

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 13 September 2022
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem (Deputy Mayor)

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

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance
John Coates – Manager Amenity Protection
Fiona Farrand – Manager Development Services
Felicity Barclay – Statutory Planning Coordinator
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 Samuel-King to read the prayer.

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

Cr Stitfold 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.

The Chairperson then invited a minutes' silence to acknowledge the recent passing of Her Majesty, Queen Elizabeth II.

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans OAM

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 9 August 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 18 CLONMORE STREET, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/251273

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) tree, located approximately 5m from the north boundary and approximately 6m from the east boundary at 18 Clonmore Street, Beaumaris
2. that any such permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 10m and minimum canopy width of 10m at maturity.

CARRIED

**4.2 1 HERBERT STREET, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/255986

It is recorded that Mr Andrew Caris submitted a written statement and spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr del Porto (Mayor)

That Council resolves to Grant a Permit for the removal of one tree at 1 Herbert Street, Beaumaris, subject to the following conditions:

1. The owner of the land to submit a detailed landscape plan for approval by Council which must show:
 - a) a planting schedule of all proposed trees (which must include a minimum of 3 canopy trees at a minimum of 1.5 metres in height at planting) and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count, and can be planted around the perimeter of the property
 - b) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
2. Prior to the removal of the Tree, the owner must enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
 - a) that the landscaping plan as approved by Council must be planted within 6 months of the tree removal and maintained.

CARRIED

**4.3 9 EXLEY ROAD, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/371/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: DD005.2021.00000371.001 – Doc No: DOC/22/236772

It is recorded that Mr George Borg 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 2021/371/1 for the land known and described as 9 Exley Road, Hampton East for the construction of four (4), three storey dwellings in an Activity Centre Zone Schedule 1 (ACZ1) 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 R Architecture, referenced TP01-TP09, dated 4 July 2022 and revision number K but modified to show:
 - a) all proposed external screens on the western and northern elevations to be annotated as 'permanently fixed with a maximum transparency of 25% in accordance with Standard B22 (Overlooking) of Clause 55.04-6 of the Bayside Planning Scheme'
 - b) an external storage shed with a minimum capacity of six (6) cubic metres to be provided within the Secluded Private Open Space of Dwelling 4.
 - c) both driveway and crossover of Dwelling 1 to be offset 1 metre where it intersects with the footpath to the western boundary
 - d) the garage of Dwelling 2 and 3 to include a minimum internal length of 6 metres that is clear of any services
 - e) access to Dwellings 2 and 3 is to be modified to two 3m wide (minimum) vehicle crossings and driveways along with a minimum 1m wide landscape buffer in-between
 - f) pedestrian visual splays in accordance with Clause 52.06-9 of the Bayside Planning Scheme to be provided to each side of all crossovers
 - g) a Sustainable Design Assessment in accordance with Condition 9
 - h) an Amended Landscaping Plan in accordance with Condition 10
 - i) a Tree Management and Protection Plan in accordance with Condition 13
 - j) provision of the development contributions fee in accordance with Condition 25all 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.

Sustainable Design Assessment

9. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/m²
 - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
 - i) provision of external dry lines for each dwelling
 - j) bicycle parking space in each garage/ private open space area

- k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
 - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
 - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
 - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
 - o) provisions for renewable energy systems such as Solar PV
 - p) commitment to recycle at least 70% of construction and demolition waste
 - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
 - r) use of sustainable materials such as low VOC paints for the internal walls
 - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - t) provision of green walls / vertical gardens where practicable
- all to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Greeno Group, reference project number LSP-22-186, Revision 1, dated 24 June 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) development alterations required by condition 1
 - b) canopy trees to be planted a minimum of 1 metre from any boundary
 - c) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - d) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - g) details of surface finishes of pathways and driveways

- h) where practicable, the inclusion of green walls at appropriate locations
 - i) planting schedule to be a minimum of 80% indigenous species.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

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

15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained (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

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, 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.
19. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 3.0 metres of the street trees measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

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.
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. All roots that will be affected by must correctly pruned.
 21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

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

23. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets Department.
24. 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

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

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

Construction Management Plan

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

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

During the construction:

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

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

Permit Expiry

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

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

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

Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Southern Dwelling - 9 Exley Road HAMPTON EAST 3188

Remaining dwellings – 2A, 2B & 2C Warland Road HAMPTON EAST 3188

(running sequentially with 2C being the northern dwelling)

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 \$13,021.22 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).

- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

CARRIED

**4.4 33 LABURNUM STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/521/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/242215

It is recorded that Mrs Janice Cook submitted a written statement in relation to this item.

It is recorded that Mrs Janice Cook, Mr Paul Truong, and Mr Ramsay Jurdi 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 2021/521/1 for the land known and described as 33 Laburnum Street, Brighton for the construction of three (3) dwellings on a lot and a front fence exceeding 1.2 metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the Section 57a Amended plans prepared by Pengpeng Architecture referenced TP105-TP110, date 21/7/2022 and revision number E but modified to show:
 - a) location of the pool equipment, suitably located to the satisfaction of the responsible authority
 - b) side setbacks from the southern boundary amended to comply with Standard B17
 - c) reduction in the pool to Unit 1, to provide for a 5m by 5m area for a canopy tree adjacent to the common boundary with No.35 Laburnum Street within the front setback
 - d) a 1.7m high privacy screen (complying with Standard B22 Overlooking) included to the western side of the first floor balcony associated with Unit 3
 - e) the dimensions of each internal car space must comply with Clause 52.06-9 (Car Parking of the Bayside Planning Scheme)
 - f) due to proximity of the car turntable, the length of each car space to be 5.4m in length
 - g) swept-path assessment for each car space in basement to demonstrate access and egress is satisfactory
 - h) manufacture specifications of the car turntable. Demonstration that adequate clearance is available around the edge for a car to turn during access and/or egress
 - i) the column locations within the basement to comply with Clause 52.06-9 (Car Parking of the Bayside Planning Scheme)

- j) a minimum 2.2m headroom to be provided at the entrance and throughout the car park
- k) a cross-section showing all intermediate levels and lengths each grade of the basement ramp. The 1 in 8 grade at the bottom is to have a minimum 2.5m transition length
- l) a minimum 3.6m clear width is to be provided for the ramp. A 3.6m wide new vehicle crossing is to be constructed centred to the ramp
- m) adequate sightlines are to be provided where the ramp intersects with the footpath as per Clause 52.06-9 (Car Parking of the Bayside Planning Scheme)
- n) a Sustainable Design Assessment in accordance with Condition 11
- o) a Landscaping Plan in accordance with Condition 12
- p) a Tree Protection Management Plan in accordance with Condition 15
- q) provision of the development contributions fee in accordance with Condition 25

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
8. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.

9. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
10. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

11. 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

12. 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 Contour Design Studio, reference LP01, dated 7/4/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways
 - f) where practicable, the inclusion of green walls at appropriate locations
 - g) updated to include the 57a and condition 1 amendments
 - h) one canopy tree capable of reaching 8m high and 4m wide to the front of the Unit 1 pool
 - i) one canopy tree capable of reaching 8m high and 4m wide adjacent to the Unit 2 pool
 - j) one canopy tree capable of reaching 8m high and 4m wide adjacent to the Unit 3 pool.
13. 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.
14. 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

15. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified

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

The TPMP must include:

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

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
16. All actions and measures identified in the Tree Management Report must be implemented.
 17. 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

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

Street tree protection

19. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
20. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

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

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

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

Permit Expiry

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

**4.5 52 EBDEN STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/593/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/243765

It is recorded that Miss Jann Townsend, Ms Adelheid Scholer, Mr Albrecht Scholer, and Miss Karen Davies each submitted a written statement in relation to this item.

It is recorded that Mr Albrecht Scholer, Miss Jann Townsend, and Mr Shane Brown each spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

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 2021/593/1 for the land known and described as 52 Ebden Street, Brighton for the extension of one dwelling on a lot less than 500 square metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans prepared by Norton Homes referenced Proposed Floor Plan, Elevations, date May 2022 and revision C but modified to show:
 - a) reduction of the height of the wall on boundary associated with the Master Bedroom 1 so that it does not exceed an average height of 3.2m
 - b) reduction of the height of the wall on boundary associated with the ensuite, pantry and kitchen area so that it does not exceed an average height of 3.2m
 - c) a Landscaping Plan in accordance with Condition 7
 - d) any recommendations in the Tree Management and Protection Plan to be detailed on the floor plans
 - e) a Tree Management and Protection Plan in accordance with Condition 10 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.
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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Landscaping

7. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Zenith Concepts, reference Landscape Design, dated 20/05/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways
 - f) the two maple trees in the rear setback replaced with canopy trees capable of reaching 8m in height.
8. 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.
9. 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

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

The TPMP must include:

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

- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
11. All actions and measures identified in the Tree Management Report must be implemented.
 12. 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.

Permit Expiry

13. 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.

CARRIED

**4.6 21–27 HOLYROOD STREET, HAMPTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2019/279/3 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/241923

It is recorded that Ms Bronya Love submitted a written statement in relation to this item.

It is recorded that Mr Roger Vial, Ms Bronya Love, Mr Jim Westhead (on behalf of Hampton RSL Bowls Club), and Mr Peter Lanigan each spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli

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 2019/279/3 for the land known and described as 21–27 Holyrood Street, Hampton for buildings and works in associated with an existing restricted recreation facility (Bowls Club) 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. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. The four 10m high lights located on the bowling green are to only be used in association with the existing bowling green until 10:15pm at the following times:
 Tuesday September – April
 Thursday September – April
 Friday September – April.
3. The light poles be certified after installation by a qualified lighting engineer.
4. External lighting must be designed, baffled with Vertex MK-II Floodlight Anti-glare Shield and MK-II 650W 150 degrees Tilted shields solution and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
5. No external sound amplification equipment or loudspeakers are to be used during the use of the overhead lighting associated with the lawn bowls area.
6. Prior to the light poles being formally utilised for competition purposes, the owner/operator must supply an assessment by a qualified lighting consultant and a report must be submitted to the Responsible Authority for compliance in relation to AS4282:2019 environmental zone A3 (medium district brightness). The cost of the assessment is to be borne by the owner/operator. If necessary, additional light spill baffles must be installed in consultation with a lighting designer.

Permit Expiry

7. 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

- 8. 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.

Date of Amendment	Details
13 September 2022	<p>Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> • Amendment to location of the light poles (retrospective): • 3.15m from the northern boundary, previously 4.2m • 5.5m from the eastern boundary, previously 4.7m • 17.3m from western boundary, previously 17m <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 to Condition 4 (words in bold have been added): External lighting must be designed, baffled with Vertex MK-II Floodlight Anti-glare Shield and MK-II 650W 150 degrees Tilted shields solution and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority. • Amendment to Condition 5 (words in bold have been added): No external sound amplification equipment or loudspeakers are to be used during the use of the overhead lighting associated with the lawn bowls area. <p>Addition of Condition 6:</p> <ul style="list-style-type: none"> • 6. Prior to the light poles being formally utilised for competition purposes the owner/operator, must supply an assessment by a qualified lighting consultant and a report must be submitted to the Responsible Authority for compliance in relation to AS4282:2019 environmental zone A3 (medium district brightness). The cost of the assessment is to be borne by the owner/operator. If necessary, additional light spill baffles must be installed in consultation with a lighting designer.

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

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

CARRIED

**4.7 1/44 TRAMWAY PARADE, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/97/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/255646

It is recorded that Dr Bronwyn Ridgway 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 2022/97/1 for the land known and described as 1/44 Tramway Parade, Beaumaris for construction of a roof deck to an existing dwelling on a lot less than 500m² within 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 amended prepared by Spaces Pty Ltd, referenced 21439, dated 22.06.2022 and revision B but modified to show:
 - a) the north-eastern edge of the roof deck to be setback a minimum 2 metres from the roof edge immediately below
 - b) screening on the south-eastern boundary of the roof deck to have a minimum height of 1.7m above finished floor level with no greater than 25% transparencyall 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.

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.

LOST

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the bayside Planning Scheme in respect of planning application 2022/97/1 for the land known and described as 1/44 Tramway Parade, Beaumaris for the construction of a roof deck to an existing dwelling on a lot less than 500m² within a Design and Development Overlay Schedule 1 for the following reasons:

1. The impact of the development on the coastal environment is considered unsatisfactory.
2. The visual bulk of the roof deck has an unacceptable impact on the surrounding area.
3. Loss of privacy and overlooking to neighbouring properties.

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

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

AGAINST: Nil (0)

CARRIED

**4.8 90 OUTER CRESCENT, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/71/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/256072

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

That Council:

1. notes that the permit applicant has withdrawn permit application 2022/71/1 for the land known and described as 90 Outer Crescent, Brighton, as they no longer seek to pursue the proposal
2. withdraws the item from the agenda for this meeting.

CARRIED

**4.9 69 PARK ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2016/719/2 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/259838

It is recorded that Ms Emma Regos spoke for 2 minutes 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 an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2016/719/2 for the land known and described as 69 Park Road, Cheltenham for the construction of two or more dwellings on a lot (3 dwellings), subdivision of land into 3 lots and the construction of a front fence exceeding 1.2m in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the plans advertised plans prepared by Tony Preiato, referenced Sheet 2-9 of 17, date 4/04/2022 and revision number I but modified to show:
 - a) an amended landscape plan in accordance with the landscape plan drawn by Tony Preiato, revision E, dated 13/04/2017 and be drawn to scale with dimensions and three copies must be provided. The plans must show the Japanese Maple (*Acer palmatum*) proposed to be planted as a canopy tree in the front setback to be amended with a tree that can reach 10 metres in height and a 6 metre spread at maturity (10m x 6m)
 - b) the cornice detailing of the columns to the dwellings front façade to be squared off
 - c) a material schedule for the front fence and the slats to be a minimum of 25% openings
 - d) all boundary fence notations to be deleted from development plans
 - e) all indicative landscaping to be deleted from development plans
 - f) the unconstructed accessway and laneway adjacent to the site must be constructed, drained and sealed for the entire length of the western title boundary to the satisfaction of the Responsible Authority
 - g) the new Park Road accessway and the width of both driveways where they intersect with the footpath to be a minimum of 3m wide
 - h) a minimum of 1m from the power pole and the new cross over to Park Road to be provided
 - i) all garage pedestrian door openings to be provided outwards from the garage
 - j) provision of pedestrian sight lines in accordance with Clause 52.06-8 of the Bayside Planning Scheme to each driveway

- k) a minimum 2m x 2m corner splay to be provided at the south-west corner of the property. The splay must be infilled with concrete to match the footpath.

With no further increases to built form, decreases in side and rear setbacks and 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. Location of all plant and equipment, including hot water services and air conditioners etc. to be located away from habitable room windows of dwellings and the adjoining properties habitable room windows.
6. 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.
7. 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.
8. DELETED.
9. DELETED.
10. 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.
11. 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.
12. Before the development starts, tree protection fencing is to be established around the *Lagunaria patersonii* street tree assets fronting Park Road and the three *Leptospermum laevigatum* street tree assets facing the laneway (if not retained – see permit noted) marked for retention prior to demolition and maintained until all works on site are complete.

Conditions for street tree protection fencing during development are as follows:

- a) Fencing must be secured and maintained until all site works are complete.
- b) Fencing must be installed to comply with AS 4970-2009, 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.
 - f) Soil excavation must not occur within 3m from the edge of the *Lagunaria patersonii* street tree assets stem at ground level.
 - g) Soil excavation must not occur within 2.2m from the edge of the three *Leptospermum laevigatum* street trees assets stem at ground level.
 - h) 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.
 - i) All roots that will be affected must be correctly pruned.
 - j) Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
13. 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.
14. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Presentation Department.
15. Prior to the endorsement of plans, 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) full details of the works to the existing laneway, including surfacing and drainage specifications to the satisfaction of the Responsible Authority.
- When approved, such plan will form part of the endorsed plans under this permit.
16. Prior to the occupation of the development (unless captured in the Section 173 agreement at condition 20), all public works must be completed in accordance with the endorsed Public Works Plan to the satisfaction of the Responsible Authority. The cost of all works (and any relevant plan checking and/or supervision fees) associated with the endorsed plan must be borne by the developer/owner of the land.

Development Contributions

17. Prior to endorsement of the plan/s required under Condition 1 of this permit, or the issue of a Statement of Compliance for the subdivision or any stage thereof (whichever occurs first), 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.

Subdivision

18. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.
19. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay a Public Open Space Contribution to the

Responsible Authority a sum equivalent to 5% per cent of the site value of all the land in the subdivision, pursuant to Section 18 of the Subdivision Act 1988.

20. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:
- a) the development of the land indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit 2016/719/1 or any amendment to the plans approved by the Responsible Authority
 - b) prior to the occupation of the development, the owner must, at the Owner's own cost, construct the laneway in accordance with the endorsed plans required at condition 15.

The owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

21. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
22. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

South East Water

23. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
24. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
25. Easements pursuant to Section 12(2) of Subdivision Act 1988, in favour of the lots on the plan, are to apply.
26. All lots shown on the Plan of Subdivision must be included in an Owners Corporation schedule.

27. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
28. The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act 1988.

United Energy

29. The applicant must enter into an agreement with United Energy for an extension, upgrade and/or rearrangement of the current electricity supply to lots on the land which may also require:
 - a) an application for underground supply of electricity to each lot shown; and/or
 - b) providing site(s) to locate substations; and
 - c) making a payment to UE to cover the cost of preparing such documentation and work.

Permit Expiry

30. 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.

31. The permit will expire if:
 - a) the plan of subdivision is not certified within two years of the date of this permit; or
 - b) the registration of the subdivision is not completed within five years of the date of this permit.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.

Permit Notes:

- The proposed vehicle crossings for Unit 3 and Unit 1 off the laneway will impact on the trees. To allow these trees to be retained there should be no excavation within 2.2m of these trees. If the design does not allow any other option for the location of this vehicle crossing and to allow this development to proceed, the tree may be approved for removal under Clause 6.5 of the Street and Park Tree Management Policy (2016).

Before the vehicular crossing application will be approved, the applicant must pay \$10,607.74 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

- 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.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- 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.
- Council records indicated that there is a 1.83m wide drainage and sewerage easement along the northern property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

Date of Amendment	Details
13 September 2022	Amendment to the planning permit under Section 72 of the <i>Planning and Environment Act 1987</i> as follows: <ul style="list-style-type: none"> • construction of a first floor balcony associated with Bedroom 4 of Unit 3 • deletion of Conditions 8 and 9.

CARRIED

**4.10 B10 CARPARK, 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/22/230416

Moved: Cr Stitfold

Seconded: Cr Evans OAM

That Council:

1. notes that the permit applicant has withdrawn permit application 2021/693/1 for the land known and described as B10 Carpark, Beach Park, Sandringham, in order to carry out further investigation
2. withdraws the item from the agenda for this meeting.

CARRIED

**4.11 2-6 FERN STREET, BLACK ROCK
SECONDARY CONSENT - APPROVE
APPLICATION: 2020/176/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/237284

Moved: Cr Evans OAM

Seconded: Cr del Porto (Mayor)

That Council resolves:

1. to Approve the amended plans identified as 1904 DDO3, DDO4 both Revision 6 and Finishes Schedule Revision 3, prepared by Zen Architects and dated 20 July 2022, and Landscape Plans identified as TP01, TP02, TP03, TP04, TP05, TP06 prepared by Jeavons landscape architects and dated 22 July 2022 plans in accordance with Secondary Consent provisions of Planning Permit 2020/176/1 subject to the following changes:
 - the colours and materials schedule to show the roof cladding to be BlueScope Lysaght Spandek in Colourbond finish
 - the deletion of the solid 1.5m high fencing to the south of the building and the retention of the open style fencing as shown on the previously endorsed plan 1904 1904 DDO4 Revision 3 dated 23 April 2022
2. when the plans are endorsed that they are to be read in conjunction with plans identified as Public Works Plan, Car Parking Management Plan, Operational Management Plan, Storm Report and Tree Management and Protection Plan endorsed on 5 May 2022
3. that plans 3 to 6 of 6 plans endorsed on 5 May 2022 and sheets 1 to 5 of Landscape plans endorsed on 25 May 2022 be superseded.

CARRIED

**4.12 34 CLUDEN STREET, BRIGHTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION: 2014/452/2 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/6477 – Doc No: DOC/22/247637

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2014/452/2
2. that plans identified as sheets TP-02, TP-03, TP-04, TP-05, AWD1-01 and AWD1-02 prepared by Brayshaw Architects and Bbot Designs, Revision no. H be endorsed
3. that plans identified as sheets TP-02, TP-03, TP-04 and AWD1-01 endorsed on 19 July 2018 be superseded.

CARRIED

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

**4.13 4 SUNLIT COURT, HAMPTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION: 2017/246/2 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/249674

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2017/246/2
2. that plans identified as 1705 TP-2.01, TP-2.02 TP-2.03, TP-4.01 and TP-4.02 all Revision M, prepared by SLC Bayside and dated 4 August 2022 be endorsed. These plans are to be read in conjunction with plans TP-4.04 Revision N by SLC bayside construction dated 9 November 2021, Landscape plan dated 22 September 2021, Waste Management Plan dated September 2021 by Eco-City sustainability consultants, Storm report dated 29 July 2021 and Tree Management Plan by BlueGum dated August 2021 endorsed on 24 November 2021
3. that plans identified as 1705 TP-2.01, TP-2.02, TP-2.03, TP-4.01 and TP-4.02 Revision N by SLC bayside construction dated 9 November 2021 endorsed on 24 November 2021 be superseded.

CARRIED

NOTE: Item 4.13 was **CARRIED** as part of a block motion.

**4.14 10–12 FOAM STREET, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2019/307/2 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/252892

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2019/307/2
2. that the amended Development Plans package (52 pages), prepared by Carr Design Group, dated 26/08/2022 and revision F, the Landscape Plan package (6 pages), prepared by Acre, dated 30/06/2022 and the Tree Management Plan Report, prepared by Galbraith & Associates, dated 06/07/2022 be endorsed. These plans are to be read in conjunction with the Car Parking Management Plan, ESD Report, Public Works Plan and Waste Management Plan endorsed on 15 October 2021
3. that the development plans, landscape plans and Tree Management Plan endorsed on 15 October 2021 be superseded.

CARRIED

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

**4.15 422 NEW STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2017/546/7 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/253899

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2017/546/7
2. that plans identified as A151 and A101 both revision 40, prepared by Mckimm and dated 25 July 2022 be endorsed. These plans are to be read in conjunction with plans Sheets 3 and 5 endorsed on 31 March 2022 and sheets 1, 4 and 6 endorsed on 9 November 2021
3. that plans A101 (sheet 2) endorsed on 9 November 2021 and A151 (sheet 7) endorsed on 30 March 2022 be superseded.

CARRIED

NOTE: Item 4.15 was **CARRIED** as part of a block motion.

**4.16 318–326 SOUTH ROAD HAMPTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION: 2015/804/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/252083

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2015/804/1, so that the development must now commence no later than 1 February 2024, be completed no later than 1 February 2027, and the use must commence no later than 1 February 2029.

CARRIED

NOTE: Item 4.16 was **CARRIED** as part of a block motion.

4.17 STATUTORY PLANNING - MONTHLY REPORT (JULY 2022)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/264055

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves to

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

CARRIED

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

The Chairperson declared the meeting closed at 9.09pm.