

# Planning and Amenity Delegated Committee Meeting

held remotely and live-streamed  
via Council's website

Tuesday 8 February 2022  
at 6:30pm



## Minutes

**PRESENT:**

**Chairperson:** Cr Hanna El Moullem (Deputy Mayor)

**Councillors:** Cr Sonia Castelli  
Cr Alex del Porto (Mayor)  
Cr Laurence Evans OAM  
Cr Clarke Martin  
Cr Jo Samuel-King MBBS  
Cr Fiona Stitfold

**Officers:** Matthew Cripps – Director City Planning and Amenity  
Terry Callant – Manager Governance  
Johan Coates – Manager Amenity Protection  
Michael Kelleher – Acting Manager Development Services  
Felicity Barclay – Statutory Planning Coordinator  
Sarah Collins – Statutory Planning Coordinator  
Robert Lamb – Governance Officer

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The Chairperson declared the Planning and Amenity Delegated Committee Meeting open at 6:30pm and noted that the meeting was being held remotely via electronic media. The meeting was recorded and streamed live on the internet.

The Chairperson 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 (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, 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.*

## **Prayer**

The Chairperson invited Cr Martin to read the prayer.

O God  
Bless this City, Bayside,  
Give us courage, strength and wisdom,  
So that our deliberations,  
May be for the good of all,  
Amen

## **Acknowledgement of Country**

The Chairperson invited The Mayor, Cr del Porto to read the acknowledgement of the original inhabitants of this land:

- ❖ Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging as well as any Aboriginal or Torres Strait Islander community members with us today.
- ❖ Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.
- ❖ Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island Elders who have guided and continue to guide the work we do.

## **1. Apologies**

There were no apologies submitted to the meeting.

## **2. Disclosure of 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 February 2022 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 Meeting held on 14 December 2021.

**Moved: Cr Martin**

**Seconded: Cr del Porto (Mayor)**

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 14 December 2021, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**



**4.2 230 DENDY STREET, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2021/380/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/9718

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*It is recorded that Mrs Ann Beckingham, Mr Frank Papa, Mrs Maureen and Mr Johan Schuyt, Mrs Nicole Plotkin, Mrs Maryann Cain, Mr William Bradley, Ms Fel Batten, Mr David Marriott, and Miss Laura Hamer (on behalf of Telstra) each submitted a written statement in relation to this item.*

**Moved: Cr Samuel-King MBBS**

**Seconded: Cr del Porto (Mayor)**

A.

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/380/1 for the land known and described as 230 Dendy Street, Brighton East, for the buildings and works associated with the construction of a telecommunications facility in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. The telecommunications facility must comply with all relevant standards as adopted from time to time by the Australian Communications Authority or any other relevant body.
3. If the telecommunications facility hereby approved becomes redundant, all infrastructure associated with the telecommunication facility must be removed and the area reinstated to the satisfaction of the Responsible Authority. All works to comply with this condition must be completed within three (3) months of the facility ceasing to operate and must be at the expense of the permit holder.

Tree Management and Protection Plan

4. 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.
5. 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.
  6. 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.
  7. 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.

#### Drainage

8. 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.
9. 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

10. 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.

B.

That Council liaises with Telstra to provide, as part of the telecommunication facility, a habitat perch, at height, for birds of prey.

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

**DIVISION:** FOR: Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS and Fiona Stitfold (6)  
**AGAINST:** Cr Hanna El Moullem (Deputy Mayor) (1)

**CARRIED**

**4.3    1–5 REYNOLDS STREET, HAMPTON EAST  
HOMES VICTORIA SOCIAL HOUSING PROJECT  
SUPPORT THE GRANT OF A PERMIT  
WARD: IVISON**

City Planning and Amenity - Development Services  
File No: PSF/22/37 – Doc No: DOC/22/7775

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*It is recorded that Mr Mathew Wilson (for Planning & Property Partners), and Mr Matt Harris & Mr James Henry (on behalf of Housing Choices Australia) each submitted a written statement in relation to this item.*

**Moved: Cr Castelli**

**Seconded: Cr del Porto (Mayor)**

That Council advises the Minister for Energy, Environment and Climate that Bayside City Council's position is to Support the Grant of a Permit in respect of the land known and described as 1–5 Reynolds Street, Hampton East for the construction of a multi storey residential building in accordance with the endorsed plans and subject to the following 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) prepared by Rothelowman SJB Architects, dated 09.12.2021 but modified to show:
  - a) deletion of Level 7. The new uppermost level (excluding rooftop level) must be further recessed from the front façade, and designed of a more muted design detail and colour such that its visibility and visual prominence is reduced
  - b) clear shadow diagrams showing that no additional overshadow occurs to No.8 and No.10 Highbury Avenue, over and above that associated with the approved development under 2016/596/3
  - c) overlooking diagrams that show compliance with clause 52.20-6.13
  - d) deep soil area to be increased to show compliance with Clause 52.20-7.4. Increased area must be provided within the front setback area
  - e) reinstatement of the kerb, channel and nature strip at the redundant vehicle crossovers to Reynolds Street
  - f) removal of the two (2) x bicycle parking spaces located within the Reynolds Street road reserve
  - g) provision of a minimum eight (8) visitor bicycle spaces at ground level, located adjacent the building entry point and entirely within the confines of the site
  - h) provision of swept path assessment for the top and bottom of each access ramp to demonstrate the passing of B85 and B99 cars. This must show B85 cars in nearby parking spaces offset 200mm from the wall in front, and realistic travel paths must be depicted. One car may be permitted to wait while the other passes

- i) provision of bollards or other devices to protect the bicycle parking spaces on Basement Level 1 from reversing vehicles
  - j) specification of the make and model of the multi-tier bicycle storage system, with all dimensions to accord with manufacturer specifications or AS2890.3, as appropriate
  - k) storage units in front of car spaces are to have sliding rather than swinging doors
  - l) redesign of the access ramp from Reynolds Street, with due consideration to the crossfall at the site frontage, to ensure compliance with Clause 52.20 and a maximum 12.5% summit grade change. Reduced levels must be depicted on both sides of the ramp at all grade changes, and on both sides of the ramp
  - m) provision of an accessible path of travel between the accessible parking spaces and the lift core, without requiring mobility impaired users to traverse the vehicle ramps or steps
  - n) the existing corner splay at the south-east corner of the property to be retained with no additional changes
  - o) a 2m x 2.5m corner splay to be provided at the north-east corner of the property to provide sightlines
  - p) some form of lighting to be provided (attached to new building) along laneway frontages to provide night-time visibility and safety
  - q) plans that provide detail to show compliance with the following standards:
    - Clause 52.20-7.8: Accessibility
    - Clause 52.20-7.11: Storage
    - Clause 52.20-7.13: Functional layout
    - Clause 52.20-7.14: Room depth
    - Clause 52.20-7.15: Windows (with respect to battle-axe windows)
    - Clause 52.20-7.16: Natural Ventilation
  - r) sustainability management plan and water sensitive urban design report in accordance with condition 10
  - s) landscape plan in accordance with condition 13
  - t) tree protection management plan in accordance with condition 16
  - u) public realm improvement plan in accordance with condition 17
- 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 and be installed in accordance with Clause 52.20-6.13 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 within the basement 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.

**Sustainability Management Plan and Water Sensitive Urban Design (SMPWSUD)**

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan and Water Sensitive Urban Design report must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with that submitted with the application dated 9 December 2021 (ark resources) but modified to show:
  - a) expand the table on page 7 to include more ground floor south facing apartment
  - b) the setting of a target to achieve an individual minimum of 6 star NatHERS for each apartment (in addition to the commitment to achieve a 7 star average NatHERS rating)
  - c) annotate the roof top solar on the Roof Plan as per roof plan shown in Appendix C to read '21kWp Solar PV Array 64 No PV Modules using 330Wp 60-cell panels dual tilted east-west alternatively at 13 degrees'
  - d) commit to install electrical infrastructure to facilitate the future installation of additional EV charging stations as use of electrical vehicles becomes more mainstream.
11. All works must be undertaken in accordance with the endorsed SMPWSUD to the satisfaction of the Responsible Authority. No alterations to the SMPWSUD may occur without the written consent of the Responsible Authority.
12. Prior to the occupation of any dwelling approved under this permit, a report from the author of the SMPWSUD 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 SMPWSUD have been implemented in accordance with the approved Plan.

**Landscaping**

13. Prior to the endorsement of plans pursuant to Condition 1, detailed landscape plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plans must be generally in accordance with the landscape concept plans drawn by Etched, dated

December 2021 and be drawn to scale with dimensions. The plans must be modified to show:

- a) deep soil area increased to comply with the requirements of Clause 52.20-7.4. The increased area must locate in the front setback area
  - b) increased provision of indigenous species in the planting schedule
  - c) provision of green walls, and a landscape plan comprising predominantly indigenous species, including details of its ongoing management.
14. 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.
15. 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

16. 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:

- 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
- protection measures to be utilised and at what stage of the development they will be implemented
- appointment of a project arborist detailing their role and responsibilities
- stages of development at which the project arborist will inspect tree protection measures
- 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:

- be legible, accurate and drawn to scale
- indicate the location of all tree protection measures to be utilised
- include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised

- include a key describing all tree protection measures to be utilised.

**Public Realm Improvement Plan**

17. Prior to the endorsement of plans pursuant to Condition 1, a Public Realm Improvement Plan must be prepared and developed in collaboration with Council's Statutory Planning Department. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:
- a) the upgrade of the existing Council footpaths on Katoomba Street and Reynolds Street
  - b) the new or upgraded vehicle crossovers and roads/laneways
  - c) new street tree plantings along Reynolds Street
  - d) the remarking of the lines of the on-street car parking spaces in front of the site to align with any new vehicle crossings or removed vehicle crossings.

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

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

**Construction Management Plan**

18. Prior to commencement of any building works and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):
- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
  - b) works necessary to protect road and other infrastructure
  - c) remediation of any damage to road and other infrastructure
  - d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
  - e) facilities for vehicle washing, which must be located on the land
  - f) provision of a clear site plan defining locations of site amenities, cranes, vehicle entry and exit points, material set-down areas and on-street Works Zones. A detail parking signage plan to be provided for on-street Works Zones
  - g) provision of site sheds onsite
  - h) management of any environmental hazards including, but not limited to:
    - i. contaminated soil and ground water
    - ii. materials and waste

- iii. dust
- iv. stormwater contamination from run-off and wash-waters
- v. sediment from the land on roads
- vi. washing of concrete trucks and other vehicles and machinery
- vii. spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k) parking facilities for construction workers
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p) Include details of bus movements throughout the precinct during the construction period
- q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i. using lower noise work practice and equipment
  - ii. the suitability of the land for the use of an electric crane
  - iii. silencing all mechanical plant by the best practical means using current technology
  - iv. fitting pneumatic tools with an effective silencer
  - v. other relevant considerations
  - vi. any site-specific requirements

During the construction:

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

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

#### Drainage

- 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 Infrastructure Assets Department.
- 21. 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. Council records indicate that there is a 1.83m(TBC) 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.
- 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.

#### Permit Expiry

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

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





**4.4 28 WEMBLEY AVENUE, CHELTENHAM  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2021/372/1 WARD: EBDEN**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/7279

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*It is recorded that Ms Melanie Ellis (for Change of Plan Town Planning submitted a written statement in relation to this item.*

**Moved: Cr Evans OAM**

**Seconded: Cr del Porto (Mayor)**

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/372/1 for the land known and described as 28 Wembley Avenue, Cheltenham, for the construction of two dwellings on a lot and construction of a front fence exceeding 1.2 metres high 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 Domicile Building Design referenced Ground Floor Plan, Upper Floor Plan, Elevations 1, Elevations 2, Section A-A, Section B-B, Section C-C, Section D-D, Streetscape, Roof Plan, date December 2021 and revision C but modified to show:
  - a) the second car space detailed in each driveway in accordance with Clause 52.06 (Car Parking) of the *Bayside Planning Scheme*
  - b) a Sustainable Design Assessment in accordance with Condition 9
  - c) a Landscaping Plan in accordance with Condition 10
  - d) an Arboricultural Impact Assessment Report in accordance with Condition 13
  - e) a Tree Management and Protection Plan in accordance with Condition 14
  - f) provision of the development contributions fee in accordance with Condition 20all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard 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.

**Sustainable Design Assessment**

9. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>.
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18

- m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
- n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
- o) provisions for renewable energy systems such as Solar PV
- p) commitment to recycle at least 70% of construction and demolition waste
- q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
- r) use of sustainable materials such as low VOC paints for the internal walls
- s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused

all 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 concept plan drawn by Gills Nursery and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - b) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - e) details of surface finishes of pathways and driveways
  - f) The Eucalyptus 'Baby Blue' trees replaced with a canopy tree capable of reaching 8m high at maturity
  - g) provision of green wall(s) and majority indigenous planting in the landscape plan at suitable locations, including details of the ongoing management of such features.
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. 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.

Any cut and/or fill with the TPZ area of trees to be retained must also be investigated and altered if required.

**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 TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

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

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

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

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

The TPP must :

- f) be legible, accurate and drawn to scale
- g) indicate the location of all tree protection measures to be utilised
- h) include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised
- i) include a key describing all tree protection measures to be utilised.

15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
16. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
17. Any pruning that is required to be done to the canopy of any tree to be retained (Liquidambar) 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 (Liquidambar) is to be done by hand by a qualified Arborist.

#### 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 City Assets and Presentation Department.

#### Development Contribution

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

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

#### S173 Agreement

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

#### Permit Expiry

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

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

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

**Permit Notes:**

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

Eastern Dwelling – 23B Olympic Avenue CHELTENHAM 3192

Western Dwelling – 23C Olympic Avenue CHELTENHAM 3192

As there is a requirement to change an existing address of another property, Council's Senior Property Data Officer is required to be notified at least 6 weeks prior to these addresses being used, including the submission of connection or installation requests with utilities.

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 3.2m wide drainage and sewerage easement along the east property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
- The 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the vehicle crossing application will be approved, the applicant must pay \$9,384.29 to the Responsible Authority for the removal and replacement of the

existing street tree (Asset No. 434576). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

**CARRIED**



**4.5 26 BENT PARADE, BLACK ROCK  
GRANT A PERMIT  
APPLICATION: 2021/640/1 WARD: EBDEN**

City Planning and Amenity - Amenity Protection  
File No: PSF/21/28 – Doc No: DOC/21/359776

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**Moved: Cr Evans OAM**

**Seconded: Cr del Porto (Mayor)**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/640/1 for the land known and described as 26 Bent Parade Black Rock, for the removal of native vegetation in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

Landscaping

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. The proposed landscape plan amended to include the planting of four (4) mature, indigenous replacement trees, including two (2) (*Banksia marginata* – Silver banksia) and two (2) indigenous trees capable of reaching a height of 8 metres at maturity and the provision of indigenous understory. The proposed vegetation must be planted within 6 months of vegetation removal and thereafter be maintained. Any replacement tree that is dead, diseased or damaged must be replaced to the satisfaction of the Responsible Authority.

Permit Expiry

3. This permit will expire if one of the following circumstances applies:
  - a) the vegetation removal is not started within two years of the date of this permit
  - b) the vegetation removal 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**

**4.6 22 GLENWOOD AVENUE, BEAUMARIS  
GRANT A PERMIT  
APPLICATION: 2021/541/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/21/28 – Doc No: DOC/22/1314

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*It is recorded that Ms Mietta Gleeson submitted a written statement in relation to this item*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/541/1 for the land known and described as 22 Glenwood Avenue, Beaumaris, for the construction of two dwellings on a lot in a Special Building Overlay and 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 advertised plans referenced Ground Floor Plan, First Floor, Elevations & Streetscape, date 12/11/2021 and revision number C but modified to show:
  - a) a Sustainable Design Assessment in accordance with Condition 9
  - b) a Landscaping Plan in accordance with Condition 10
  - c) an Arboricultural Impact Assessment Report in accordance with Condition 13
  - d) a Tree Management and Protection Plan in accordance with Condition 14
  - e) provision of the development contributions fee in accordance with Condition 18
  - f) front setback to comply with standard B6all 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.

#### Sustainable Design Assessment

9. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections

- n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
- o) provisions for renewable energy systems such as Solar PV
- p) commitment to recycle at least 70% of construction and demolition waste
- q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway and incorporate vertical vegetation
- r) use of sustainable materials such as low VOC paints for the internal walls
- s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused

all 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 dated 18/1/2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - b) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
  - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - e) details of surface finishes of pathways and driveways
  - f) one of the Banksia Marginata trees in each of the rear setbacks replaced with an indigenous canopy tree capable of reaching 6-8m high
  - g) provision of green wall(s) and majority indigenous planting in the landscape plan at suitable locations, including details of the ongoing management of such features.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Provision of Arboricultural Impact Assessment Report

13. Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The report will explain

design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

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

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

The TPMP must include:

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

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

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

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

The TPP must include:

- f) be legible, accurate and drawn to scale
  - g) show the location of all tree protection measures to be utilised
  - h) include a key describing all tree protection measures to be utilised.
15. 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.

Drainage

17. 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.
18. 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.

Development Contribution

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

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

S173 Agreement

20. 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.
21. 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.
22. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Permit Expiry

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

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

Permit Notes:

- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is

the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Western Dwelling – 22A Glenwood Avenue BEAUMARIS 3193

Eastern Dwelling – 22B Glenwood Avenue BEAUMARIS 3193

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the South property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the vehicle crossing application will be approved, the applicant must pay \$3,955.59 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No, 471812). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

**CARRIED**

**4.7 1 GORDON STREET, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2021/441/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/16618

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*It is recorded that Mr Matthew and Mrs Julie Clark, and Ms Mietta Gleeson (for Urbis) each submitted a written statement in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr del Porto (Mayor)**

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/441/1 for the land known and described as 1 Gordon Street, Beaumaris, 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 amended plans prepared by DualOcc Advisors, sheets 1-10 Rev.H, dated 13/01/2022, but modified to show:
  - a) the retention of Tree 7 in the rear setback of Dwelling 2, and any built form changes required to ensure its viability
  - b) the first floor western side setbacks, with the exception of the front facade parapet, amended to comply with Standard B17, including any eaves which exceed the allowable encroachment under the standard
  - c) the street tree to be drawn and annotated as being retained in place
  - d) a Sustainable Design Assessment in accordance with Condition 10
  - e) a Landscaping Plan in accordance with Condition 11
  - f) a Tree Protection Management Plan in accordance with Condition 14
  - g) provision of the development contributions fee in accordance with Condition 22all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building



on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. 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.

#### Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18

- m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
- n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
- o) provisions for renewable energy systems such as Solar PV
- p) commitment to recycle at least 70% of construction and demolition waste
- q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
- r) use of sustainable materials such as low VOC paints for the internal walls.
- s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused

all 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 23/09/2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) the retention of Tree 7, and any built form changes required to ensure its viability
  - b) any built form changes required under Condition 1
  - c) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - d) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
  - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - g) details of surface finishes of pathways and driveways
  - h) provision of green wall(s) and majority indigenous planting in the landscape plan at suitable locations, including details of the ongoing management of such features
  - i) the retention of Tree 10 (Jacaranda) within the rear of Dwelling 1, and any built form changes required to ensure its viability.
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**

14. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Protection Management Plan (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.

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

The TPP must:

- f) be legible, accurate and drawn to scale
  - g) show the location of all tree protection measures to be utilised
  - h) include a key describing all tree protection measures to be utilised.
15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
  16. Before any works associated with the approved development start, including demolition or removal of vegetation, 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.

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. Before the development starts, The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009, for the protection of the trees canopy and root zone. The conditions for the street tree protection fencing are as follows:
  - a) fencing is to be secured and maintained prior to demolition and until all site works are complete
  - b) fencing must be installed to comply with AS4970-2009, Protection of trees on development sites
  - c) fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development
  - d) fencing is to be constructed and secured so its positioning cannot be modified by site workers
  - e) the fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works
  - f) if applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
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 3.0 metres of the street tree *Melia azedarach*, asset Id 432007 measured from the edge of the trunk.
20. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques only.
21. Any root pruning required within the TPZ must be done as follows:
  - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
  - b) All roots that will be affected must be correctly pruned in accordance with AS4373-2007 'Pruning of Amenity Trees'.
  - c) Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

**Development Contribution**

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

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

**S173 Agreement**

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

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

#### Drainage

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

#### Permit Expiry

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

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

#### Permit Notes:

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

The street address allocations are as follows:

Western Dwelling – 1B Gordon Street BEAUMARIS 3193

Eastern Dwelling – 1C Gordon Street BEAUMARIS 3193

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- A '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**

**4.8 29 BEACH ROAD, BEAUMARIS  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2019/245/1 WARD: BECKETT WARD**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/9964

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*It is recorded that Mrs Jane Smitten submitted a written statement in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to Approve the Extension of Time of 18 months to Planning Permit 2019/245/1, so that the development must now commence no later than 10 July 2023 and be completed no later than 10 January 2025.

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

**DIVISION:**   **FOR:**       Crs Laurence Evans OAM and Clarke Martin (2)  
                  **AGAINST:** Crs Alex del Porto (Mayor), Sonia Castelli, Jo Samuel-King  
                  MBBS, Fiona Stiffold and Hanna El Mouallem (Deputy Mayor) (5)

**LOST**

**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Castelli**

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2019/245/1, so that the development must now commence no later than 10 January 2024 and be completed no later than 10 January 2026.

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

**DIVISION:**   **FOR:**       Crs Alex del Porto (Mayor), Sonia Castelli, Jo Samuel-King  
                  MBBS, Fiona Stiffold and Hanna El Mouallem (Deputy Mayor)  
                  (5)  
                  **AGAINST:** Crs Laurence Evans OAM and Clarke Martin (2)

**CARRIED**

**4.9 STATUTORY PLANNING - MONTHLY REPORT (NOVEMBER AND DECEMBER 2021)**

City Planning and Amenity - Development Services  
File No: PSF/15/8764 – Doc No: DOC/22/2451

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**Moved: Cr Martin**

**Seconded: Cr Stifold**

That Council resolves to:

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

**CARRIED**

*The Chairperson declared the meeting closed at 8.34pm.*