreement

28. 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 (ACN 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.
29. 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.
30. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the section 173 agreement.

Permit Expiry

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

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

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

CARRIED

4. Confidential Business

There was no confidential business submitted to the meeting.

The Chairperson declared the meeting closed at 7:58pm.