

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 10 May 2022
at 6:30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Moullem (Deputy Mayor)

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

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance
John Coates – Manager Amenity Protection
Fiona Farrand – Manager Development Services
Felicity Barclay – Statutory Planning Coordinator
Sarah Collins – Statutory Planning Coordinator
Robert Lamb – Governance Officer

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Prayer

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The Chairperson 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 Stiffold 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 Castelli read the acknowledgement of the original inhabitants of this land.

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of Conflict of Interest of any Councillor

Item 4.8 – Cr Evans declared a General Conflict of Interest in this item given he resides adjacent to the subject property.

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 12 April 2022.

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 12 April 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 LOCAL LAW TREE REMOVAL APPLICATION 13 MARIEMONT AVENUE, BEAUMARIS

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/131286

It is recorded that Mr Timothy (Nigel) Houghton submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers issue a Local Law tree removal permit for the Cypress (*Cupressus glabra*) located 1m from the west boundary and approximately 1m from the south boundary of 13 Mariemont Avenue, Beaumaris.
2. that any such permit includes the following condition:
planting of one native tree capable of reaching a minimum height of 15m and minimum canopy width of 8m at maturity.

CARRIED

4.2 LOCAL LAW TREE REMOVAL APPLICATION 48 MOREY ROAD, BEAUMARIS

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/117343

Moved: Cr Samuel-King MBBS

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers issue a Local Law tree removal permit for the Monterey Cypress (*Hesperocyparis macrocarpa*) located 12m from the east boundary and 115m from the south boundary of 48 Morey Road, Beaumaris
2. that any such permit includes the following condition:
 - a. planting of three indigenous trees capable of reaching a minimum height of 20m and minimum canopy width of 15m at maturity.

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

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

LOST

Moved: Cr Evans OAM

Seconded: Cr del Porto (Mayor)

That Council resolves:

1. that delegated officers issue a Local Law tree pruning permit for the Monterey Cypress (*Hesperocyparis macrocarpa*) located 12m from the east boundary and 115m from the south boundary of 48 Morey Road, Beaumaris – to reduce risk
2. that any such permit includes the following condition:
 - a. *planting of three indigenous trees capable of reaching a minimum height of 20m and minimum canopy width of 15m at maturity in proximity of the Monterey Cypress (*Hesperocyparis macrocarpa*) to the satisfaction of Council's delegated officers*
3. that the health and structural integrity of the Monterey Cypress (*Hesperocyparis macrocarpa*) is reviewed by Council's Arborist and that Council receives further recommendations on the tree's viability after 12 months.

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

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

CARRIED

4.3 90 OUTER CRESCENT, BRIGHTON NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT APPLICATION 1989/315/3 WARD: DENDY

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/102280

It is recorded that Mr Jon Manning, Mr David Brewer, and Mr Mac Lemon each spoke for two minutes in relation to this item.

Moved: Cr Castelli

Lapsed for want of a Seconder

That Council resolves to issue a Notice of Decision to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 1989/3158/3 for the land known and described as 90 Outer Crescent, Brighton for the erection of a gymnasium in accordance with the endorsed plans and subject to the following conditions:

1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plan shall not be altered or modified (whether or not in order to comply with any statute, statutory rule or bylaw or for any other reason) without the consent of the responsible authority.
2. The surface of the land shall be so treated as to prevent loss of amenity of the neighbourhood by emission of dust and the discharge of drainage and, where appropriate, protective means shall be installed to prevent damage to fences of adjoining properties.
3. Drains of adequate capacity having an outfall to an established drainage system from all roofs and paved areas, constructed in accordance with a design approved by the City Engineer, shall be provided.
4. SPECIAL WARNING: Pursuant to Section 68 of the Planning and Environment Act 1987, this permit shall expire if the development is not completed within two years of the date of issue of this permit. Application for extension of this period may be made before the permit expires or within three months after this expiry date.
5. Noise emanating from the gymnasium shall not exceed the ambient background level by more than 5dB when measured within 3.6m from the outside wall of the nearest dwelling.
6. Unless otherwise agreed in writing, the hours of operation of the gymnasium be limited to the following:
 - 7.00am to 8:00pm Monday to Friday
 - 7.00am to 6.00pm Saturday
 - 7.00am to 5.00pm Sunday.
7. No vehicular or pedestrian access shall be provided to the school site from Cadby Street.
8. A maximum of 20 patrons are to be present at the gymnasium between 6:00pm and 8:00pm Monday to Friday and between 7:00am and 5:00pm Sunday.
9. The gate to the onsite car park (accessed via Grosvenor Street) must be left open and the car park must be accessible for patrons during the operation hours of the gymnasium.

10. A direction sign must be placed at the entrance of the gymnasium stating that onsite carpark is accessible for patrons of the gymnasium.

PART B:

That Council's Traffic Team undertake investigations into car parking management arrangements within Cadby Street, Brighton to determine what alternative arrangements could be implemented to manage the increasing parking congestion and potential parking impacts, including but not limited to:

- time restrictions; and/or
- permit zone for residents.

The investigations must include parking surveys and community engagement.

Moved: Cr del Porto (Mayor)

Seconded: Cr Samuel-King MBBS

That Council resolves to issue a Notice of Decision to Refuse to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 1989/315/3 for the land known and described as 90 Outer Crescent, Brighton, for the erection of a gymnasium for the following reasons:

- 1) Pursuant to Clause 13.07-1L of the Bayside Planning Scheme, the application fails to demonstrate that the objectives of the Discretionary Uses in Residential Areas Policy are met, in particular by:
 - a) failing to ensure that the use does not adversely affect residential amenity by way of additional noise
 - b) failing to ensure that adequate provision is made for on-site parking
 - c) failing to ensure that the traffic generated by the use is appropriate to the locality.
- 2) The application has failed to demonstrate that the proposed extended hours of use of the gymnasium would preserve the amenity of neighbours with respect to noise, traffic and parking, contrary to Clause 32.09 of the Bayside Planning Scheme.
- 3) Pursuant to Clause 65.01 of the Bayside Planning Scheme, the application fails to demonstrate that there would be no unreasonable impact on traffic flows, the amenity of the area or the orderly planning of the area.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Jo Samuel-King MBBS and Hanna El Moullem (Deputy Mayor) (3)

AGAINST: Crs Laurence Evans OAM, Clarke Martin, Sonia Castelli and Fiona Stiffold (4)

LOST

**4.4 21 CANBERRA GROVE, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/685/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/104480

It is recorded that Mr Andy Mclean (for Mills Gorman Architects) spoke for two minutes in relation to this item.

Moved: Cr Samuel-King MBBS

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 2021/685/1 for the land known and described as 21 Canberra Grove, Brighton East for the construction of two dwellings on a lot and construction of a front fence exceeding 1.2 metres in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans prepared by Mills Gorman Architects referenced TP05, TP05.1, TP05.2, TP06, TP06-1, TP06-2, TP10, date 8/11/2021 and revision number A but modified to show:
 - a) the first floor northern side setback associated with Dwelling 1's bed 2 and bed 3 increased from 2.5m to 3m
 - b) the front fence maximum height reduced to 1.8m high
 - c) the pool equipment associated with both dwellings to be acoustically baffled
 - d) the second car space associated with Dwelling 2 be shown in the driveway
 - e) a Sustainable Design Assessment in accordance with Condition 10
 - f) a Tree Management and Protection Plan in accordance with Condition 13
 - g) provision of the development contributions fee in accordance with Condition 22all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to

the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/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 where practicable
- all to the satisfaction of the Responsible Authority.

Landscaping

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 Protection Management Plan

13. 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 stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
14. All actions and measures identified in the Tree Management Report must be implemented.
 15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

Protection of trees for services

16. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Street tree protection

17. 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 be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
18. 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 2.0 metres of the street tree Acer negundo, asset Id 752058 measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Drainage

19. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
21. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the West property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.

Development Contribution

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

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

Permit Expiry

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

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

Permit Notes:

- Council 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.
- 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 – 21A Canberra Grove BRIGHTON EAST 3187

Northern Dwelling – 21B Canberra Grove BRIGHTON EAST 3187

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

**4.6 15 CLONMORE STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/738/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/117574

It is recorded that Mr Jason Barnfather 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 2021/738/1 for the land known and described as 15 Clonmore Street, Beaumaris for the construction of two dwellings on a lot, including a front fence exceeding 1.2m and removal of native vegetation in a Vegetation Protection Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the amended plans prepared by Harwood Architects referenced PL01 – PL21, dated 22 March 2022, but modified to show:
 - a) deletion of the pergola structure over the deck in the front setback of Dwelling 1
 - b) a schedule of construction materials, external finishes and colours
 - c) a Sustainable Design Assessment in accordance with Condition 10
 - d) a Landscaping Plan in accordance with Condition 11
 - e) a Tree Management and Protection Plan in accordance with Condition 14
 - f) provision of the development contributions fee in accordance with Condition 25

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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/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) where practicable, provision of green walls / vertical gardens at appropriate locations

all to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Wallbrink Landscape Architecture, reference 2195TP1 dated 30/11/2021, and the Bayside Landscaping Guidelines 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. Plantings must be 80% indigenous by species type and count
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways
 - f) where practicable, the inclusion of green walls at appropriate locations.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

14. 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 actions and measures identified in the Tree Management Report must be implemented.
 16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
 17. Any pruning that is required to be done to the canopy the Liquidambar styraciflua 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.

Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Street tree protection

19. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. 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 is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
20. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 3.0 metres of the street trees *Melaleuca linariifolia* (asset ID 473394 & 473393), and 2.5 metres of the street tree *Allocasuarina torulosa* (asset ID 473395), measured from the edge of the trunk.
21. Any installation of services and drainage, or removal of existing crossovers within the TPZ must be undertaken by hand or using root sensitive non-destructive techniques.
22. 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.
 - a) All roots that will be affected must be correctly pruned, in accordance with AS4373-2007 'Pruning of Amenity Trees'.
 - b) Roots greater than 50mm must not be cut unless authorised by Council's Open Space Arborist in writing.

Drainage

23. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
24. 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 Projects Department.

Development Contribution

25. 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

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

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

Permit Notes:

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

The street address allocations are as follows:

Southern Dwelling – 10A McNaught Street BEAUMARIS 3193

Northern Dwelling – 10B McNaught Street BEAUMARIS 3193

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Council records indicate that there is no easement within the property.

CARRIED

**4.7 5 LITTLE AVENUE, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/566/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/112143

It is recorded that Mr Nicholas Robinson, Ms Sharon Charles, Ms Arlene Nicholas, Mr Guarav Gupta each spoke for two minutes in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

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 2021/566/1 for the land known and described as 5 Little Avenue, Hampton East for the construction of three dwellings including a front fence in excess of 1.2 metres in height, in a Special Building Overlay for the following reasons:

- 1) The proposal fails to respond to the existing and preferred neighbourhood character guidelines for the precinct (G1) as set out in Clause 15.01-5L of the Bayside Planning Scheme, on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
- 2) The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B6 (Street Setbacks) – The proposed street setback fails to respect the existing and preferred neighbourhood character.
 - b) Standard B32 (Front Fences) – The proposed 1.5 metre front fence fails to respect the existing and preferred neighbourhood character.

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

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

LOST

Moved: Cr del Porto (Mayor)

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 2021/566/1 for the land known and described as 5 Little Avenue, Hampton East for the Construction of three dwellings including a front fence in excess of 1.2 metres in height, in a Special Building Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans prepared by Arc Zero Pty

Ltd referenced TP01 – TP07, dated 29 November 2021 but modified to show:

- a) the northern living room wall associated with Dwelling 3 to be setback a minimum of 2 metres from the northern boundary
- b) the retention of Tree 6, and any built form changes required to ensure its viability
- c) front fence annotated to be at least 50% open in design
- d) a Sustainable Design Assessment in accordance with Condition 10
- e) a Landscaping Plan in accordance with Condition 11
- f) a Tree Management and Protection Plan in accordance with Condition 14
- g) any changes as required by Melbourne Water in accordance with Conditions 19 to 23
- h) provision of the development contributions fee in accordance with Condition 27

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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the

SDA must be documented appropriately on revised plans. The SDA should include information such as:

- a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/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 where practicable
- all to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the amended landscape plan drawn by Arc Zero Pty Ltd, reference TP11, dated 23 March 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) any built form changes required under Condition 1
 - b) the retention of Tree 6, and any built form changes required to ensure its viability
 - 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
 - j) increased provision of indigenous canopy tree planting and understorey vegetation within the rear setbacks of each dwelling.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

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

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented

- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
15. All actions and measures identified in the Tree Management Report must be implemented.
 16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
 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.

Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Melbourne Water Conditions

19. The dwellings must be constructed with finished floor levels set no lower than 26.96 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 26.66 metres to AHD.
20. The finished floor levels of the proposed garages must be constructed with finished floor levels no lower than 26.66 metres to AHD, which is equivalent to the applicable flood level.

21. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
22. To maintain flood storage, and to allow the passage of floodwaters, imported fill must be kept to a minimum on the property.
23. Any new fencing / gates must be open-style (50% open), or standard timber paling fence, to allow the passage of floodwaters.

Drainage

24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
25. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.
26. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the West property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.

Development Contribution

27. 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

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

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

Permit Notes:

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

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

The street address allocations are as follows:

Southern Dwelling – 5 Little Avenue HAMPTON EAST 3188

Central Dwelling – 7 Little Avenue HAMPTON EAST 3188

Northern Dwelling – 9 Little Avenue HAMPTON EAST 3188

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).
- Melbourne Water sets planning conditions for urban development with reference to the 1% Annual Exceedance Probability flood level (1% AEP). This is the flood level which has a 1% chance of being exceeded in any given year. This property is subject to flooding from the Highett Street Main Drain and has a 1% AEP flood level of 26.66 metres AHD.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the development starts the applicant must pay \$3,748.87 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

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

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

CARRIED

**4.8 66 EDWARD STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/428/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/119395

It is recorded that Cr Evans declared a General Conflict of Interest in this item given he resides adjacent to the subject property. Cr Evans vacated the meeting at 8.54 pm.

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/428/1 for the land known and described as 66 Edward Street, Sandringham for the construction of four dwellings and a front fence that exceeds 1.2m in height on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (amended with Council on 25 February 2022) prepared by Lowe Design and Build referenced 595EDW and revision A but modified to show:
 - a) a schedule of construction materials, external finishes and colours. This schedule must be predominantly light coloured materials
 - b) dimensions showing the garage doors being 5.2m in width
 - c) auto-turn swept path plans demonstrating vehicle access and egress to and from each garage in accordance with AS2890.1
 - d) vehicle sightlines in accordance with Clause 52.06 of the Bayside Planning Scheme
 - e) a Sustainable Design Assessment in accordance with Condition 10
 - f) a Landscaping Plan in accordance with Condition 11
 - g) a Tree Management and Protection Plan in accordance with Condition 14
 - h) provision of the development contributions fee in accordance with Condition 25.
 - i) the front setback of dwelling 1 to be setback not less than 9m from the front boundary
 - j) the first floor setbacks to be made compliant with Standard B17 (side and rear setbacks) of Rescodeall to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is

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

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

Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/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 where practicable
- all to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Faulkner and Chapman Landscape Design, reference 66EdwardLP, dated 7/12/2020 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The amended plan must show:
- a) the updated built form as shown on the amended plans lodged with Council on 25 February 2022
 - b) a minimum of 10 canopy trees (trees with mature heights of 8m or greater) within the front, rear and side setbacks. Trees being retained on the site can count towards this
 - c) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - d) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count

- f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - g) details of surface finishes of pathways and driveways
 - h) where practicable, the inclusion of green walls at appropriate locations
 - i) planting schedule to be a minimum of 80% indigenous species.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

14. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a 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 stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
- d) include a key describing all tree protection measures to be utilised.

15. All actions and measures identified in the Tree Management Report must be implemented.
16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
17. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) 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 (specify particular tree/s) is to be done by hand by a qualified Arborist.

Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Street tree protection

19. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
20. 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.
21. 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.
22. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

23. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
24. 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 Projects Department.

Development Contribution

25. 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

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

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

Permit Notes:

- Council 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.
- 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

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 9.06 pm.

**4.9 21 KIRKWOOD STREET, BEAUMARIS
GRANT A PERMIT
APPLICATION 2021/613/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/112843

It is recorded that Mr Benjamin Volkering and Mrs Marlowe Volkering each spoke for two minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/613/1 for the land known and described as 21 Kirkwood Street, Beaumaris for the construction of two dwellings on a lot and removal of native vegetation in a Vegetation Protection Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans prepared by FIGR Architecture referenced TP0.01 – TP5.01 Rev.A, dated 22/01/2022, but modified to show:
 - a) annotation of tandem parking spaces to each dwelling, with dimensions in accordance with 52.06-9
 - 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 20all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. 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. 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 where practicable
- 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 Marlowe Volkering, reference ID1.02, dated 31/01/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) the area of crushed granite between the pedestrian pathway and driveway (of each dwelling) to include new planting and landscaping to the satisfaction of the Responsible Authority
 - b) deletion of the Silver Princess tree in the front setback, and the addition of three indigenous canopy trees (each capable of reaching at least 8 metres in height) in the front setback
 - c) replacement of the two Gossamer Wattles in the rear setback of Dwelling 1 with two indigenous canopy trees (capable of reaching at least 8 metres in height)
 - d) addition of one indigenous canopy tree (capable of reaching at least 8 metres in height) in the rear setback of Dwelling 2
 - e) 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
 - f) 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
 - g) 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
 - h) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces

- i) details of surface finishes of pathways and driveways
 - j) where practicable, the inclusion of green walls at appropriate locations.
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 Protection Management Plan

13. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

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

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
14. All actions and measures identified in the Tree Management Report must be implemented.

15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
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.

Protection of trees for services

17. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

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 Projects Department.

Development Contribution

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

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

Permit Expiry

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

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

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

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

The street address allocations are as follows:

Western Dwelling – 21A Kirkwood Street BEAUMARIS 3193

Eastern Dwelling – 21B Kirkwood Street BEAUMARIS 3193

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$6,985.27 to the Responsible Authority for the removal and replacement of an existing street tree (Asset No. 431542). This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

CARRIED

**4.10 19–25 DONALD STREET, HIGHETT
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)
APPLICATION 2021/339/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/122859

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves, subject to all other parties to the proceedings consenting, to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2021/339/1 for the land known and described as 19–25 Donald Street, Highett, for the construction of 12 dwellings on a lot and front fence exceeding a height of 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. The plans must be generally in accordance with the plans marked 'Architecture Interiors Landscape', drawing nos. TP04D to TP20D (inclusive), Revision D dated 24 March 2022, but modified to show:
 - (a) a Sustainable Design Assessment in accordance with Condition 10
 - (b) a Landscaping Plan in accordance with Condition 11
 - (c) a Tree Management and Protection Plan in accordance with Condition 14
 - (d) a Construction Management Plan in accordance with Condition 23
 - (e) provision of the development contributions fee in accordance with Condition 26all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and

finished to the satisfaction of the Responsible Authority.

8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - (a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - (b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - (c) preliminary building energy rating certificates that align with plans
 - (d) provision of double glazing to all new windows
 - (e) appropriate shading to all north, east and west facing windows
 - (f) maximum internal lighting density of 4W/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

11. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Architects Pty Ltd, Job No 21-190, drawing nos. TP01C, TP02C, Revision C, dated 29/3/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:

- (a) updated built form in accordance with the development plans endorsed under condition 1
- (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
- (e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces

details of surface finishes of pathways and driveways.

12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

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

Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Street tree protection

19. Soil excavation must not occur within 2 metres from the edge of the any street tree asset's stem at ground level.

20. 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.
21. 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.
22. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Construction Management Plan

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

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

During the construction:

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

strapping) must be disposed of responsibly.

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

Drainage

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

Development Contribution

26. 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

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

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

CARRIED

4.11 STATUTORY PLANNING - MONTHLY REPORT (MARCH 2022)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/119877

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans OAM

That Council resolves to

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

CARRIED

The chairperson declared the meeting closed at 9.35pm