

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 14 June 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 Fiona Stitfold

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance
Fiona Farrand – Manager Development Services
Felicity Barclay – Statutory Planning Coordinator
Michael Kelleher – 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 Chairperson invited Cr Evans 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

The Mayor, Cr del Porto 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

An apology was received from Cr Samuel-King

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans OAM

That the apology of Cr Samuel-King be received for the 14 June 2022 Planning and Amenity Delegated Committee meeting.

CARRIED

2. Disclosure of Conflict of Interest of any Councillor

Item 4.3 – The Mayor, Cr del Porto declared a General Conflict of Interest in this item given he owns a property in close proximity to the subject site.

Item 4.7 – Cr Castelli declared a General Conflict of Interest in this item given her partner owns a bathing box in close proximity to the subject life saving club.

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 10 May 2022.

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans OAM

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 10 May 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 GLEBE STREET, CHELTENHAM NOMINATION FOR SIGNIFICANT TREE REGISTER (STREET TREE)

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing
File No: PSF/22/2789 – Doc No: DOC/22/134621

Moved: Cr Evans OAM

Seconded: Cr del Porto (Mayor)

That Council:

1. grants significant tree status for a Broad-leaved Paperbark (*Melelauca quinquenervia*) adjacent to 36 Glebe Avenue, Cheltenham
2. includes the Broad-leaved Paperbark (*Melelauca quinquenervia*) adjacent to 36 Glebe Avenue, Cheltenham on Council's Significant Tree Register
3. writes to the nominator to inform them of Council's decision and issue a public notice to inform residents the Broad-leaved Paperbark (*Melelauca quinquenervia*) adjacent to 36 Glebe Avenue, Cheltenham of the status of the trees.

CARRIED

**4.2 LOCAL LAW TREE REMOVAL APPLICATION
3 CANNES GROVE, BEAUMARIS**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/133908

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers issue a Local Law tree removal permit for the Liquidambar (Liquidambar styraciflua), located approximately 4m from the east boundary and approximately 10m from the south boundary at 3 Cannes Grove, 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

The Mayor, Cr del Porto declared a General Conflict of Interest in the following item given he owns a property in close proximity to the subject site. The Mayor, Cr del Porto left the Meeting at 6.38 pm.

**4.3 68-76 UNION STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/312/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/131423

It is recorded that Mr Peter Murray submitted a written statement in relation to this item.

It is further recorded that Ms Helen Kotsopolous and Mr Ben Cooke each spoke for 2 minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/312/1 for the land known and described as 68-76 Union Street, Brighton East for the construction of multi dwellings on a lot and a front fence in excess of 1.2m in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (amended) prepared by BG Architecture, job number 20.35, date 15/03/2022 and revision number E but modified to show:
 - a) annotation that internal easement between Nos. 68 and 76 Union Street has been removed and confirmed by relevant authorities
 - b) retention of Tree 7 and associated changes to the front yard of Apartment 1 to enable its retention
 - c) the first floor western setback (associated with Apartment 3) and eastern setbacks (associated with Apartments 13 and 14) amended to comply with Standard B17 under Clause 55 of the Bayside Planning Scheme, without reduction of any other setbacks
 - d) the Union Street front setback to comply with Standard B6 of Clause 55 of the Bayside Planning Scheme
 - e) site coverage to be reduced to 50% in accordance with the Standard B8 of Clause 55 of the Bayside Planning Scheme
 - f) amendments required to ensure the proposed shadow cast will not overshadow the secluded private open space of No. 2/8 Grant Street, Brighton in accordance with Standard B21 under Clause 55 of the Bayside Planning Scheme, without reduction of any other setbacks
 - g) details of the ground floor internal fence height with a minimum of 1.8m measured from finished ground levels

- h) first floor plan (including sectional diagrams or similar) showing the proposed screening/glazing details to each habitable room windows in accordance with Standard B22 and Standard B23 under Clause 55 of the Bayside Planning Scheme
- i) revised Secluded Private Open Space and Private Open Space of TH03-TH06, TH15, 16, 20 and Apartment 05 to have areas in accordance with Standard B28 under Clause 55 of the Bayside Planning Scheme
- j) balcony widths of Apartments 3, 4, 7 and 8 to achieve a minimum dimension of 2.4m by reducing its room size in accordance with Standard B43 under Clause 55 of the Bayside Planning Scheme
- k) minimum dimension of 2m measured internally for balconies of Apartments 12 – 14 in accordance with Standard B43 under Clause 55 of the Bayside Planning Scheme
- l) details of the ground floor clotheslines and mailboxes in accordance with Standard B34 under Clause 55 of the Bayside Planning Scheme
- m) details of south elevation of Apartment 11 and 14 and ensure these elevations comply with Standard B20 under Clause 55 of the Bayside Planning Scheme
- n) all built form changes must be accommodated within the development internally not altering the approved setbacks
- o) revised Sustainable Management Plan including NatHERS Assessment confirming the proposed development will provide an appropriate level of energy efficiency in accordance with Standard B35 under Clause 55 of the Bayside Planning Scheme in accordance with condition 15
- p) a minimum of 3 x 10,000L water tanks are provided in accordance with the submitted MUSIC modelling prepared by IGS, Project No:21008, Date 29/10/2021
- q) details of internal and external storage in accordance with Standard B30 and Standard B44 under Clause 55 of the Bayside Planning Scheme
- r) updated floor plan confirming the proposed apartments continue to comply with Standard B46 – Standard B49 under Clause 55 of the Bayside Planning Scheme
- s) 60 degree splays provided on both edges of the proposed crossover to Union Street
- t) sight triangles for the dwellings with access to Milliard Grove or Granter Street to be provided in accordance with Clause 52.06-8
- u) annotation that new crossover and footpaths within the entire site frontage to be designed and constructed at applicants cost to Council's satisfaction
- v) annotation that applicant is to bear the cost to remove and reinstate any street furniture, infrastructure items, and redundant vehicle crossings at the applicants cost to Council's satisfaction
- w) schedule of construction materials, external finishes and colours
- x) Water Sensitive Urban Design measures in accordance with Condition 13
- y) a Landscaping Plan in accordance with Condition 16
- z) a Tree Management and Protection Plan in accordance with Condition 19

- aa) provision of the development contributions fee in accordance with Condition 31
 - bb) updated Waste Management Plan in accordance with Condition 32
 - cc) notation on the plans confirming that only Dwelling 17 and Dwelling 19 will have vehicle access from Milliarda Grove
- all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
 9. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
 10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
 11. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
 12. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard B44 of Clause 55 of the

Bayside Planning Scheme.

Sustainable Design Assessment

13. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a. the type of water sensitive urban design stormwater treatment measures to be used
 - b. the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas
 - c. design details of the water sensitive urban design stormwater treatment measures, including cross sections.
 - i. These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
14. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
15. 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) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
 - m) provisions for renewable energy systems such as Solar PV
 - n) commitment to recycle at least 70% of construction and demolition waste
 - o) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
 - p) use of sustainable materials such as low VOC paints for the internal walls
 - q) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - r) provision of green walls / vertical gardens where appropriate
- all to the satisfaction of the Responsible Authority.

Landscaping

16. 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 360 Degrees Landscape Architects, project reference 68-76 Union Street East Brighton, dated 11.04.22, Revision F and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) any changes required by condition 1
 - b) retention of Tree 7 and associated changes to the front yard of Apartment 1
 - c) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - d) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - 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.
17. 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.

18. 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

19. 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.
20. All actions and measures identified in the Tree Management Report must be implemented.
 21. 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.
 22. 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

23. 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

24. Soil excavation must not occur within 2 metres from the edge of the Tree 4, Liquidambar styraciflua, street tree asset's stem at ground level.
25. 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.
26. 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.
27. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

28. 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.
29. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

For Subterranean and Basement Drainage

Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.

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

Development Contribution

31. 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.

Waste Management Plan

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

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

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

Construction Management Plan

33. Prior to the commencement of development, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to, the following as applicable:

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

Permit Expiry

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

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

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.

Apartments:

Block A

Ground Floor – Units 1-2/70 Union Street BRIGHTON EAST 3187

Level 1 – Units 101-102/70 Union Street BRIGHTON EAST 3187

Block B

Ground Floor – Units 1-2/74 Union Street BRIGHTON EAST 3187

Level 1 – Units 101-102/74 Union Street BRIGHTON EAST 3187

Block C

Ground Floor – Units 1-23/76 Union Street BRIGHTON EAST 3187

Level 1 – Units 101-103/76 Union Street BRIGHTON EAST 3187

Townhouses:

Block D

Eastern Units 1-8/72 Union Street BRIGHTON EAST 3187

Western Units 9-16/72 Union Street BRIGHTON EAST 3187

With units 1 & 9 both being at the northern end

Block E

(TH19) – 26 Milliarda Grove BRIGHTON EAST 3187

(TH 20) – 28 Milliarda Grove BRIGHTON EAST 3187

(TH18) – 32 Milliarda Grove BRIGHTON EAST 3187

(TH17) – 34 Milliarda Grove BRIGHTON EAST 3187

(TH21) – 11 Granter Street BRIGHTON EAST 3187

(TH22) – 12 Granter Street 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.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the development starts the applicant must pay \$14,967.18 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

CARRIED

The Mayor, Cr del Porto was not present in the meeting during debate on the above item or when the vote was taken.

The Mayor, Cr del Porto returned to the meeting at 6.58 pm.

**4.4 1 BAY STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/561/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/141261

It is recorded that Mr Jason Barnfather, Ms Rachel Irons (on behalf of Pat and Alun Kenwood), and Mr Thang Le each submitted a written statement in relation to this item.

It is further recorded that Mr Michael Schoenfeld, Mr Geoffrey Welsh, Ms Cristina Longano, and Mr Thang Le each spoke for 2 minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/561/1 for the land known and described as 1 Bay Street, Brighton for construction of a buildings and works comprising a roof deck, and floor to ceiling heights of more than 3.5 metres associated with a dwelling in a Design and Development Overlay Schedule 1 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 (advertised) prepared by Arc Zero referenced TP01, TP05, TP06, TP07, TP08, TP09, TP10, TP11 and TP12 dated 27 January 2022 but modified to show:
 - a) the basement reduced to a maximum height of 2.7 metres and designed to ensure it does not rise above 1.2 metres above natural ground level at any point
 - b) dimensions on all section drawings of the height from the finished floor level of the basement to the finished floor level of the ground floor to demonstrate that the basement does not rise above 1.2 metres above natural ground level at any point
 - c) dimensions on all section drawings where the basement rises above natural ground level showing the height of the basement above NGL to demonstrate that the basement does not rise above 1.2 metres above natural ground level at any point
 - d) west elevation of the building with the boundary fence removed so that the entire façade including the basement is visible in the elevation and demonstrating that the basement does not rise above 1.2 metres above natural ground level at any point
 - e) the overall height of the building must not exceed 10m, where measured from natural ground level directly below any given point

- f) internal layout of the site to be shown on the plans in accordance with informally amended plans reference TP05, TP06 and TP07 prepared by Arc Zero dated 29 April 2022

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 balconies including fixed privacy screens be designed to limit overlooking must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Section 173 Agreement

7. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
 - a) The building must only be utilised as one dwelling, and at any point for the life of the building hereby approved must not be converted or modified in any way such that it is utilised as two or more dwellings.
 - b) A sunset clause, should the building be demolished, the Section 173 Agreement will have no further effect.
8. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the *Planning and Environment Act 1987* and the Section 173 agreement must be registered on the certificate of title of the land.
9. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 5 of the Building Regulations 2018. Non-compliance with any regulation will require dispensation from Council's Building Department.

PROCEDURAL MOTION

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

That consideration of this item be deferred until the end of the meeting to enable the applicant time to absorb the proposed motion.

CARRIED

With the consent of the meeting the Mover and Seconder withdrew the above substantive motion.

Moved: Cr Martin

Seconded: Cr Castelli

That the matter be deferred until the 12 July 2022 Planning and Amenity Delegated Committee meeting.

CARRIED

**4.5 52 JACK ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/758/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/163399

It is recorded that Mr Tasman Jones (for Songbowden Planning) submitted a written statement in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr del Porto (Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/758/1 for the land known and described as 52 Jack Road, Cheltenham for the construction of three (3) dwellings and a front fence exceeding 1.2 metres on a lot and within a Design and Development Overlay 2 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) prepared by Chris Stoikopoulos Architects referenced TP-06, TP-07 and TP-08 (all revision 4) dated 17 May 2022 but modified to show:
 - a) the driveway gradient for dwelling 1 must not exceed 1 in 16 in accordance with AS2890.1
 - b) pedestrian sightlines are to be provided where both driveways intersect with the footpath in accordance with Clause 52.06 of the Bayside Planning Scheme
 - c) garage door to dwelling 1 is to be at least 3 metres and garage doors for dwellings 2 and 3 are to be at least 5.2 metres wide
 - d) a minimum 2.1 metre height clearance must be provided within all garages, including where steps are provided within dwelling 3's garage
 - e) mailboxes for all dwellings to be located adjacent to the front boundary of the site with Jack Road
 - f) annotation on the plan to state low level lighting will be provided along the common driveway to dwellings 2 and 3
 - g) a colours and materials schedule specifying the specific colours of each of the proposed materials
 - h) front fence to have a minimum of 25% transparency
 - i) a clothesline in the ground floor private open space area of each dwelling
 - j) a Sustainable Design Assessment in accordance with Condition 10
 - k) a Landscaping Plan in accordance with Condition 11
 - l) a Tree Management and Protection Plan in accordance with Condition 14
 - m) provision of the development contributions fee in accordance with Condition 23

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 landscape concept plan drawn by CX Landscape, reference 01, dated 27 May 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) an additional canopy tree in the front setback of dwelling 1
 - b) the provision of an automated irrigation system to take care of the planting along the eastern boundary.
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.

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.

Street tree protection

18. Before the development starts and prior to demolition, tree protection fencing is to be established around all street trees marked for retention and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to encompass the entire nature strip and must extend as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
19. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 2 meters of the edge of the street tree 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.
20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques and dug by hand. All roots that will be affected by must correctly pruned according with AS 4373-2007.

Drainage

21. 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.
22. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Development Contribution

23. Prior to endorsement of the plans 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

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

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

Permit Notes:

- Council 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.

Front (Western) Dwelling – 52A Jack Road CHELTENHAM 3192

Centre Dwelling – 1/52B Jack Road CHELTENHAM 3192

Rear (Eastern) Dwelling – 2/52B Jack Road CHELTENHAM 3192

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossings will have on Councils assets such as pits and trees. Relevant items must be accurately shown on the plan.
- The applicant is to bear the cost to remove and reinstate any infrastructure items to provide the required access to the proposed development.

CARRIED

**4.6 24 LINACRE ROAD, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2015/538/3 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/154145

Moved: Cr Stitfold

Seconded: Cr del Porto (Mayor)

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2015/538/3
2. that plans identified as TP03 and TP07, TP08A, TP08B, TP10 prepared by Grove Architecture, Revision K and dated 15/2/2022 be endorsed. These plans are to be read in conjunction with Sheets 1, 3, 4, 5, 7, 10, 12 of 20 endorsed on 8/9/2021 and Sheets 13, 14, 15, 16, 17, 18, 19, and 20 endorsed on 11/3/2021
3. that Sheets 2, 6, 8, 9 and 11 of 20 endorsed on 8/9/2021 be superseded.

CARRIED

It is recorded Cr Castelli declared a General Conflict of Interest in the following item given her partner owns a bathing box in close proximity to the subject life saving club. Cr Castelli left the meeting at 7.48pm.

**4.7 131-133 ESPLANADE, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION 2016/266/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: DD005.2016.00000266.001 – Doc No: DOC/22/141906

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2016/266/1
2. that plans identified as Project number 14-041, Drawing Number A1-104, Revision 07 prepared by Jackson Clements Burrow Architects and dated 7 April 2022 be endorsed. These plans are to be read in conjunction with plans identified as Sheets 1, 3 and 4 endorsed on 22 October 2021
3. that plans identifies as Sheet 2 endorsed on 22 October 2021 be superseded.

CARRIED

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

It is recorded that Cr Castelli returned to the meeting at 7.49pm.

**4.8 34 CLUDEN STREET, BRIGHTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION 2014/452/2 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/3593 – Doc No: DOC/22/154266

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2014/452/2, so that the development must now commence no later than 6 April 2023 and be completed no later than 6 April 2025.

CARRIED

**4.9 21, 23A, 23B, 25 AND 33 BAY ROAD, SANDRINGHAM
SUPPORT THE GRANT OF A PERMIT
APPLICATION 2021/705/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/163817

It is recorded that Mr Peter and Mrs Fiona McCormack, and Mr Rob Walton (on behalf of residents of 12 Trentham Street Sandringham) each submitted a written statement in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr del Porto (Mayor)

That Council resolves to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/705/1 for the land known and described as 21, 23A, 23B, 25, and 33 Bay Road, Sandringham for use of land as a retirement village and medical centre, the construction of a five storey building with two levels of basement, partial demolition and external alterations of a heritage building, the display of signage, the sale and consumption of liquor and a reduction to the standard car parking requirement 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 without prejudice plans prepared Cera Stribley Pty Ltd and dated 27.05.2022 but modified to show:
 - a) annotation on the plan confirming consent from South East Water for the development to be built over the existing sewer pipe and easement along the west boundary has been granted
 - b) relocation of the proposed car parking spaces to medical centres from basement Level 02 to basement Level 01 adjacent to the proposed entry of medical centre
 - c) detailed plans at a scale of 1:20 or as appropriate showing the reconstruction works to the heritage building, including accurate reconstruction details of the verandah and balustrade, the bay window, the original dormer window and west entry door and confirmation of the existing colour schemes for the heritage building
 - d) location of the existing street trees are to be retained in accordance with Condition 24
 - e) confirmation of the colour scheme for the heritage building
 - f) a 1 in 10 grade over at least 4m to be provided at the top of the ramp over 5m in accordance with Bayside Planning Scheme
 - g) longitudinal sections of both ramps must be supplied that shows all grades, length of grades all intermediate levels and headroom in accordance with Bayside Planning Scheme. A minimum 2.1m headroom to be provided above both ramps and within entire car parks as per the Bayside Planning Scheme

- h) for the curved ramp between Basement 1 & 2, all ramp grades, length of grades and all intermediate levels must be annotated along both internal edge and outer edge as per the AS2890.1
- i) minimum transition length for each ramp is 2m as per the Bayside Planning Scheme and AS2890.1
- j) convex mirrors are to be provided for the curved ramp (at locations where required to improve visibility). Convex mirrors are also to be provided at other locations elsewhere in the car park where required to improve visibility
- k) all car spaces that abut a wall needs to have a minimum extra 300mm width as per the AS2890.1. This applies to both basement car parks.
- l) all column locations within each basement must be clearly annotated as per the Clause 52.06-9 (Design Standard 2)
- m) a minimum 2.1m headroom to be provided above proposed car space 39 as per the AS2890.1 requirements
- n) the existing 1.5m x 1.5m (approx.) splay at the south-east corner of the property to be retained with no further change
- o) the dimensions of the remaining splay at the north-east corner of the site to be clearly annotated
- p) adequate sightlines are to be provided where ramp connects with Kellys Lane and also where circular driveway connects with Trentham Street (at the exit point) in accordance with AS2890.1
- q) adequate sightlines are also to be provided for traffic exiting the road that runs immediately to the west of the site
- r) the clear width of the curved ramp to be annotated
- s) details, including the height, materials and colours, of all screening of roof top plant and equipment
- t) an amended sustainable management plan in accordance with condition 11 of this planning permit
- u) an amended landscaping plan in accordance with condition 15 of this planning permit
- v) a tree management and protection plan in accordance with condition 18 of this planning permit
- w) an amended waste management plan in accordance with condition 25 of this planning permit
- x) a car parking management plan in accordance with condition 26 of this planning permit
- y) a public works plan in accordance with Condition 29 of this planning permit
- z) provision of the development contributions fee in accordance with condition 32 of this planning permit
- aa) evidence of the registration of a certified plan at the Office of Titles in accordance with condition 39 of this planning permit
- ab) any requirement of the Kellys Lane Traffic Management Plan in accordance with condition 47

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. Prior to occupation, the walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority and, in the case of 12-14 Trentham Street, pressure washing is to be undertaken.
7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority, where reasonably possible to do so.
9. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.
10. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.

Environmental Sustainable Design

11. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources Issue A (dated 01/12/21) and include, but not be limited to the following:
 - a) Water Sensitive Urban Design (WSUD) initiatives to comply with the best practice performance objective set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999
 - b) a STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority
 - c) complete Green Star self-assessment demonstrating the initiatives selected to achieve the 60.5 points (5 star) committed in the summary report

- d) address commercial areas through the provision of a Sustainable Design Scorecard report or equivalent. The SMP and Daylight Assessment or equivalent must address daylight access and ventilation for the commercial areas on basement 02 and basement 01 levels
 - e) preliminary building energy ratings to align with plans including to provide representative preliminary energy assessments in the SMP to support the energy ratings table provided on pages 9&10 of the SMP and achievement of an average NatHERS energy rating of 7.5 stars
 - f) street lighting technology to be high efficiency T5 lineal fluorescent or LED luminaries with low upward light spill ratios designed to P4 public lighting standard at a six metres mounting height
 - g) single side dwellings deeper than 5 metres to be provided with mixed mode ventilation providing fresh air rates of at least 2.5 L/s/m² of air movement to each habitable room for residential or an increase of at least 100% on minimum rates set out in AS 1668.2-2002 for office and retail areas. The revised report needs to provide:
 - o clarification as to whether the apartments will be ventilated by a central ventilation system
 - o information on how apartments 101 (15m) and 102 (10.4m) achieve natural cross ventilation for the bedrooms adjacent to the light wells
 - o a table showing breeze path distances for each apartment to demonstrate overall compliance with VPP Clause 58.07-4 (Natural Ventilation) Standard D27
 - o information on how the basement car parks will be naturally and/or mechanically ventilated with CO sensors to increase energy efficiency
 - h) demonstration that stormwater detention volume requirements are in addition to stormwater retention
 - i) clearly state that in addition to producing a Building User's Guide that it will be provided to occupants
 - j) endorsed SMP Report initiatives to be fully integrated with architectural and building services plans and specifications for building approval including the following annotations on Basement Plans:
 - o electric vehicle charging infrastructure for 10% of car-parking spaces and remaining spaces with EV ready infrastructure installed
 - o two electric share cars for retirement village staff and residents.
12. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.
13. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management

Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.

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

Landscaping

15. 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 plan TP01-TP04 prepared by John Patrick Landscape Architects Pty Ltd and dated 25 November 2021 and be drawn to scale with dimensions and an electronic copy must be provided. The plan must show:
 - a) the changes incorporated with the amended plan prepared by Cera Stribley Pty Ltd and dated 27.05.2022
 - b) no reduction in canopy tree numbers
 - 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) an assessment by a suitably qualified consultant confirming the appropriateness of the proposed planting and irrigation plans for planting on structures and in planter boxes
 - h) an appropriate level of ongoing maintenance for all landscaped areas, including the rainwater gardens
 - i) details of surface finishes of pathways and driveways.
16. 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.
17. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

18. Prior to the endorsement of plans pursuant to condition 1, including any related demolition or removal of vegetation, a tree management report (TMR), prepared

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

The tree management report must include a tree protection plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

Both the tree management report and tree protection plan must be part of one document that must be named as the tree management report (TMR). The tree management report must include:

- a) details of tree protection zones, as per AS4970-2009, for all trees (Tree 1, 14, and 19) to be retained on the site and for all trees on neighbouring properties where any part of the tree protection zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

The tree protection plan must:

- a) be legible, accurate and drawn to scale
 - b) show the location of all tree protection measures to be utilised
 - c) include a key describing all tree protection measures to be utilised.
19. Any modification to the tree management report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
 20. All actions and measures identified in the tree management report must be implemented.
 21. 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.
 22. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Street tree protection

23. Before the development starts, tree protection fencing is to be established around the street trees marked for retention (all except for tree 6 or 9) prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The tree protection zone is to be established and maintained in accordance with AS 4970–2009.
24. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 3 metres of any retained street tree asset measured from

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

Waste Management Plan

25. Before the endorsement of plans, an updated Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
- a) changes as requested in condition 1 plans
 - b) dimensions of storage waste areas
 - c) storm water drains in storage areas should be fitted with a litter trap
 - d) the number and size of bins to be provided
 - e) facilities for bin cleaning
 - f) method of waste and recyclables collection
 - g) types of waste for collection, including colour coding and labelling of bins
 - h) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
 - i) method of hard waste collection
 - j) method of presentation of bins for waste collection
 - k) sufficient headroom within the basement to accommodate waste collection vehicles
 - l) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
 - m) strategies for how the generation of waste and recyclables will be minimised
 - n) compliance with relevant policy, legislation and guidelines.

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

Car Park Management Plan

26. Prior to the endorsement of plans pursuant to condition 1, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and car parking operations on and adjacent to the site must conform to this endorsed plan. An electronic copy of the plan must be submitted. The plan must include (but not limited to):
- a) allocating car parking spaces to employees, residents and visitors, as required
 - b) all car parking spaces to be allocated to medical centres to be as close as possible to its entrance
 - c) a minimum of nine spaces are allocated to medical staff only
 - d) operation of the car park gate for emergency/special needs of patients

- e) signage of all car parking spaces
 - f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.
 - g) line marking of car parking spaces and details of any proposed access controls (i.e. intercoms, garage doors/gates, boom gates), if any, securing access to the basement car park
 - h) any visitor car parking space to be clearly signed
 - i) details of the process and management of waste collection from the basement
 - j) servicing of the drainage and maintenance of the basement car parking areas.
27. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.
28. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.

Public Works Plan

29. Prior to the endorsement of plans pursuant to condition 1, a public works plan must be prepared and developed in collaboration with Council. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:
- a) details of upgrades to the existing Council footpaths on both Bay Road and Trentham Street in front of the site
 - b) details of new or upgraded vehicle crossovers and roads/laneways
 - c) details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new or removed vehicle crossings, if required
 - d) details of the relocation of any existing street parking signs
 - e) details of new street tree plantings, within Trentham Street
 - f) provision of any public lighting to be attached to the walls of the proposed development
 - g) undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the site on both Bay Road and Trentham Street, where reasonably possible to do so
 - h) consideration needs to be given to install traffic calming devices (speed humps) to suit the laneway in order to operate the laneway safely and satisfactorily to both pedestrians and traffic. Two (2) sets of speed humps should be installed within mid sections between east and west property boundaries without impacting other property access. Both design and construction to be undertaken to the satisfaction of Council at applicants cost

- i) the crossovers for the circular driveway are to be re-constructed to suit the new circular driveway along with relevant traffic signage and line-marking details provided to show relevant entry and exit movements
- j) a public works plan must be submitted to show proposed 'No Stopping' zones along Trentham Street. The remaining on-street car spaces within site frontage should be sign posted as 2P, 8am and 8pm, all days to provide turnover and short-medium term parking. It is also recommended to provide one x 15-min bay within 2P zone.

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

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

Construction Management Plan

31. Prior to commencement of any building works, a construction management plan 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 which is to avoid Kellys Lane where possible
 - 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 which is to avoid Kellys Lane where possible
- 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, if relevant
- 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
- w) a requirement that prior to commencement, a three-metre solid hoarding be installed on the northern boundary.

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.

Development Contributions Levy

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

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

Drainage

33. 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.
34. Before the development starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

For Subterranean and Basement Drainage

Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.

35. Consent from South East Water for the development to be built over the existing sewer pipe and easement along the west boundary or to redirect and create a new sewer pipe and easement.

Use Conditions

36. The communal facilities associated with the retirement village must not be open to the general public, other than guests of residents.
37. The medical centre must operate on an appointment basis only.
38. The sale and consumption of liquor must only be associated with a renewable limited liquor licence and for residents and guests of residents only.

Discontinuance of Part of the Laneway

39. Prior to the endorsement of plans required under condition 1 of this permit or as otherwise agreed to with the written consent of the Responsible Authority, the owner of the land must, in accordance with the planning scheme or planning

permit and with the *Planning and Environment Act 1987*, lodge a certified plan at the Office of Titles for registration showing the inclusion of the triangular parcel of the laneway at the rear of 25 Bay Road within the subject site.

Signage Conditions

40. The location and details of the sign/s, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
41. The sign/s must not contain any flashing light.
42. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
43. The design and construction of the sign must not allow movement of the sign or any part of the sign.
44. The sign/s must be constructed and maintained to the satisfaction of the Responsible Authority.
45. In relation to the advertising signage approved herein, this planning permit expires 15 years from the date of issue.
46. Within 30 days of expiration of the planning permit in relation to the advertising signage approved herein, the sign/s and structures built specifically to support and illuminate it must be removed.
47. Kellys Lane Traffic Management plan
 - a) Prior to endorsement of plans, and subject to the consent of the Responsible Authority (being the owner of Kellys Lane) within 30 days of a written request allowing the permit holder to undertake works on Kellys Lane, a Kellys Lane traffic management plan must be submitted to and approved to the satisfaction of the Responsible Authority. The Kellys Lane Traffic Management plan must include, but is not limited to, the installation of speed humps on either side of the car park entrance to 12 Trentham Street, installation of a convex mirror at the southeast corner of the car park entrance associated with this permit.
 - b) The costs associated with the works required by the Kellys Lane Traffic Management plan are the responsibility of the Permit Holder.
 - c) All works requested by the Kellys Lane Traffic Management plan must be implemented prior to occupation.
 - d) That additional screening plants be provided on the Southern boundary of No. 12 Trentham Street where appropriate to offset the effect of headlights intruding as traffic exits the development car park.

Permit Expiry

48. 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
 - c) the use is not started within five 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.
- Medical Centre - 23 Bay Road SANDRINGHAM 3191
- Common Area Retirement Complex – 18 Trentham Street SANDRINGHAM 3191
- Independent Units:
 - Ground Floor – Units 1-9/18 Trentham Street SANDRINGHAM 3191
 - Level 1 – Units 101-114/18 Trentham Street SANDRINGHAM 3191
 - Level 2 – Units 201-213/18 Trentham Street SANDRINGHAM 3191
 - Level 3 – Units 301-312/18 Trentham Street SANDRINGHAM 3191
 - Level 4 – Units 401-408/18 Trentham Street SANDRINGHAM 3191

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$9,943.97 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.

PROCEDURAL MOTION

Moved: Cr del Porto (Mayor)

Seconded: Cr Stitfold

That Item 4.4 be resumed at this time of the meeting.

CARRIED

It is recorded that Item 4.4 was considered at this stage of the meeting and resolved upon.

4.10 STATUTORY PLANNING - MONTHLY REPORT (APRIL 2022)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/165710

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

That Council resolves to

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

CARRIED

The Chairperson declared the meeting closed at 8.40pm.