

Planning and Amenity Delegated Committee Meeting

held remotely and
live-streamed via Council's website

Tuesday 8 June 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: Adam McSwain – Director Environment, Recreation and Infrastructure
Hamish Reid – Director City Planning and Amenity
Juliana Aya – Acting Manager Sustainability and Transport
Terry Callant – Manager Governance and Corporate Reporting
John Coates – Manager Amenity Protection
Matthew Cripps – Acting Manager Urban Strategy
Fiona Farrand – Acting Manager Development Services
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Robert Lamb – Governance Officer

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

Procedural Motion

Moved: Cr Evans

Seconded: Cr Martin

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 9 June 2020 at 6:30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.

CARRIED

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee held on 11 May 2021.

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr Martin

That the minutes of the Planning and Amenity Delegated Committee held on 11 May 2021, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 MIDDLE CRESCENT, BRIGHTON PARKING REVIEW

Environment, Recreation and Infrastructure - Sustainability & Transport
File No: PSF/21/36 – Doc No: DOC/21/148423

It is recorded that Mr Jason Barnfather, and Mr Warwick Cavanagh each submitted a written statement in relation to this item.

Moved: Cr El Moullem

Seconded: Cr Evans OAM (Mayor)

That Council:

1. implements 2P, 8am-6m, Monday to Friday for car spaces on the west side of Middle Crescent between the playground entrance and No 48 in response to the recent community engagement outcomes
2. includes Driveway Clearance (or Hockey Stick) markings on the western and eastern side of Middle Crescent between St Andrews and Allee St (Brighton)
3. monitors on-street parking conditions in Middle Crescent following the implementation of the parking restrictions for a period of 6 months
4. if parking conditions have not improved in the 6 month period, commences engagement with residents of Middle Crescent to test support for the inclusion of a Permit Zone on the eastern side of Middle Crescent.

CARRIED

4.2 HILLCREST AVENUE, BRIGHTON PARKING REVIEW

Environment, Recreation and Infrastructure - Sustainability & Transport
File No: PSF/21/36 – Doc No: DOC/21/146664

Moved: Cr El Mouallem

Seconded: Cr Evans OAM (Mayor)

That Council:

1. implements 2P (2-hour parking) controls between 8am and 6m, Monday to Friday on the western side of Hillcrest Avenue between Bay Street, Brighton and the end of the Avenue
2. continues to monitor on-street parking conditions in Hillcrest Avenue following the implementation of the parking restrictions.

CARRIED

**4.3 2A PRIMROSE CRESCENT, BRIGHTON EAST
REPLACEMENT PLANTING APPEAL
APPLICATION 2021/74/1**

City Planning and Amenity - Amenity Protection
File No: PSF/21/29 – Doc No: DOC/21/166589

It is recorded that Mr Jeremy & Mrs Christine Wood submitted a written statement in relation to this item.

Moved: Cr Castelli (Deputy Mayor)

Seconded: Cr Samuel-King MBBS

That Council resolves to amend Local Law Tree Removal Permit 2021/68/1 (the permit) applying to 2A Primrose Crescent, Brighton East as follows:

Amend Condition 2 of the permit by replacing with the following wording:

- 2. An indigenous tree capable of reaching a height of 6 metres canopy width of 4 metres at maturity must be planted on the property of 2A Primrose Crescent, Brighton East.*

CARRIED

**4.4 U1 & U3 / 533–535 HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/425/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/146266

It is recorded that Mr Paul Novacco, Ms Nikki Taylor, Mr Adrian Godfrey, Dr Jonathan Nightingale (obo: Hampton Neighbourhood Association), and Ms Anna Thang each submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Stitfold

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/425/1 for the land known and described as U1 & U3 / 533–535 Hampton Street, Hampton for buildings and works to existing building, construction of a four storey mixed use building and associated reduction in car park spaces 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 SJB Architects referenced Job No. 21518, date 15.10.2020 and revision number 3 but modified to show:
 - a) deletion of Level 3, the fourth storey and ensure the overall building height is not more than 11m with exception to site services to the satisfaction of the Responsible Authority
 - b) provision of security lighting to be installed within the proposed ramp to improve laneway surveillance. The lights must be designed so as not to cause any light spill into the adjoining residential dwellings as well as not interrupting the vehicle access to the proposed parking
 - c) demonstrate the proposed SPOS of Apartment 1.01 will not overlook into the private open space of the residential building at 531 Hampton Street
 - d) provision of an acoustic report to demonstrate the proposal complies with Standard D16 of Clause 58 of the Bayside Planning Scheme. Any design treatment to must be incorporated to ensure the sensitive areas are not affected by the proposed commercial kitchen and the mechanical car stackers at the ground floor
 - e) the size of SPOS of apartment 203 and 204 to be increased to comply with Standard D19 Private Open Space. Note, the minimum dimension should be measured excluding the width of proposed planter boxes
 - f) revised car stacker details to include a Trendvario 6300 in combination with a Trendvario 6300+ car stacker in accordance with the traffic report submitted with the application
 - g) a letter from a qualified professional confirming the proposed at grade car park is compliant with any Disability Discrimination Act 2006 requirements.

Any modifications required to the car park must be amended without any modification to the proposed setbacks

- h) updated car parking design details including the required AHD levels, fence details to the mechanical car stacker, a corrected model of car stackers and other issues raised in this letter in accordance with the traffic response prepared by Amber on 24 May 2021
- i) deletion of two surplus residential spaces in association with the deleted uppermost level
- 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
- 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

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.

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.

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 Form Landscape Architect, Project No. 2115, dated Sept 2020 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.
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.

Street tree protection

15. 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.
16. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 2 metres of any street tree asset. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

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.

Sustainability

21. 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 GIW Environmental Solution dated 28/07/2020.

22. 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.

Waste Management Plan

23. Prior to the endorsement of plans, a revised 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, generally in accordance with the Waste Management Plan prepared by Waste Tech Services Pty Ltd on 2 October 2020 but modify to include:

- inclusion of provision for organics waste in both the residential and commercial area
- any amendment as per Condition 1 of this permit.

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.

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 Hampton 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 at the corner of Hampton Street and Arcadia Street
 - 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 (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
 - b) The agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
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.

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.

CARRIED

**4.5 109 CROMER ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/574/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/149089

It is recorded that Mr David & Mrs Heidi Maddern, and Ms Clare Chadderton each submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM (Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/574/1 for the land known and described as 109 Cromer Road, Beaumaris, for the construction of two dwellings on a lot and construction of a front fence exceeding 1.2 metres high and removal of native vegetation to Australia in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Section 57A Amended plans referenced Ground Floor Plan and First Floor Plan dated 07/04/2021 and West and South Elevations dated 20/04/2021 and East and North elevations Dated 15/01/2021 and Streetscape Elevation dated 30/10/2021 but modified to show:
 - a) the first floor southern walls associated with dwelling B's master bedroom and ensuite setback a minimum of 2.82m from the southern boundary
 - b) the first floor southern walls associated with dwelling B's WIR, void and rumpus room setback a minimum of 3.15m from the southern boundary
 - c) the first floor northern wall associated with dwelling A's rumpus room setback a minimum of 3.15m from the northern boundary
 - d) updated development summary analysis on the ground floor and first floor plans detailing the maximum site coverage as 50.2%
 - e) a Landscaping Plan in accordance with Condition 10 of this permit
 - f) provision of an Arboricultural Impact Assessment Report in accordance with Condition 13 of this permit
 - g) provision of a Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees in accordance with Condition 14 of this permit
 - h) payment of the Development Contribution levy in accordance with Condition 21 of this permitall to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is

approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan revision F, dated 15/01/2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) any changes in accordance with Condition 1 of this permit
 - b) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - c) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

Arboricultural Impact Assessment Report

13. Prior to the endorsement of plans pursuant to Condition 1, an arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

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

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

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
 - b) protection measures to be utilised and at what stage of the development they will be implemented
 - c) appointment of a project arborist detailing their role and responsibilities
 - d) stages of development at which the project arborist will inspect tree protection measures
 - e) monitoring and certification by the project arborist of implemented protection measures.
15. 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.
 16. 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.
 17. The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
 18. 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

19. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone

is to be established and maintained in accordance with AS 4970–2009. The fencing is to encompass the entire nature strip and must extend 3 meters either side of the tree.

20. 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 2.5 metres of the street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Development Contribution

21. 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

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

Drainage

25. 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.
26. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

Permit Expiry

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

CARRIED

**4.6 20 ARKARINGA CRESCENT, BLACK ROCK
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/282/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/131475

It is recorded that Mrs Nava & Mr Steve Clauscen, and Mr Chris Pippo each submitted a written statement in relation to this item.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Martin

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 2020/658/1 for the land known and described as 20 Arkaringa Crescent, Black Rock, for the construction of two dwellings on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans amended prepared by Roke Design Studios date 21/03/2021 but modified to show:
 - a) the rear facing first floor bedroom windows of both dwellings to be screened to a height of 1700mm from finished floor level
 - b) relocation of storage to within the garages
 - c) accessways where intersects with the footpath and crossovers to be at least 3m wide with 1m offset from the side property boundary. This includes the existing crossover that must be removed and reinstated with these dimensions and location
 - d) adequate sight lines must be provided where each driveway intersects with the front footpath as per the diagram shown in the AS2890.1
 - e) all windows (including rear first floor windows) to be screened in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme)
 - 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) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - h) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - i) a Landscaping Plan in accordance with Condition 11 of this permit
 - j) a tree management report in accordance with Condition 14
 - k) provision of the development contributions fee in accordance with Condition 22

- l) the first floor eastern setback associated with dwelling 2 modified to achieve compliance with Standard B17 of the Bayside Planning Scheme 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 Zenith Concepts, dated November 2020 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey including botanical names of all existing trees to be retained on the site, including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways.
12. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

14. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

 - a) the Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site
 - b) the location of tree protection measures to be utilised.
15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

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

Street tree protection

18. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
19. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Development Contribution

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

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

S173 Agreement

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

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

- b) The agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
24. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987 and the Section 173 agreement must be registered on the certificate of title of the land.
 25. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

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

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Before the development starts the applicant must pay \$2050.85 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor

or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

CARRIED

**4.7 13 CRAWFORD STREET, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/597/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/18 – Doc No: DOC/21/145509

It is recorded that Mr Derek & Mrs Judy Wilson, Ms Lee-Anne Fisher, and Miss Mietta Gleeson each submitted a written statement in relation to this item.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Martin

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 2020/597/1 for the land known and described as 13 Crawford Street, Cheltenham, for the construction of two dwellings on a lot, construction of a front fence exceeding 1.2 metres and the removal of native vegetation within a Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Dual Occ Advisors referenced Proposed Ground Floor Plan, Proposed First Floor Plan, Elevations, dated 26/02/2021 and revision number 1 but modified to show:
 - a) the location of the bins in accordance with Standard B34 (Site Services) of the Bayside Planning Scheme to be detailed on the plans
 - b) the elevations to detail the proposed locations of the proposed materials
 - c) the front fence within the sightlines to comply with Clause 52.06 (Car Parking) of the Bayside Planning Scheme
 - d) the single garage doors to be annotated to be at least 3m
 - e) a Landscaping Plan in accordance with Condition 10 of this permit
 - f) provision of a Tree Management and Protection Plan in accordance with Condition 13
 - g) payment of the Development Contribution levy in accordance with Condition 21 of this permit
 - h) the proposed front fence reduced to a maximum height of 1.2 metres in accordance with Standard B32 of the Bayside Planning Scheme
 - i) the first floor southern setback associated with Unit 1 modified to achieve compliance with Standard B17 of the Bayside Planning Scheme
 - j) the proposal to incorporate building materials and finishes to complement the natural setting in accordance with the H2 Precinct Guidelines of Clause 22.06 of the Bayside Planning Schemeall to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and

works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Zenith Concepts, revision A, dated March 2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey, including botanical names, of all existing trees to be retained and removed on the site
 - 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) details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

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

The TMR must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
 - b) protection measures to be utilised and at what stage of the development they will be implemented
 - c) appointment of a project arborist detailing their role and responsibilities
 - d) stages of development at which the project arborist will inspect tree protection measures
 - e) monitoring and certification by the project arborist of implemented protection measures.
14. The TPP must:
- a) be legible, accurate and drawn to scale
 - b) show the location of all tree protection measures to be utilised
 - c) include a key describing all tree protection measures to be utilised.
15. Any modification to the report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
16. All actions and measures identified in the Tree Management Report must be implemented.
17. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

Street tree protection

18. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to encompass the entire nature strip and must extend 2.5 meters either side of the tree.
19. 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 2.5 metres of the street tree asset measured from the edge of

the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Development Contribution

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

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

S173 Agreement

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

Drainage

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

Permit Expiry

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

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

Permit Notes:

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

Southern Dwelling – 13A Crawford Street CHELTENHAM 3192

Northern Dwelling – 13B Crawford Street CHELTENHAM 3192

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council’s supervision for which 24 hours’ notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a ‘Road Opening Permit’ must be obtained to facilitate such work.
- A ‘Road Opening / Stormwater Tapping Permit’ is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the West property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

CARRIED

**4.8 26 EROWAL STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/74/1 WARD: BECKETT**

City Planning and Amenity - Statutory Planner
File No: PSF/21/28 – Doc No: DOC/21/146044

It is recorded that Mr Andrew Stewart, Mr Ian Urquhart (on behalf of Beaumaris Conservation Society), Ms Pauline Grimau, Mrs Rimma Belkin, and Mrs Elena Kiseleva each submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Samuel-King MBBS

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/74/1 for the land known and described as 26 Erowal Street, Beaumaris, for the construction of two (2) dwellings on a lot, and the removal of native vegetation within a Vegetation Protection Overlay Schedule 3 for the following reasons:

- 1) The proposal fails to respond to the existing and preferred neighbourhood character guidelines for the precinct (H2) as set out in Clause 22.06 of the Bayside Planning Scheme.
- 2) The proposal fails to achieve the numerical requirements of the following standards and objectives of Clause 55 of the Bayside Planning Scheme:
 - a. Standard B8: Site Coverage - The proposed site coverage fails to achieve compliance with the numerical requirements of the Standard.
 - b. Standard B17: Side and Rear Setbacks - The proposed side setbacks fail to achieve compliance with the numerical requirements of the Standard.
- 3) The proposed removal of native vegetation fails to meet the relevant objectives of the Vegetation Protection Overlay Schedule 3, specifically:
 - a. the protection and preservation of existing and significant vegetation
 - b. the protection of vegetation which is of special significance, natural beauty, interest and importance to this location.

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

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

AGAINST: Nil (0)

CARRIED

**4.9 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/21/159432

It is recorded that Mr Ian Urquhart (on behalf of Beaumaris Conservation Society), and Mr Paul Little each 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) all column locations within the basement to comply with the AS2890.1
 - c) 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
 - d) all relevant intermediate levels to the basement ramp
 - e) 'No Right Turn' signage where the basement ramp connects with the main aisle at ground floor
 - f) additional traffic directional line-marking/s (arrows) where the basement ramp connects with the main aisle at ground floor
 - g) Water Sensitive Urban Design measures in accordance with Condition 5 of this permit
 - h) a Landscaping Plan in accordance with Condition 9 of this permit
 - i) an Arboricultural Impact Assessment Report in accordance with Condition 12 of this permit
 - j) a Tree Protection Management Plan in accordance with Condition 13 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 all purchased from the Bayside Community Plant Nursery and to include the species, but not limited to, Yellow Box, Coastal Banksias, Silver Banksias and Coastal Manna Gums to complement the existing indigenous species prevalent to Royal Melbourne Golf Course
 - 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.

Permit Expiry

14. 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 Motion was PUT and a **DIVISION** was called:

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

LOST

Moved: Cr Samuel-King**Lapsed for want of a Seconder**

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/500/1 for the land known and described as 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 for the following reasons:

- 1) The proposal fails to respond to the purpose and decision guidelines of the General Residential Zone set out in Clause 32.08 of the Bayside Planning Scheme for the following reasons:
 - a) The proposal fails to respect the neighbourhood character of the area.
 - b) The proposal fails to demonstrate that there will be no unreasonable impacts by way of safety, efficiency and amenity effects of traffic to be generated by the proposal.
- 2) The proposed removal of vegetation native to Australia fails to meet the relevant objectives and decision guidelines of the Vegetation Protection Overlay Schedule 3 (VPO3) of the Bayside Planning Scheme.

LAPSED**Moved: Cr Castelli (Deputy Mayor)****Seconded: Cr El Moullem**

That Council resolves to defer consideration of planning application 2021/190/1 to enable further engagement with the Royal Melbourne Golf Club to discuss a redesign of the car parking to protect some of the VPO trees, in particular trees 3 and 17.

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

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

CARRIED

4.10 STATUTORY PLANNING - VCAT REPORT (APRIL 2021)

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/163161

Moved: Cr Martin

Seconded: Cr Castelli (Deputy Mayor)

That Council resolves to:

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

CARRIED

5. Confidential Business

There was no confidential business submitted to the meeting.

The Chairperson declared the meeting closed at insert 8:11pm.