

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 12 April 2022
at 6:30pm



Minutes

PRESENT:

Chairperson: Cr Alex del Porto (Mayor)

Councillors: Cr Sonia Castelli
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Fiona Stitfold

Officers: Jill Colson – Director Corporate Services
Terry Callant – Manager Governance
John Coates – Manager Amenity Protection
Tom Vercoe – Acting Manager Development Services
Felicity Barclay – Statutory Planning Coordinator
Karen Brown – Governance Coordinator
Sarah Collins – Statutory Planning Coordinator
Pat Dunne – Investigations Coordinator
Michael Kelleher – Statutory Planning Coordinator
Shane Hall – Senior Investigations Arborist
Robert Lamb – Governance Officer

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Prayer

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Given the absence of the Chairperson of the Committee, Cr El Mouallem at this evening's meeting, The Governance Manager called for a nomination for the position of Acting Chairperson of the Planning and Amenity Delegated Committee.

Nominated by Cr Evans

Seconded by Cr Martin

That the Mayor, Cr del Porto be nominated as Acting Chairperson for tonight's meeting.

As there were no further nominations, the Mayor, Cr del Porto was declared Acting Chairperson for the Meeting.

The Mayor, Cr del Porto declared the Planning and Amenity Delegated Committee Meeting open at 6:30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Mayor invited Cr Martin to read the prayer.

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

Cr Evans 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

Cr El Moullem sought leave of absence from tonight's meeting at the Special Council Meeting on 5 April 2022.

Cr Samuel-King submitted an apology to tonight's meeting.

Moved Cr: Castelli

Seconded Cr: Evans

That Council

1. grants Cr El Moullem leave of absence for the 12 April 2022 Planning and Amenity Delegated Committee meeting in accordance with the resolution of 5 April 2022 Special Council Meeting
2. notes the apology of Cr Samuel-King and grants her leave of absence from the 12 April 2022 Planning and Amenity Delegated Committee meeting

CARRIED

2. Disclosure of Conflict of Interest of any Councillor

Item 4.4 – Cr Sonia Castelli – declared a General Conflict of Interest in this item given she resides opposite the proposed development.

Item 4.6 – Cr Laurence Evans – declared a General Conflict of interest in this item given a family member is an investor in the proposed development.

Item 4.15 – Cr Sonia Castelli – declared a General Conflict of Interest in this item given her partner was the original applicant.

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 8 March 2022.

Moved: Cr Martin

Seconded: Cr Evans OAM

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 8 March 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

Moved: Cr Castelli

Seconded: Cr Martin

CARRIED/LOST

4.1 42 RESERVE ROAD, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION

City Planning and Amenity - Amenity Protection
File No: FOL/10/139669 – Doc No: DOC/22/98237

It is recorded that Mr James McGann spoke for two minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes a building permit has been issued under the Building Act 1993 to construct a single-family dwelling and pool on the land at 42 Reserve Road, Beaumaris
2. resolves to issue a Local Law Tree Removal Permit for the Oak Tree (*Quercus* sp.), located approximately 1m from the north boundary and approximately 23m from the west boundary of 42 Reserve Road, Beaumaris

includes as a condition of the permit, a requirement to plant a replacement native tree on the land, capable of reaching minimum height of 12m and minimum canopy width of 12m at maturity
3. resolves to issue a Local Law Tree Removal Permit for the Peppercorn Tree (*Schinus molle*) located approximately 1m from the north boundary and approximately 10m from the east boundary of 42 Reserve Road, Beaumaris
4. includes as a condition of the permit, a requirement to plant a replacement native tree on the land, capable of reaching minimum height of 12m and minimum canopy width of 10m at maturity.

CARRIED/

**4.2 12 GRAY COURT, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/95753

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council

1. notes that the permit applicant has requested to withdraw their application as they no longer require a Local Law tree removal permit
2. withdraws the item from the agenda for this meeting.

CARRIED

**4.4 3-7 ADAMSON STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/556/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/42748

It is recorded that Cr Sonia Castelli declared a General Conflict of Interest in this item. Cr Castelli left the meeting at 7.06 pm.

It is recorded that Mr Henry Johnstone spoke for two minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

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 **2021/556/1** for the land known and described as **3-7 Adamson Street, Brighton**, for the **construction of a three-storey apartment building and a front fence exceeding 1.2 metres in height in a Design and Development 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 Section 57A plans prepared by Martello Architects referenced Basement Plan, Ground Floor Plan, First Floor Plan, Second Floor Plan, Roof Plan, Elevations 1 and 2, Sections 01-03, Typical Storage Detail and Storage List, Section M-M, date 3/3/2022 and revision number 11 but modified to show:
 - a) the basement ramp to show all intermediate levels. While the headroom of basement appears to be satisfactory, it must be adequate for a 6.4m rear mini loader to access, turnaround and exit forward manner
 - b) a minimum 6m 'No Stopping' Zone needs to be provided immediately to the south of the new crossover to enable good level of sightlines for vehicles exiting the ramp
 - c) a Sustainable Design Assessment (SDA) report in accordance with Condition 12 of this permit
 - d) a Landscaping Plan in accordance with Condition 13 of this permit
 - e) an Arboricultural Impact Assessment report in accordance with Condition 16 of this permit
 - f) any changes to the built form required to ensure that Tree 1 (the Algerian Oak in the front setback) and Tree 3 (the English Elm in the rear setback) are retained and protected in accordance with the Arboricultural Impact Assessment Report required by Condition 15
 - g) a Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees in accordance with Condition 17 of this permit
 - h) a Waste Management Plan in accordance with Condition 25 of this permit
 - i) a Public Realm Improvement Plan in accordance with Condition 26 of this

permit

- j) a Traffic and Car Parking Management Plan in accordance with Condition 27 of this permit
- k) provision of the development contributions fee in accordance with Condition 28.

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. 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.
8. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
9. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
10. 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.
11. 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 and in accordance with Standard B44 of Clause 55 of the Bayside Planning Scheme.

Sustainable Design Assessment

12. 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/m²
 - 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

13. 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 Paul Bangay, dated 9 March 2022 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) six additional canopy trees capable of reaching a minimum of 8m in height and 8m canopy diameter or two additional 12m high by 12m wide canopy trees within the private open space. Adequate deep soil must also be provided
 - g) where practicable, the provision of green wall(s) at appropriate location/s.
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.

Provision of Arboricultural Impact Assessment Report

16. 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

17. 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 :

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised
 - d) include a key describing all tree protection measures to be utilised.
18. 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.
 19. 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.
 20. Any pruning that is required to be done to the canopy of any tree to be retained (Tree 1 and 3) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (Tree 1 and 3) is to be done by hand by a qualified Arborist.

Street tree protection

21. 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 to as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
22. 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 above-mentioned street trees 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.

23. Root pruning within the TPZ (Tree Protection Zone)

Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.

All affected roots must be correctly pruned according to AS 4373-2007.

Construction Management Plan

24. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):

- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
- b) works necessary to protect road and other infrastructure
- c) remediation of any damage to road and other infrastructure
- d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
- e) facilities for vehicle washing, which must be located on the land
- f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
- g) site security
- h) management of any environmental hazards including, but not limited to:
 - i. contaminated soil and ground water
 - ii. materials and waste
 - iii. dust
 - iv. stormwater contamination from run-off and wash-waters
 - v. sediment from the land on roads
 - vi. washing of concrete trucks and other vehicles and machinery
 - vii. spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k) parking facilities for construction workers
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services

- n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p) include details of bus movements throughout the precinct during the construction period
- q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - i. using lower noise work practice and equipment
 - ii. the suitability of the land for the use of an electric crane
 - iii. silencing all mechanical plant by the best practical means using current technology
 - iv. fitting pneumatic tools with an effective silencer
 - v. other relevant considerations
 - vi. any site-specific requirements

During the construction:

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

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

Waste Management Plan

25. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
- a) dimensions of storage waste areas
 - b) storm water drains in storage areas should be fitted with a litter trap

- c) the number and size of bins to be provided
- d) facilities for bin cleaning
- e) method of waste and recyclables collection
- f) types of waste for collection, including colour coding and labelling of bins
- g) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
- h) method of hard waste collection.
- i) method of presentation of bins for waste collection
- j) sufficient headroom within the basement to accommodate waste collection vehicles
- k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
- l) strategies for how the generation of waste and recyclables will be minimised
- m) compliance with relevant policy, legislation and guidelines.

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.

Public Realm Improvement Plan

26. 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 Adamson Street
- b) the new or upgraded vehicle crossovers and roads/laneways
- c) new street tree plantings
- d) new street furniture, including seats, rubbish bins, etc.
- e) new bicycle parking facilities
- f) 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
- g) the relocation of any existing street parking signs to align with any new vehicle crossings or removed vehicle crossings
- h) new public lighting within the Adamson Street
- i) the undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the site
- j) 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.

Traffic and Car Parking Management Plan

27. Prior to the endorsement of plans pursuant to Condition 1, a Traffic and 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. The plan must include:
- a) all car parking space and aisles designed in accordance with AS2890.1
 - b) car parking allocated and sign posted/marked in accordance with the minimum proportions below specified by Clause 52.06 of the Planning Scheme, or as otherwise agreed by the responsible authority (subject to appropriate justification being provided) as follows:
 - i. resident parking: 34 spaces
 - ii. visitor parking: 2 spaces
 - iii. the location of visitor car parking in the basement to be grouped together near the main lift lobby
 - c) access controls to enable convenient visitor and emergency vehicle access to the basement, including widening of the access ramp from Mair Street to facilitate an intercom and 500mm wide (min) traffic island with 3.0m wide traffic lanes either side
 - d) signage and line marking including:
 - e) staff, visitor and resident parking to be distinguished with clear signage and line marking
 - f) wayfinding signage to guide visitors to the visitor parking area
 - g) signage to improve safety in respect of interaction between vehicles and pedestrians
 - h) disabled bay markings and bollard/s
 - i) signage and line marking to provide for management of vehicle movements, including the one lane sections
 - j) the car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separately from the development for any reason without the written consent of the Responsible Authority.

Development Contribution

28. 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

29. 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.
30. 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.

31. 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.
32. 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

33. 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 would be supportive of the applicant and/or owner making a tax deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- The applicant to provide 14 days' notice for building clearance pruning to be arranged by Bayside's Open Space Arborists.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.
 - Ground Floor – Units 1-7/5 Adamson Street BRIGHTON 3186
 - Level 1 – Units 101-107/5 Adamson Street BRIGHTON 3186
 - Level 2 – Units 201-204/5 Adamson Street BRIGHTON 3186

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

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

- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- 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

It is recorded that Cr Castelli was not present in the meeting during debate or when the vote was taken on the above item.

Cr Castelli returned to the meeting at 7.13 pm.

**4.5 3/14 MARY AVENUE, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/518/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/58453

It is recorded that Ms Kim Moi Ng submitted a written statement and spoke for two minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Evans OAM

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 **2021/518/1** for the land known and described as **3/14 Mary Avenue, Highett**, for the **extension of one dwelling on a lot less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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 but modified to show:
 - a) demonstration of full compliance in accordance with Standard A15 (Overlooking) of the Bayside Planning Scheme, and/or the provision of screening in accordance with Condition 6
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 A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Permit Expiry

8. 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

**4.6 26-28 CRISP STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/715/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/69643

It is recorded that Cr Laurence Evans declared a General Conflict of Interest in this item. Cr Evans left the meeting at 7.33 pm.

It is recorded that Mr James Hodges, and Mrs Denise Hodges each submitted a written statement in relation to this item.

It is recorded that Mr Will Leaf (on behalf of Crisp Street Pty Ltd) registered to speak though did not attend the meeting. It is further recorded that Mr Jon Brock spoke for two minutes in relation to this item.

Moved: Cr Stitfold

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 **2021/715/1** for the land known and described as **26-28 Crisp Street, Hampton**, for the **construction of a three-storey building consisting of seventeen (17) apartments with basement car parking** 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 Ewert Leaf, referenced TP000 – TP903, dated 5/11/2021, but modified to show:
 - a) internal fencing between private open space to include height annotations, and be no less than 1.7m in height in accordance with Standard B23
 - b) location of all plant and equipment, including hot water services and air conditioners etc.
 - c) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - d) a Sustainable Design Assessment in accordance with Condition 13
 - e) a Landscaping Plan in accordance with Condition 14
 - f) a Tree Protection Management Plan in accordance with Condition 17
 - g) a Waste Management Plan in accordance with Condition 25
 - h) a Car Parking Management Plan in accordance with Condition 26
 - i) an Acoustic report in accordance with Condition 27
 - j) provision of the development contributions fee in accordance with Condition 32
 - k) details of specific treatment along the southwest building façade (the railway interface) to deter and/or prevent vandalism by way of graffiti or

any other means. Such treatment should include an anti-graffiti surface and/or specific landscaping treatment along this interface (in conjunction with VicTrack)

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. 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. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
11. 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.
12. 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 and in accordance with Standard D20 of Clause 58 of the Bayside Planning Scheme.

Sustainable Design Assessment

13. 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/m²
 - 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
 - t. provision of green walls / vertical gardens
- all to the satisfaction of the Responsible Authority.

Landscaping

14. 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 GreenJoy, Revision E, dated November 2021, and the Bayside Landscape Guidelines, 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) where practicable, the inclusion of green walls at appropriate locations
 - g) planting schedule to be a minimum of 80% indigenous species
15. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

17. 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

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.
18. All actions and measures identified in the Tree Protection Management Plan must be implemented.
 19. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Protection Management Plan must be submitted to the Responsible Authority.
 20. 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

21. Soil excavation must not occur within **3** metres from the edge of the Eucalyptus leucoxylon megalocarpa (Pink Yellow Wood) street tree asset's stem at ground level.
22. 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.
23. 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.

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

Waste Management Plan

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

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

Car Parking Management Plan

26. 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. The plan must be generally in accordance with the basement floor plan TP-150, Rev.A, but must include:
- a) allocation of parking spaces to each unit, and annotation of visitor parking locations, with details of signing and/or line marking to satisfaction of Council
 - b) the dimensions for all tandem parking spaces shown to comply with Planning Scheme to the satisfaction of Council
 - c) all car spaces that abut a wall on one side to have an extra 300mm width in accordance with AS2890.1
 - d) all column locations within the basement to be annotated in accordance with AS2890.1 to the satisfaction of Council

- e) all grades and levels along both edges of the curved area of the top of the ramp to be annotated in accordance with AS2890.1
- f) the clear ramp width to be annotated on the plan, and to be no less than 3.6m wide, in accordance with AS2890.1)
- g) a minimum 2.2m headroom provided at the entrance to the basement and throughout, in accordance with AS2890.1, and also to allow garbage collection to vehicle access
- h) inclusion of a 'stop-go' signals system to be installed for the ramp prioritising vehicles entering from the street, to the satisfaction of the Council. The associated infrastructure is to be installed completely within the site.

Acoustic Report

27. Prior to the endorsement of the plans pursuant to Condition 1, an acoustic report must be submitted to and approved by the Responsible Authority to demonstrate how the dwellings will be acoustically treated to minimise noise transmission from the adjacent land uses to the satisfaction of the Responsible Authority.

Construction Management Plan

28. Prior to commencement of any building works and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):
- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
 - b) works necessary to protect road and other infrastructure
 - c) remediation of any damage to road and other infrastructure
 - d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
 - e) facilities for vehicle washing, which must be located on the land
 - f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
 - g) site security
 - h) management of any environmental hazards including, but not limited to:
 - i contaminated soil and ground water
 - ii materials and waste
 - iii dust
 - iv stormwater contamination from run-off and wash-waters
 - v sediment from the land on roads
 - vi washing of concrete trucks and other vehicles and machinery

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

During the construction:

- r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines
- s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system

- t) vehicle borne material must not accumulate on the roads abutting the land
- u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads
- v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

Drainage

- 29. 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.
- 30. 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.

- 31. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Development Contribution

- 32. 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.

Permit Expiry

- 33. 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 vehicle crossing application will be approved, the applicant must pay \$13,970.54 to the Responsible Authority for the removal and replacement of the existing street trees (Asset No, 426849 & 426848). 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- In accordance with the Bayside Planning Scheme, a public open space contribution will apply in the event of the subdivision of the land.
- Council would be supportive of the applicant and/or owner making a tax deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.

CARRIED

It is recorded that Cr Evans was not present in the meeting during debate or when the vote was taken on the above item.

Cr Evans returned to the meeting at 7.42 pm.

**4.7 25 MARY AVENUE, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/610/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/70212

It is recorded that Mr Peter Wright submitted a written statement and spoke for two minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Evans OAM

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 **2021/610/1** for the land known and described as **25 Mary Avenue, Highett**, for the **construction of three (3) dwellings on a lot and a front fence exceeding 1.2 metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by Peter Wright Architects referenced 21-4785, dated November 2021 and revision C but modified to show:
 - a) mailboxes to all dwellings to be notated on the ground floor plan
 - b) a minimum 800mm separator to be provided to the combined crossover in between the driveways to Dwelling 1 and 2
 - c) the reconfiguration or relocation of the speed hump on Middleton Street to the satisfaction of the Responsible Authority at the full cost of the owner and in accordance with plans prepared and approved by Council
 - d) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - e) a Sustainable Design Assessment in accordance with Condition 9
 - f) a Landscaping Plan in accordance with Condition 10
 - g) a Tree Management and Protection Plan in accordance with Condition 13
 - h) provision of the development contributions fee in accordance with Condition 21all 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/m²
 - 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
 - t) provision of green walls / vertical gardens
- 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 Faulkner & Chapman Landscape Design, reference 25MaryLP, dated 24/11/2021 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
 - 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) where practicable, the inclusion of green walls at appropriate locations
 - g) planting schedule to be a minimum of 80% indigenous species.
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 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.
14. 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.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
16. 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

17. Soil excavation must not occur within 2.9 metres from the edge of the Melaleuca styphelioides (Prickly-leaved Paperbark) and Fraxinus oxycarpa Raywoodii (Claret Ash) street tree asset's, measured from the edge of the trunk.
18. 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.
19. 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.

20. 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.

Drainage

22. 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.
23. 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.
24. Council records indicate that there is a 3.05m wide drainage and sewerage easement along the North property boundary as indicated on the drawings provided. The plans indicate that a carport and Rainwater Tank shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the responsible Authority/Authorities. The items shall be partially demountable over the easement, and ensure the continuation of Council rights of drainage.

Permit Expiry

25. 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 – 25 Mary Avenue HIGHETT 3190
 - Central Dwelling – 1A Middleton Street HIGHETT 3190
 - Northern Dwelling – 1B Middleton Street HIGHETT 3190

- For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.

CARRIED

**4.8 8 COOKE STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/448/1 WARD: EDBEN**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/70216

It is recorded that Mr Trevor Ludeman (on behalf of KATDESIGN P/L) spoke for two minutes in relation to this item.

Moved: Cr Evans OAM

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 **2021/448/1** for the land known and described as **8 Cooke Street, Sandringham**, for the **construction of (3) three dwellings on a lot and a front fence exceeding 1.2 metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by KatDesign referenced 21, date May 2020 and revision number C but modified to show:
 - a) internal fencing 1.8 metres in height between areas of secluded private open space to be nominated on the ground floor
 - b) a Sustainable Design Assessment in accordance with Condition 9
 - c) a Landscaping Plan in accordance with Condition 10
 - d) a Tree Management and Protection Plan in accordance with Condition 13
 - e) provision of the development contributions fee in accordance with Condition 21all 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/m²
 - 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
 - t) provision of green walls / vertical gardens
- 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 drawn by unknown territory, reference 2153, dated 26/09/2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) the *Waterhousia floribunda* within the front setback to be replaced with an indigenous specie that is capable of reaching a minimum height of 12 metres at maturity
 - b) the three (3) *Tristaniopsis laurina* to be replaced with an indigenous species that is capable of reaching a minimum height of 8 metres at maturity
 - 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
 - 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) where practicable, the inclusion of green walls at appropriate locations
 - i) planting schedule to be a minimum of 80% indigenous species.
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 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.
14. 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.
 15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
 16. Any pruning that is required to be done to the canopy of any tree to be retained (Brush Cherry (*Syzygium australe*)) 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 (Brush Cherry (*Syzygium australe*)) is to be done by hand by a qualified Arborist.

Street tree protection

17. Soil excavation must not occur within 2.5 metres from the edge of the *Photina robusta* street tree asset's stem at ground level.
18. 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.
19. 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.

20. 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.

Drainage

22. 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.
23. 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.
24. Council records indicate that there is a 1.83m wide 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.

Permit Expiry

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

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

Permit Notes:

- 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 (Front) Dwelling – 8A Cooke Street SANDRINGHAM 3191
 - Southern (Rear) Dwelling – 1/8B Cooke Street SANDRINGHAM 3191
 - Northern (Rear) Dwelling – 2/8B Cooke Street SANDRINGHAM 3191
- For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.

CARRIED

**4.9 8 AND 10 LINACRE ROAD, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/331/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/21/9091 – Doc No: DOC/22/74649

It is recorded that Mr Ian and Mrs Julie Spence, Mr Michael Vanderheide, Ms Emily Spence, Dr Rebecca Vanderheide, Mr Tony Batt (on behalf of Hampton Neighbourhood Association), Ms Loredana Cook, Mr Robert and Mrs Jennifer Beattie, Mr Alan White, Mr Haydn Kelly and Ms Gabriele Buzatu, and Mr John McInerney each submitted a written statement in relation to this item.

It is recorded that Mr Gino Roussety, Mr John McInerney, Ms Gabriele Buzatu, Ms Fiona Cole, Mr John Topp, Ms Melissa Alessandrini, Mr Daniel Bowden, Mr Paul Little (on behalf of 10 Linacre Road Pty Ltd) each spoke for two minutes in relation to this item.

Moved: Cr Stitfold

Seconded: Cr Evans OAM

Part A

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2021/331/1** for the land known and described as **8 and 10 Linacre Road, Hampton** for the **construction of a three (3) storey building over three (3) levels of basement containing thirty-five (35) apartments and the use of a medical centre in a General Residential Zone Schedule 2 (GRZ2) and buildings and works in a Design and Development Overlay Schedule 12 (DDO12)** for the following reasons:

- 1) The development is considered an overdevelopment for Precinct E (Residential Precinct) of the Hampton Activity Centre.
- 2) The proposal fails to respect the existing/preferred neighbourhood character of the area and fails to respond to the preferred character strategies as well as the general strategies and objectives of Clause 15.01-5L (Neighbourhood Character, Precinct F1) of Bayside Planning Scheme, on the following grounds:
 - a) The proposal fails to adequately respond to the site context in regard to the lack of appropriate deep soil landscaping and insufficient building setbacks.
 - b) The proposal fails to provide a variety of building materials and finishes or visual interest which creates visual dominance to the streetscape.
 - c) The design response fails to have appropriately considered the residential character of the area and the intended landscaped and vegetated character objectives of the DDO12.
 - d) The proposal does not conserve or enhance the valued urban character of Linacre Road and its heritage places.
 - e) The proposed front setback is inappropriate and the loss of front garden space is excessive.
 - f) The proposal fails to recess second storey elements from the front façade.
 - g) Upper levels are excessive and produce inappropriate bulk when viewed from adjoining properties.

- h) The proposal fails to site buildings to create the appearance of space between buildings and accommodate substantial vegetation throughout the site.
 - i) The scale of the development fails to respect the identified heritage features of the neighbourhood and the development outcomes on adjoining properties.
 - j) The proposal does not adequately respond to the topography of the site and features of the area.
 - k) Landscaping outcomes within private open space at ground level are insufficient to accommodate appropriate deep soil planting zones and are heavily paved.
- 3) The proposal does not adequately respond to the objectives of the Design and Development Overlay Schedule 12.
- 4) The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
- a) Standard B8 (site coverage) – the site coverage variation unreasonably impacts the amenity of adjoining properties by way of visual bulk and is not in keeping with the existing or preferred neighbourhood character.
 - b) Standard B17 (side and rear setbacks) – the proposed side setback variations will unreasonably impact the amenity of adjoining properties by way of visual bulk and are not in keeping with the existing or preferred neighbourhood character.
 - c) Standard B29 (Solar Access to Open Space) – Apartment 2.06 does not provide private open space with sufficient solar access which results in poor amenity for future occupants.
 - d) Standard B46 (Functional Layout) – 22 of the proposed dwellings provide living areas with dimensions less than the minimum required by this standard and will result in poor internal amenity for future occupants.
- 5) The proposal fails to comply with the objectives and decision guidelines of Clause 43.02 (Design and Development Overlay Schedule 12) due to the second-floor front setback variation is significantly less than the required 4 metres.

Part B

That Council engages appropriate Legal Counsel and expert witnesses should the matter be appealed to the Victorian Civil and Administrative Tribunal.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin, Sonia Castelli and Fiona Stiffold (5)
 AGAINST: Nil (0)

CARRIED

**4.10 UNIT 201-202/43 WILLIS STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/500/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/78725

It is recorded that Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association), Mr Des Bastin, Mr Robert Blair, and Mr Francis Leipper & Ms Sheila O'Shea each submitted a written statement in relation to this item.

It is recorded that Ms Sheila O'Shea (also on behalf of Mr Robert Blair and Mr Francis Leipper), Mr Geoff Halse (on behalf of Mr Des Bastin; and Mr Brian & Mrs Susette O'Flynn), Mr Kerry O'Brien (also on behalf of Ms Mary O'Brien), and Mr Michael Myer each spoke for two minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Martin

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 **2021/500/1** for the land known and described as **Unit 201-202/43 Willis Street Hampton** for the **construction of two (2) roof decks above the third storey in the Design and Development Overlay – Schedule 12 (DDO12) and the General Residential Zone – Schedule 2 (GRZ2)** for the following reasons:

1. The proposal fails to respect the preferred character strategies of Clause 15.01-5L (Neighbourhood Character, Precinct E3) of Bayside Planning Scheme.
2. The proposal fails to comply with the objectives and decision guidelines of Clause 43.02 (Design and Development Overlay 12) of the Bayside Planning Scheme.

CARRIED

**4.11 111 CARPENTER STREET, BRIGHTON
SUPPORT THE GRANT OF A PERMIT
APPLICATION 2021/287/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: DD005.2021.00000287.001 – Doc No: DOC/22/95521

It is recorded that Mr Danny Hahesy (on behalf of DH Planning) spoke for two minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council resolves, to advise the Tribunal and all parties that it **Supports the Grant of a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2021/287/1** for the land known and described as **111 & 113 Carpenter Street, Brighton**, for the **construction of five (5) triple storey dwellings and two (2) double storey dwellings (seven (7) dwellings) in a General Residential Zone Schedule 3 (GRZ3), Design and Development Overlay Schedule 10 (DD10), Special Building Overlay (SBO) and Heritage Overlay (HO707)** 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 Megowan Architectural referenced Job number J122, TP01- TP25 and date 10 March 2022 but modified to show:
 - a) surveyed surface levels within the southern boundary setback to Australian Height Datum (AHD) to demonstrate that the setbacks are maintained at the existing natural surface levels
 - b) all openings to the basement shown no lower than 11.5m to AHD.
 - c) the landing of the fire egress stair to the basement shown no lower than 11.5m to AHD and stairs open with no vertical risers
 - d) elevation & section plans amended to denote the flood level of 11.2m to AHD
 - e) drawing TP22 'Open Space in SBO area' annotation amended to solid dividing fences sitting on top of decking and above floor level, no lower than 11.2m to AHD
 - f) drawing TP17 'TP section – North – South' denoting the sill of the highlight window set no lower than 11.5m to AHD
 - g) site and elevation plans deleting the masonry walls surrounding the MFB Booster & Services area within the eastern setback (with the exception of the Letter Box wall on the boundary)
 - h) lighting along the proposed pedestrian path along the southern boundary
 - i) location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties

- j) heights of all internal fencing to be annotated
- k) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
- l) a Landscaping Plan in accordance with Condition 11 of this permit
- m) a Tree Management and Protection Plan in accordance with Condition 14 of this permit
- n) a Waste Management Plan in accordance with Condition 20 of this permit
- o) provision of the development contributions fee in accordance with Condition 21 of this permit

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

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

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

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

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan submitted with the application and identified as identified as Job number 21-140-L, prepared by John Patrick Landscape Architects Pty Ltd and dated 14 July 2021. The plan must show:
 - a) amended design changes of development prepared by *Megowan Architectural* referenced *Job number J122, TP01- TP25 and date 10 March 2022*
 - 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
 - g) where practicable, the provision of green wall(s) at appropriate locations
 - h) canopy trees in the following locations and to the minimum mature heights:
 - two within the front setback with a minimum mature height of 8 metres
 - one within the Secluded Private Open Space of each dwelling with a minimum mature height of 8 metres.
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. 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:

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

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.

Waste management

20. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection and include:
- a) dimensions of storage waste areas
 - b) storm water drains in storage areas should be fitted with a litter trap
 - c) the number and size of bins to be provided
 - d) facilities for bin cleaning
 - e) method of waste and recyclables collection
 - f) types of waste for collection, including colour coding and labelling of bins
 - g) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
 - h) method of hard waste collection
 - i) method of presentation of bins for waste collection
 - j) sufficient headroom within the basement to accommodate waste collection vehicles
 - k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
 - l) strategies for how the generation of waste and recyclables will be minimised
 - m) compliance with relevant policy, legislation and guidelines.

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

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.

Melbourne water

22. Finished floor levels of the ground floor dwellings must be set no lower than 11.5 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 11.2m to AHD.
23. The basement driveway must incorporate a flood proof apex set no lower than 11.5m to AHD which is 300mm above the applicable flood level of 11.2m to AHD.
24. All openings to the basement ie. External doors, stairwells, windows, vents and skylights, must be set no lower than 11.5m to AHD.

25. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor, basement apex/landings and natural surface levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor and surface levels have been constructed in accordance with Melbourne Water's requirements.
26. A minimum 40% open space (within the flood affected area) must be maintained at the natural surface level, with no permanent obstructions, such as sheds, water tanks, retaining walls, garden beds, with the exception of open style fences and open and unenclosed decking.
27. All boundary setbacks must be maintained at the existing natural surface level with no permanent obstructions, such as solid ramping/steps, masonry walls and enclosed decking.
28. No filling within the open spaces of the property is permitted, with the exception of ramping within the basement driveway.
29. Ramping for pedestrian access must be constructed in an open style, with no enclosed footings for the passage of overland flows.
30. Boundary fences at the north, east and west must be shown in an open style of construction OR timber paling for the passage of overland flows.
31. The front boundary fences and gates abutting Carpenter Street, must be of an open style of construction (50% openings) for the passage of overland flows.
32. The Services areas within the east of the site must only be enclosed with open style (50% open) battens/fences and gates. No masonry walls are permitted with the exception of the eastern section of boundary wall containing the letter boxes.
33. All internal fences separating each dwelling, must be maintained on raised, unenclosed decking, set no lower than the applicable flood level of 11.2m to AHD for the passage of overland flows.

Construction Management Plan

34. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit, a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):
 - a. a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
 - b. works necessary to protect road and other infrastructure
 - c. remediation of any damage to road and other infrastructure
 - d. containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
 - e. facilities for vehicle washing, which must be located on the land
 - f. the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
 - g. site security
 - h. management of any environmental hazards including, but not limited to:

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

During the construction:

- r. any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines
- s. stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system

- t. vehicle borne material must not accumulate on the roads abutting the land
- u. the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads
- v. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

Permit Expiry

35. 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/

4.12 STATUTORY PLANNING - MONTHLY REPORT (FEBRUARY 2022)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/79949

Moved: Cr Castelli

Seconded: Cr Martin

That Council resolves to

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during February 2022.

CARRIED

NOTE: Item 4.12 was **CARRIED** as part of a block motion.

4.13 7 MULGOA STREET, BRIGHTON NOMINATION FOR SIGNIFICANT TREE REGISTER

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/87610

It is recorded that one anonymous written statement was received in relation to this item.

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council resolves to refuse the application for significant tree status for a Norfolk Island Pine (*Araucaria heterophylla*) located on the south boundary at 7 Mulgoa Street, Brighton and writes to the nominator and tree owner to inform them of Council's decision.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor) and Sonia Castelli (2)
 AGAINST: Crs Laurence Evans OAM, Clarke Martin and Fiona Stitfold (3)

LOST

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Norfolk Island Pine (*Araucaria heterophylla*), located on the south boundary, at 7 Mulgoa Street, Brighton
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

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

DIVISION: **FOR:** Crs Laurence Evans OAM, Clarke Martin and Fiona Stitfold (3)
 AGAINST: Crs Alex del Porto (Mayor) and Sonia Castelli (2)

CARRIED

**4.14 2 HAMMOND STREET, BRIGHTON
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/87762

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Lemon Scented Gum (*Corymbia citriodora*) tree, located on the south boundary, at 2 Hammond Street, Brighton
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

CARRIED

NOTE: Item 4.14 was **CARRIED** as part of a block motion.

**4.15 135 NEW STREET, BRIGHTON
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/87898

It is recorded that Cr Sonia Castelli declared a General Conflict of Interest in this item. Cr Castelli left the meeting at 8.59 pm.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. grants significant tree status for a Canary Island Date Palm (*Phoenix canariensis*), located on the south-east corner at 135 New Street, Brighton
2. includes the nominated palm on to Council's Significant Tree Register
3. writes to the nominator and palm owner to inform them of Council's decision.

CARRIED

It is recorded that Cr Castelli was not present in the meeting during debate or when the vote was taken on the above item.

Cr Castelli returned to the meeting at 8.59 pm.

**4.16 10 WORTHING ROAD, HIGHETT
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/88207

It is recorded that Mr Danny Hahesy of DH Planning (on behalf of Worthing Highett Family Trust) submitted a written statement and spoke for two minutes in relation to this item.

Moved Cr Castelli

Lapsed for want of a Seconder

That Council resolves to refuse the application for significant tree status for a Lemon Scented Gum (*Corymbia citriodora*) in the rear of 10 Worthing Road, Highett and writes to the nominator and tree owner to inform them of Council's decision.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. grants significant tree status for a Lemon Scented Gum (*Corymbia citriodora*) in the rear of 10 Worthing Road, Highett
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

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

DIVISION: **FOR:** Crs Laurence Evans OAM, Clarke Martin and Fiona Stitfold (3)
 AGAINST: Crs Alex del Porto (Mayor) and Sonia Castelli (2)

CARRIED

**4.17 UNIT 16 / 6 BRIGHT STREET, BRIGHTON EAST
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/88375

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Red Flowering Gum (*Corymbia ficifolia*), located on common property adjacent Unit 16 / 6 Bright Street, Brighton East
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

CARRIED

NOTE: Item 4.17 was **CARRIED** as part of a block motion.

**4.18 58 HODDER STREET, BRIGHTON EAST
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/95000

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Southern Mahogany (*Eucalyptus botryoides*) located in the rear yard of 58 Hodder Street, Brighton East
2. includes the Southern Mahogany (*Eucalyptus botryoides*) located in the rear yard of 58 Hodder Street, Brighton East on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

CARRIED

NOTE: Item 4.18 was **CARRIED** as part of a block motion.

**4.19 57 ABBOTT STREET, SANDRINGHAM
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/95193

It is recorded that Mr Christopher Winchester submitted a written statement in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. grants significant tree status for an English Oak (*Quercus robur*) located in rear yard at 57 Abbott Street, Sandringham
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

CARRIED

**4.20 57 DALGETTY ROAD, BEAUMARIS
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/95209

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Cherry Ballart (*Exocarpos cupressiformis*) in the north set-back at 57 Dalgetty Street, Beaumaris
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

CARRIED

**4.21 9 BLACK STREET, BRIGHTON
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/95555

Moved: Cr Castelli

Lapsed for want of a Seconder

That Council resolves to refuse the application for significant tree status for a Bull Bay Magnolia (*Magnolia grandiflora*) located in south set back of 9 Black Street, Brighton and writes to the nominator and tree owner to inform them of Council's decision.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Bull Bay Magnolia (*Magnolia grandiflora*) located in south set back of 9 Black Street, Brighton
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

CARRIED

**4.23 4 NEPEAN AVENUE, HAMPTON EAST
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/95732

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Golden Elm (*Ulmus glabra* 'Lutescens') in the front setback of 4 Nepean Avenue, Hampton East
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

CARRIED

NOTE: Item 4.23 was **CARRIED** as part of a block motion.

4.24 VINCENT STREET, SANDRINGHAM NOMINATION FOR SIGNIFICANT TREE REGISTER (STREET TREES)

City Planning and Amenity - Amenity Protection
File No: PSF/22/2789 – Doc No: DOC/22/97080

It is recorded that Ms Susanne Motherwell spoke for two minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council:

1. grants significant tree status for a row of Pin Oaks (*Quercus palustris*) (the nominated trees) at on Vincent Street, Sandringham between Bluff Road (east) and Moorabbin Street (west)
2. includes the row of Pin Oaks (*Quercus palustris*) (the nominated trees) at on Vincent Street, Sandringham between Bluff Road (east) and Moorabbin Street (west) on Bayside Council's Significant Tree Register
3. writes to the nominator to inform them of Council's decision and to property owners/residents whose properties are adjacent to the Pin Oaks (*Quercus palustris*) on Vincent Street, Sandringham between Bluff Road (east) and Moorabbin Street (west) to inform them of the status of the trees.

CARRIED

**4.25 DENDY PARK, BRIGHTON
NOMINATION FOR SIGNIFICANT TREE REGISTER (PARK TREE)**

City Planning and Amenity - Amenity Protection
File No: PSF/22/2789 – Doc No: DOC/22/97156

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Maritime Pine (*Pinus pinaster*) at Dendy Park, Brighton adjacent to 8 Sunlight Crescent, Brighton
2. includes the Maritime Pine (*Pinus pinaster*) at Dendy Park, Brighton adjacent to 8 Sunlight Crescent, Brighton on Bayside Council's Significant Tree Register
3. writes to the nominator to inform them of Council's decision and issues a public notice to inform residents on the significant tree status of the Maritime Pine (*Pinus pinaster*) at Dendy Park, Brighton adjacent to 8 Sunlight Crescent, Brighton.

CARRIED

NOTE: Item 4.25 was **CARRIED** as part of a block motion.

**4.26 ELSTERNWICK PARK, BRIGHTON
NOMINATION FOR SIGNIFICANT TREE REGISTER (PARK TREE)**

City Planning and Amenity - Amenity Protection
File No: PSF/22/2789 – Doc No: DOC/22/97172

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Sugar Gum (*Eucalyptus cladocalyx*) at Elsternwick Park, near the corner of New Street and Rusden Street, Brighton
2. includes the Sugar Gum (*Eucalyptus cladocalyx*) at Elsternwick Park, near the corner of New Street and Rusden Street, Brighton on Bayside Council's Significant Tree Register
3. writes to the nominator to inform them of Council's decision and issues a public notice to inform residents of the significant tree status for the Sugar Gum (*Eucalyptus cladocalyx*) at Elsternwick Park, near the corner of New Street and Rusden Street, Brighton.

CARRIED

NOTE: Item 4.26 was **CARRIED** as part of a block motion.

**4.27 20 NEW STREET, BRIGHTON
NOMINATION FOR SIGNIFICANT TREE REGISTER (STREET TREE)**

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/2789 – Doc No: DOC/22/97899

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Petticoat Palm (*Washingtonia filifera*) adjacent 20 New Street, Brighton
2. includes the Petticoat Palm (*Washingtonia filifera*) adjacent 20 New Street, Brighton on Bayside Council's Significant Tree Register
3. writes to the nominator to inform them of Council's decision and issues a public notice to inform residents of the significant tree status of the Petticoat Palm (*Washingtonia filifera*) adjacent 20 New Street, Brighton.

CARRIED

NOTE: Item 4.27 was **CARRIED** as part of a block motion.

**4.28 29 SEYMOUR GROVE, BRIGHTON
NOMINATION FOR SIGNIFICANT TREE REGISTER (STREET TREE)**

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/2789 – Doc No: DOC/22/98078

Moved: Cr Castelli

Seconded: Cr Martin

That Council:

1. grants significant tree status for a row of Sugar Gum (*Eucalyptus cladocalyx*) adjacent to 29 Seymour Grove, Brighton
2. include the Sugar Gum (*Eucalyptus cladocalyx*) adjacent to 29 Seymour Grove, Brighton on Bayside Council's Significant Tree Register
3. writes to the nominator to inform them of Council's decision and issues a public notice to inform residents of the significant tree status of the Sugar Gum (*Eucalyptus cladocalyx*) adjacent to 29 Seymour Grove, Brighton.

CARRIED

NOTE: Item 4.28 was **CARRIED** as part of a block motion.

The Chairperson declared the meeting closed at 9.21pm.