

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 12 July 2022
at 6:30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem (Deputy Mayor)

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

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance
Fiona Farrand – Manager Development Services
Felicity Barclay – Statutory Planning Coordinator
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Ronan Hamill – Principal Statutory Planning Arborist
Robert Lamb – Governance Officer

Table of Contents

Prayer

Acknowledgement of Country

1. Apologies
2. Disclosure of Conflict of Interest of any Councillor
3. Adoption and Confirmation of the minutes of previous meeting
4. Matters of Decision
 - 4.1 B10 Car Park, Beach Park, Sandringham Grant a Permit Application: 2021/693/1 Ward: Boyd 7
 - 4.2 18 Wellington Avenue, Beaumaris Grant a Permit Application: 2022/141/1 Ward: Beckett..... 8
 - 4.3 401 Beach Road, Beaumaris Grant a Permit Application: 2022/170/1 Ward: Beckett..... 9
 - 4.4 10 Mary Street, Beaumaris Notice of Decision to Refuse to Grant a Permit Application: 2022/68/1 Ward: Ebden..... 11
 - 4.5 90 Outer Crescent, Brighton Notice of Decision to Grant an Amendment to a Permit Application: 1989/3158/3 Ward: Dendy 12
 - 4.6 126 Weatherall Road, Cheltenham Notice of Decision to Grant a Permit Application: 2021/773/1 Ward: Beckett 14
 - 4.7 1 Bay Street, Brighton Notice of Decision to Grant a Permit Application 2021/561/1 Ward: Dendy 20
 - 4.8 9 Ocean Street, Hampton Notice of Decision to Grant a Permit Application: 2021/664/1 Ward: Boyd 23
 - 4.9 4 Rosemary Road, Beaumaris Notice of Decision to Grant a Permit Application: 2022/9/1 Ward: Beckett 33
 - 4.10 763 Hawthorn Road, Brighton East Notice of Decision to Grant an Amendment to a Permit Application: 2003/936/2 Ward: Bleazby 34
 - 4.11 13 Besant Street, Hampton East Extension of Time - Approve Application: 2016/388/1 Ward: Ivison 36
 - 4.12 14 Bruce Street, Brighton East Extension of Time - Approve Application: 2016/507/2 Ward: Bleazby..... 37
 - 4.13 25 Glyndon Avenue, Brighton Secondary Consent - Approve Application: 2016/645/1 Ward: Dendy 38

4.14	23 Tibbles Street, Beaumaris Support the Grant of an Amendment to a Permit (VCAT Consent Order) Application: 1999/4849/2 Ward: Beckett.....	39
4.15	Statutory Planning - Monthly Report (May 2022).....	42

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 Stiffold to read the prayer.

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

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 Castelli

Moved: Cr del Porto

Seconded: Cr Evans OAM

That the apology of Cr Castelli be received for the 12 July 2022 Planning and Amenity Delegated Committee meeting.

CARRIED

2. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 14 June 2022.

Moved: Cr Martin

Seconded: Cr Samuel-King MBBS

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 14 June 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.1 B10 CAR PARK, BEACH PARK, SANDRINGHAM
GRANT A PERMIT
APPLICATION: 2021/693/1 WARD: BOYD**

City Planning and Amenity - Amenity Protection
File No: PSF/22/36 – Doc No: DOC/22/114118

Moved: Cr Samuel-King MBBS

Seconded: Cr del Porto (Mayor)

That Council resolves to defer consideration of this item until the September 2022 Planning and Amenity Delegated Committee Meeting to undertake further review to enable retention of additional amount of vegetation and increase of permeability associated with the paving.

CARRIED

**4.2 18 WELLINGTON AVENUE, BEAUMARIS
GRANT A PERMIT
APPLICATION: 2022/141/1 WARD: BECKETT**

City Planning and Amenity - Amenity Protection
File No: PSF/22/36 – Doc No: DOC/22/159516

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/141/1 for the land known and described as 18 Wellington Avenue, Beaumaris for the removal of native vegetation in the Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans but modified to show:
 - a) the planting of at least two coastal (2) indigenous trees within the site which are capable of reaching a mature height of 8 metres and spread of 4 metres
 - b) a planting schedule of all proposed replacement trees, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each tree.
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. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
4. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

CARRIED

**4.3 401 BEACH ROAD, BEAUMARIS
GRANT A PERMIT
APPLICATION: 2022/170/1 WARD: BECKETT**

City Planning and Amenity - Amenity Protection
File No: PSF/22/36 – Doc No: DOC/22/160756

It is recorded that Mr Neville Burnell spoke for 2 minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/170/1 for the land known and described as 401 Beach Road, Beaumaris for the removal of trees in the Significant Landscape Overlay, Schedule 1 (SLO1) and removal of vegetation in the Vegetation Protection Overlay, Schedule 3 (VPO3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the removal 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 submitted with the application prepared by Wallbrink, reference 2213TP2, dated 02/05/2022 but modified to show:
 - a) a Landscaping Plan in accordance with Condition 4
 - b) the removal of Trees 2, 3, 7, 8, 19 and 20
 - c) the retention of Trees 4 and 11all 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.

Landscaping

4. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Wallbrink, reference 2213TP2, dated 02/05/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) the removal of Trees 2, 3, 7, 8, 19 and 20
 - b) the retention of Trees 4 and 11
 - c) a survey, including, botanical names of all existing trees to be retained on the site

- d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways.
5. 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.

Permit Expiry

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

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

Permit Notes:

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

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

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

AGAINST: Nil (0)

CARRIED

**4.4 10 MARY STREET, BEAUMARIS
NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT
APPLICATION: 2022/68/1 WARD: EBDEN**

City Planning and Amenity - Amenity Protection
File No: PSF/22/36 – Doc No: DOC/22/186401

It is recorded that Mrs Melanie Gude submitted a written statement in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/68/1 for the land known and described as 10 Mary Street, Beaumaris for the removal of native vegetation in Vegetation Protection Overlay Schedule 3 with the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the assessment plans but modified to show:
 - a) the planting of at least one (1) indigenous tree within the front setback of the site which is capable of reaching a mature height of 12 metres and spread of 12 metres
 - b) the planting of at least one (1) indigenous tree within the front setback of the site which is capable of reaching a mature height of 5 metres and spread of 4 metres
 - c) a planting schedule of all proposed replacement trees, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each treeall 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. 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.

The Responsible Authority may extend the periods referred to above if a request is made in writing:

- before the permit expires; or
- within 6 months afterwards if development has not commenced; or
- within 12 months afterwards if the development has lawfully commenced.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin, Fiona Stitfold and Hanna El Mouallem (Deputy Mayor)
(5)

AGAINST: Cr Jo Samuel-King MBBS (1)

CARRIED

**4.5 90 OUTER CRESCENT, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 1989/3158/3 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/177300

It is recorded that Mrs Effie & Mrs Victor Leeman submitted a written statement in relation to this item.

It is further recorded that Mr Mac Lemon, Mr Michael Arceri, and Ms Anna Barclay each spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

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

1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plan shall not be altered or modified (whether or not in order to comply with any statute, statutory rule or bylaw or for any other reason) without the consent of the responsible authority.
2. The surface of the land shall be so treated as to prevent loss of amenity of the neighbourhood by emission of dust and the discharge of drainage and, where appropriate, protective means shall be installed to prevent damage to fences of adjoining properties.
3. Drains of adequate capacity having an outfall to an established drainage system from all roofs and paved areas, constructed in accordance with a design approved by the City Engineer, shall be provided.
4. SPECIAL WARNING: Pursuant to Section 68 of the Planning and Environment Act 1987, this permit shall expire if the development is not completed within two years of the date of issue of this permit. Application for extension of this period may be made before the permit expires or within three months after this expiry date.
5. Noise emanating from the gymnasium shall not exceed the ambient background level by more than 5dB when measured within 3.6m from the outside wall of the nearest dwelling.
6. Unless otherwise agreed in writing, the hours of operation of the gymnasium be limited to the following:
 - 7.00am to 8:00pm Monday to Friday
 - 7.00am to 6.00pm Saturday
 - 9.00am to 3.00pm Sunday.
7. No vehicular or pedestrian access shall be provided to the school site from Cadby Street.
8. No pedestrian access to the school site shall be provided via the New Street gate located closest to the Cadby Street after hours.

9. maximum of 20 patrons are to be present at the gymnasium between 6:00pm and 8:00pm Monday to Friday and between 9.00am and 3.00pm Sunday.
10. The gate to the onsite car parks (accessed via Grosvenor Street and New Street) must be left open and the car park must be accessible for patrons during the operation hours of the gymnasium.
11. A direction sign must be placed at the entrance of the gymnasium stating that onsite carpark is accessible for patrons of the gymnasium.

Date of Amendment	Details
10 May 2022	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> • Amendment of condition 6 as follows: <ul style="list-style-type: none"> Unless otherwise agreed in writing, the hours of operation of the gymnasium be limited to the following: <ul style="list-style-type: none"> ○ 7.00am to 8:00pm Monday to Friday ○ 7.00am to 6.00pm Saturday ○ 9.00am to 3.00pm Sunday. • Addition of conditions 8 – 11 as follows: <ul style="list-style-type: none"> 8. No pedestrian access to the school site shall be provided via the New Street gate located closest to the Cadby Street after hours. 9. A maximum of 20 patrons are to be present at the gymnasium between 6:00pm and 8:00pm Monday to Friday and between 9.00am and 3:00pm Sunday. 10. The gate to the onsite car parks (accessed via Grosvenor Street and New Street) must be left open and the car park must be accessible for patrons during the operation hours of the gymnasium. 11. A direction sign must be placed at the entrance of the gymnasium stating that onsite carpark is accessible for patrons of the gymnasium.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin and Fiona Stitfold (4)
AGAINST: Crs Jo Samuel-King MBBS and Hanna El Mouallem (Deputy Mayor) (2)

CARRIED

**4.6 126 WEATHERALL ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/773/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/181558

It is recorded that Mr Christopher West & Ms Adrienne Osborne submitted a written statement in relation to this item.

It is further recorded that Mr Peter Bowtell spoke for 2 minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/773/1 for the land known and described as 126 Weatherall Road, Cheltenham for construction of two new dwellings on a lot and removal of native vegetation in a Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the amended application prepared by Crowhurst building design referenced as project No. 750, dated May 2022 and revision number C but modified to show:
 - a) all western first floor windows to be screened to a height of 1.8 metres above finished floor level
 - b) fences within the front setback to be of pier and beam construction
 - c) paving and driveways within the front setbacks of each dwelling to be permeable
 - d) numerical measurement of garage entry widths annotated on plans
 - e) a Sustainable Design Assessment in accordance with Condition 10
 - f) a Landscaping Plan in accordance with Condition 11
 - g) a Tree Management and Protection Plan in accordance with Condition 14
 - h) provision of the development contributions fee in accordance with Condition 21all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without

the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. 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 Bayview Landscaping, revision B, dated May 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) the provision of 1 additional indigenous small canopy tree within the rear setback of dwelling 2, capable of reaching a minimum height at maturity of 8m at maturity and a canopy spread of 6m
 - b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways
 - g) where practicable, the inclusion of green walls at appropriate locations
 - h) planting schedule to be a minimum of 80% indigenous species.

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

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

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

17. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (specify particular tree/s) is to be done by hand by a qualified Arborist.

Protection of trees for services

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

Drainage

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

Development Contribution

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

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

Permit Expiry

22. 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.

Western Dwelling – 126A Weatherall Road CHELTENHAM 3192

Eastern Dwelling – 126B Weatherall 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.
- 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 \$5,066.06 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

CARRIED

**4.7 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/22/182546

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

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

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/561/1 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 design 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 to demonstrate 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.
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.

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

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

The Chairperson exercised the casting vote and the division was **CARRIED**

**4.8 9 OCEAN STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/664/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/188717

It is recorded that Mr Chris Pippo (for the North Planning) each spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Stitfold

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/664/1 for the land known and described as 9 Ocean Street, Hampton for the construction of a three storey multi-dwelling building over a basement car park including and a front fence in excess of 1.5 metres 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 ADDARC, referenced TP01-TP17, date 06.05.22 and revision number 02, but modified to show:
 - a) deletion of the proposed entry gate of G.03 and G04 where adjacent to Council's car park at rear
 - b) second floor front setback to be increased by 1m (to be 11.1m from the eastern title boundary) in accordance with the standard requirement under DDO12
 - c) front fence to be annotated with a minimum of 25% transparency for the proposed metal palisade elements
 - d) secluded Private Open Space of Dwelling G.02 to be increased to have an area of 25 square metres in accordance with Standard B28 of the Bayside Planning Scheme
 - e) notation of dimensions of the proposed SPOS for each dwelling to ensure the minimum requirement is achieved in accordance with Standard B28 and B43 of the Bayside Planning Scheme
 - f) dwellings G.01 and G.02 consolidated into one apartment
 - g) screening and internal fence details to ensure each habitable room windows complies with the Standard B22 and Standard B23 of Clause 55 of the Bayside Planning Scheme
 - h) site services such as air-conditioning units to be shown on the plan.
 - i) an acoustic report confirming the proposed lift next to the bedrooms of G01, 101 and 201 meet the standard requirement under Standard B40 of Clause 55 of the Bayside Planning Scheme
 - j) provision of storage to be shown on the plans to demonstrate compliance with Standard B44 of Clause 55 of the Bayside Planning Scheme

- k) demonstration of compliance with Standard B46, Standard B47 and Standard B49 of Clause 55 of the Bayside Planning Scheme
 - l) ramp gradients are to be annotated along both edges of the ramp to Ocean Street in accordance with the Bayside Planning Scheme requirements
 - m) crossover to be widened to 3.6m and to align with the width of the proposed driveway
 - n) all column locations within the basement in accordance with Clause 52.08 of the Bayside Planning Scheme
 - o) a schedule of construction materials, external finishes and colours
 - p) a Sustainable Design Assessment in accordance with Condition 13
 - q) a Landscaping Plan in accordance with Condition 14
 - r) a Tree Management and Protection Plan in accordance with Condition 17
 - s) provision of the development contributions fee in accordance with Condition 28
 - t) a Car Park Management Plan in accordance with Condition 29
 - u) a Waste Management Plan in accordance with Condition 30
 - v) a Construction Management Plan in accordance with Condition 31
- 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, a updated Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/m²
 - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
 - i) provision of external dry lines for each dwelling
 - j) bicycle parking space in each garage/ private open space area
 - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
 - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental

Management Guidelines are achieved as required by planning clause 53.18

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

Landscaping

14. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Florian Wild, dated November 2021 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) revised design in accordance with Condition 1
 - b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways
 - g) where practicable, the inclusion of green walls composed of indigenous climbers
 - h) planting schedule to be a minimum of 90% indigenous species with at least 2 banksias
 - i) retain Tree 2 and Tree 4.

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

Tree Protection Management Plan

17. 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 (Tree 1, Tree 6 and Tree 9) 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.
18. All actions and measures identified in the Tree Management Report must be implemented.
 19. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

20. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be is to be done by hand by a qualified Arborist.

Protection of trees for services

21. 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

22. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
23. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 2.5 metres of the street tree *Callistemon salignus*, asset Id 437505 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.
24. Root pruning within the TPZ (Tree Protection Zone)
 - Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - All roots that will be affected must be correctly pruned, in accordance with AS4373-2007 'Pruning of Amenity Trees'.
 - Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

Drainage

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

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.

27. 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

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

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

Car Park Management Plan

29. Prior to the endorsement of plans pursuant to Condition 1, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:

- a) allocation of parking for all individual tenancies
- b) any signs and/or line marking of car parking spaces within the basement
- c) provision and maintenance of a suitable lighting/warning system within the basement car park areas to control access/egress at the single width ramp.

Waste Management Plan

30. 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

31. 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.

Permit Expiry

32. 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.
 - Ground Floor – Units 1-4/9 Ocean Street HAMPTON 3188
 - Level 1 – Units 101-104/9 Ocean Street HAMPTON 3188
 - Level 2 – Units 201-202/9 Ocean Street HAMPTON 3188]

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours’ notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a ‘Road Opening Permit’ must be obtained to facilitate such work.
- A ‘Road Opening / Stormwater Tapping Permit’ is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is a council stormwater drain running parallel to the rear and part of the Southern property boundary, to be confirmed on-site. Council considers this asset to be protected by an implied easement OR an easement requiring to be created on title. The plans indicate proposals items to encroach into the implied easement. Proposals to be built over the easement will

require Build Over implied Easement consent from the responsible Authority/Authorities.

- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin, Jo Samuel-King MBBS, Fiona Stitfold and Hanna El Muallem (Deputy Mayor) (6)
AGAINST: Nil (0)

CARRIED

**4.9 4 ROSEMARY ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/9/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/189845

It is recorded that Mrs Sue Raverty, Mrs Lynda Judkins, and Ms Sue Forster submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to defer consideration of this item until the August 2022 Planning and Amenity Delegated Committee Meeting to allow the applicant to investigate a redesign of the proposal that allows for the retention of the street tree.

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

DIVISION: **FOR:** Crs Laurence Evans OAM, Clarke Martin, Jo Samuel-King
 MBBS and Fiona Stiffold (4)
AGAINST: Crs Alex del Porto (Mayor) and Hanna El Mouallem (Deputy
Mayor) (2)

CARRIED

**4.10 763 HAWTHORN ROAD, BRIGHTON EAST
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2003/936/2 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/191665

It is recorded that Mr Andrew Woolf, Ms Carolyn Brydon, Mr Benjamin Telley, and Mr Jamie Graham (for Wheeler and Dee Pty Ltd) each spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans OAM

That Council resolve to issue a Notice of Decision to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2003/936/2 for the land known and described as 763 Hawthorn Road, Brighton East for an on-premises Liquor Licence in accordance with the endorsed plans and subject to the following conditions:

1. Before the commencement of the serving of alcohol occurs onsite, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) a notation on the red line ground floor plan that no more than 40 patrons are to be on the premises at any one time
 - b) The red line plan to exclude the 'blocked side access' area indicated on the red line ground floor plan.
2. The licenced area and development as shown on the endorsed plans must not be altered without the written consent on the responsible authority.
3. Unless with the further consent of the Responsible Authority, alcohol may only be sold and consumed between the following hours:

On Premises sales and consumption

 - Monday to Saturday 9am – 11pm
 - Sundays, Good Friday and ANZAC Day 10am – 11pm
4. The outdoor (footpath) drinking area hereby approved shall only be used by patrons and staff between the hours of 12 noon and 10pm.
5. Not more than 40 patrons may be present on the premises at any one time (internal area) without the prior written consent of the Responsible Authority.
6. No sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose in the rear outdoor open area or front outdoor area.
7. Background music only between the hours of 5pm and 9am.
8. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin, Jo Samuel-King MBBS, Fiona Stitfold and Hanna El Mouallem (Deputy Mayor) (6)
AGAINST: Nil (0)

CARRIED

**4.11 13 BESANT STREET, HAMPTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/388/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/189990

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

That Council resolves to Approve the Extension of Time of two (2) years to Permit 2016/388/1, so that the development must now commence no later than 15 May 2024 and be completed no later than 15 May 2026.

CARRIED

**4.12 14 BRUCE STREET, BRIGHTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/507/2 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/193392

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

That Council resolves to Approve the Extension of Time of two (2) years to Permit 2016/507/2, so that the development must now commence no later than 4 April 2024 and be completed no later than 4 April 2026.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke
Martin, Jo Samuel-King MBBS, Fiona Stitfold and Hanna El
Mouallem (Deputy Mayor) (6)
AGAINST: Nil (0)

CARRIED

**4.13 25 GLYNDON AVENUE, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2016/645/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/191969

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans OAM

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2016/645/1
2. that plans identified as TP06 and TP06B, prepared by Squillace and dated 12/08/16 be endorsed. These plans are to be read in conjunction with plans TP01-TP05, TP07-TP09 endorsed on 23 November 2018
3. that plans TP06 and TP06B endorsed on 23 November 2018 be superseded.

CARRIED

**4. 14 23 TIBBLES STREET, BEAUMARIS
SUPPORT THE GRANT OF AN AMENDMENT TO A PERMIT
(VCAT CONSENT ORDER)
APPLICATION: 1999/4849/2 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/187596

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves, subject to all other parties to the proceedings consenting, to Support the Grant of an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 1999/4849/2 for the land known and described as 23 Tibbles Street, Beaumaris, for the construction of two dwellings on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans but modified to show:
 - a) the proposed driveway to be the same width as the existing driveway, with a reduction in the amount of hard paving to line up with this
 - b) the inclusion of the materials schedule informally submitted to Council on 4 September 2021
 - c) a landscape plan in accordance with Condition 14
 - d) the western wall to Bedroom 2 and the sitting room to be setback an additional 500mm from the western property boundary
 - e) the eastern wall to Bedroom 3 to be setback an additional 500mm from the eastern property boundary
 - f) the provision of obscure glazing to the first floor west facing bedroom 2 windows
 - g) the provision of obscure glazing to the first floor north facing sitting room window adjacent to the stairsall to the satisfaction of the Responsible Authority.
2. A Schedule of all external materials and finished shall be submitted to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The Schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, and paving (including car park surfacing).
3. 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.
4. Before the use and/or development starts, a site layout plan drawn to scale and dimensioned must be approved by a Building Practitioner registered under the Building Act 1993 and submitted to the Responsible Authority.

The plans must show:

- a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to Council's nominated point of discharge to the satisfaction of the Responsible Authority.
5. Before occupation of the front dwelling, all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.
 6. This permit will expire if one of the following circumstances applies:
 - the development is not started within two years of the date of this permit
 - the development is not completed within four years of the date of this permit.

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

7. Street numbers contrasting in colour to the background shall be fixed at the front boundary of the property near as practicable to, or on the letterboxes. Separate unit numbers shall be placed adjacent to the front entrance of each dwelling, such numbers to be clearly legible from the access driveway.
8. All service pipes, (excluding downpipes), fixtures and fitting must be concealed on exposed elevation to the satisfaction of the Responsible Authority.
9. The alteration of soil levels involving an increased or decreased level at the boundaries must be retained by the provision of an adequate retaining wall, constructed of brick or masonry or other suitable alternative approved by the Responsible Authority, to buttress the soil against the possibility of shift. The construction of this retaining wall shall be the sole responsibility of the developer.
10. All brickwork on or facing the boundaries of the site must be raked and cleaned or rendered or bagged and painted to the satisfaction of the Responsible Authority.
11. The finished floor level of the proposed dwelling(s) must not exceed a height of 500mm above natural ground level, at any point.
12. All plan and equipment (including air conditioning units, heating units, hot water systems, etc.) which is proposed to be located externally shall be identified on plans and location to the satisfaction of the Responsible Authority and on endorsed copy of such plan shall form part of this permit. Such plan must be endorsed prior to the commencement of construction and shall include plan an elevation details.
13. Before the use and/or development starts, areas set aside for parked vehicles and access lanes as shown on endorsed plans must be:
 - a) constructed to the satisfaction of the Responsible Authority
 - b) properly formed to such levels that they can be used in accordance with the plans
 - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority
 - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

14. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan submitted to Council on 4 September 2021 and be drawn to scale with dimensions. The plan must show:
 - a) one of the trees in the front setback replaced with a tree capable of growing to 12m in height with a canopy width of 8m
 - b) one tree in the rear setback of the dwelling capable of growing to a height of 8m with a canopy width of 4m
 - 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. 80% must be native for both the species type and plant count
 - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - g) details of surface finishes of pathways and driveways.
15. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
17. All basic services, including water, electricity, gas, sewerage and telephone, shall be installed underground and located to the satisfaction of the Responsible Authority.

Permit Notes:

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

CARRIED

4.15 STATUTORY PLANNING - MONTHLY REPORT (MAY 2022)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/198274

Moved: Cr del Porto (Mayor)

Seconded: Cr Stitfold

That Council resolves to

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

CARRIED

The Chairperson declared the meeting closed at 9.23pm