

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 11 October 2022
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Moullem (Deputy Mayor)

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

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance
Brett Turner – Acting Manager Development Services
Felicity Barclay – Statutory Planning Coordinator
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Robert Lamb – Governance Officer

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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 Martin to read the prayer.

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

Cr El Mouallem read the acknowledgement of the original inhabitants of this land.

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of Conflict of Interest of any Councillor

- Cr Castelli – declared a General Conflict of Interest in Item 10.1: 150 Esplanade, Brighton, given her partner has undertaken consultation work in relation to this item.
- Cr Martin – declared a General Conflict of Interest in Item 10.1: 150 Esplanade, Brighton, given conflicting duties as a Councillor and being a proposed candidate for the State Election.

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 13 September 2022.

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 13 September 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

Given the Chairperson had expressed a desire to debate item 4.1 as the Ward Councillor, the Chair called for a motion that the Mayor, Cr del Porto take the chair for consideration of Item 4.1.

Moved: Cr Martin

Seconded: Cr Evans

That the Mayor, Cr del Porto take the chair for consideration of Item 4.1

CARRIED

4. Matters of Decision

4.1 150 ESPLANADE, BRIGHTON NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT APPLICATION: 2012/369/3 WARD: DENDY

City Planning and Amenity - Development Services
File No: PSF/22/3864 – Doc No: DOC/22/275919

It is recorded that Cr Castelli declared a General Conflict of Interest in this item, given her partner has undertaken consultancy work for applicant.

It is recorded that Cr Martin declared a General Conflict of Interest in this item, given conflicting duties as a Councillor and being a proposed candidate for the State Election.

Cr Castelli and Cr Martin accordingly vacated the meeting prior to the discussion on this item at 6.36pm.

It is recorded that Mr Brian Mandie, Mr Nick Robins, Mrs Jenni Carr, Mr Andrew Donaldson, Mr Panos Miltiadou, Mr Wade Keenan, Margot Buckley, Mr Kevin Williamson, Mr Alberto Colla, Mr Scott Chapman and Mr John Battersby, Mrs Therese Ross each submitted a written statement in relation to this item.

It was also noted that a Joint Letter was received containing 549 signatories and objecting to the proposal was tabled at the meeting.

It is recorded that Mrs Jacqui Donaldson, Mr Nick Robins, Narelle Wildschut, Mr Matthew Graham, Mr Justin Klintberg, Mr Li Ding (Bayside Safe Living Group), Mrs Therese Ross, Mr Mark Chester (for Pad Urban Pty Ltd) each spoke for 2 minutes in relation to this item.

Moved: Cr El Moullem (Deputy Mayor) Seconded: Cr del Porto (Mayor)

Part A

That Council resolves to issue a Notice of Decision to Refuse to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2012/369/3 for the land known and described as 150 Esplanade, Brighton for the for buildings and works associated with a Section 2 Use (Residential Hotel), and the use of the land for community care accommodation and the display of signage of the Bayside Planning Scheme for the following reasons:

1. The proposal is inconsistent with State and local planning policy framework and specifically Clause 13.07-1L-02 (Discretionary uses in a residential zone) as:
 - a) The proposal has failed to be located near similar community and support facilities.
 - b) The proposal has failed to demonstrate that it will serve a local need.
 - c) The proposal has failed to provide adequate information to ensure that the use will not have a detrimental impact on the amenity of the area.
2. The proposal fails to comply with the purpose, objectives and decision guidelines of Clause 32.09 (Neighbourhood Residential Zone) as:
 - a) The proposal has not demonstrated the use will serve a local need.
 - b) The scale of the use is not compatible with the surrounding residential uses.
3. The proposed use is isolated from other non-residential activities and support services which will have a detrimental impact on the surrounding area.
4. The proposal Management Plan does not provide sufficient detail to ensure sufficient Management of the use.
5. The proposed use will detrimentally impact in the provision of accommodation that supports tourist activity within the municipality contrary to Clause 17.04 of the Bayside Planning Scheme.
6. The proposal creates conflict with the existing hotel use of the site.
7. The proposed use will have a detrimental impact on the economic activity within the municipality.

Part B

That Council engages appropriate legal representation and seeks to engage appropriate Social and Economic expert evidence to support the Responsible Authority's decision should the application proceed to VCAT.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor) and Hanna El Moullem (Deputy Mayor) (2)
 AGAINST: Crs Laurence Evans OAM, Jo Samuel-King MBBS and Fiona Stitfold (3)

LOST

Moved: Cr Samuel-King MBBS

Seconded: Cr Stitfold

Part A

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 2012/369/3 for buildings and works associated with a Section 2 Use (Residential Hotel), and the use of the land for community care accommodation and the display of signage in accordance with the endorsed plans and subject to the following conditions the land known and described as 150 Esplanade, Brighton for 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 sign/s must contain any flashing light.
3. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

Community Care Use

4. A maximum of 40 participants may be on the premises at any one time (of which a maximum of 30 may be accommodated on site and a maximum of 10 can receive services who do not reside on the site), unless with the prior written consent of the Responsible Authority.
5. Seven (7) staff during the day (9am to 7pm) and a minimum of 3 staff overnight (7pm to 9am) to be on site.
6. No drug or alcohol detoxification (medical procedures) permitted on the subject site.
7. The serving of alcohol is not permitted when the Community Care Accommodation use is operating.
8. A written logbook of all attendees (including residential clients and visitors) to the centre must be kept. The written logbook must include details consisting of the names of people, dates and times of attendance and departure to and from the centre. The written logbook must be made available for inspection by the Responsible Authority at any time upon request.
9. Prior to the commencement of the use, the CCTV system must be installed for surveillance of all doors to the buildings and the front entrance to the property. At all times when the community care program are on the site, the system must be operational and monitored by staff.
10. No external sound amplification or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, except one which audible only within the subject land.
11. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with Environment Protection Regulations 2021 or any subsequent equivalent policy, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
12. Prior to the commencement of the use, an updated Management Plan must be prepared for the approval of the Responsible Authority. When approved, the Management Plan will form part of the endorsed plans. The Management Plan must be generally in accordance with the one submitted with application identified as 'Community Care Accommodation – Management Plan', prepared by Pad Urban dated 11 July 2022 but modified to show:
 - a) a Risk Management Plan which:

- identifies the safety and security risks involved in operation
 - assesses the severity and degree of likelihood of any relevant incident or event occurring
 - sets out measures that the centre's management is to take to address and, in so far as possible, minimise each identified risk
- b) an on-site manager must be on the premises at all times to the satisfaction of the Responsible Authority
- c) the contact details for the person responsible for the management of the premises to be displayed so visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible contact person
- d) a process for management to respond to complaints from neighbours
- e) details of participant rules protecting the amenity of the area
- f) supervision of offsite activities
- g) permanent display of the plan in a common area accessible to all residents of the premises
- h) provision for dealing with participants who indicate a wish to leave the community care program before the end of their program, including measures to ensure their departure from the centre is planned
- i) details of management procedures and restrictions for visitors
- j) offsite activities to be supervised by staff
- k) the Management Plan to include the requirement for a review within 12 months of the commencement of the use and that review, including any recommended changes, must be submitted to and approved by the Responsible Authority.
13. The Management Plan may be amended with the written consent of the Responsible Authority.
14. The community care accommodation use must always operate in accordance with the Management Plan.
15. A register must be continually prepared detailing when the approved community care use and existing hotel use commences/ceases. The register must include evidence of when each of the uses commences/ceases.

The register must be made available to Council upon request.

Permit Expiry

16. This permit will expire if one of the following circumstances applies:
- a) the development is not started within two (2) years of the date of this permit
 - b) the development is not completed within four (4) years of the date of this permit
 - c) the community care use is not started within two (2) years of the date of this permit
 - d) the community care use is discontinued for a period of two years or more.

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.

17. The signage approved as part of this permit expires 15 years from the date of issue.

Permit Notes:

- This permit does not constitute any authority to carry out any building works.

Date of Amendment	Details
11 October 2022	Amendment to the endorsed plans under Section 72 of the Planning and Environment Act, 1987 to: <ol style="list-style-type: none">1. amend the permit preamble to allow use of the land as community care accomadation2. inclusion of additional conditions identified as 5 -15 and subsequent renumbering3. amendment to permit expiry (condition 16) to make reference to use expiries.

Part B

That Council engages appropriate legal representation should the matter proceed to VCAT.

AMENDMENT

Moved Cr del Porto

Seconded Cr Evans

That Part B of the substantive motion be deleted.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Fiona Stitfold, Jo Samuel-King and Hanna El Mouallem (Deputy Mayor) (5)
AGAINST: Nil (0)

CARRIED

The Amendment then became the motion being the substantive motion with the **deletion of Part B.**

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

DIVISION: **FOR:** Crs Laurence Evans OAM, Fiona Stitfold, and Jo Samuel-King and (3)
AGAINST: Crs Alex del Porto (Mayor) and Hanna El Mouallem (Deputy Mayor), (2)

CARRIED

It is recorded that Cr Castelli and Cr Martin each declared a General Conflict of Interest in this item and were not present in the meeting during debate or when the vote was taken on this matter

Procedural Motion

Moved: Cr del Porto

Seconded: Cr El Moullem

That the meeting be adjourned for one minute to enable some members of the public to vacate the chamber.

CARRIED

It is recorded that the meeting was adjourned at 7.54pm.

It is recorded that Cr Castelli and Cr Martin each returned to the meeting at 7.56pm.

Procedural Motion

Moved: Cr del Porto

Seconded: Cr El Moullem

That the meeting be resumed.

CARRIED

It is recorded that the meeting was resumed at 7.56pm.

The Mayor, Cr del Porto moved a motion that Cr El Moullem resume the chair for the remainder of the meeting.

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Castelli

That Cr El Moullem resume the chair for the remainder of the meeting.

CARRIED

It is recorded that Cr Samuel-King MBBS left the Meeting at 8.00pm and did not return for the remainder of the meeting.

**4.2 8-12 WERE STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2014/666/4 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/252010

It is recorded that Ms Belinda Evans submitted a written statement in relation to this item.

It is recorded that Mr Les Finnis, and Taryn Sobel, and Ms Belinda Evans 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 an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning permit amendment application 2014/666/4 for the land known and described as 8-12 Were Street, Brighton, for the subdivision of the land into six lots in the Neighbourhood Residential Zone and Design and Development Overlay and the construction of a double storey dwelling with a roof top deck on Lot 6, and double storey dwellings on Lots 1-5 in accordance with the endorsed plans and subject to the following conditions:

1. Before the plan of subdivision is certified under the Subdivision Act 1988, and concurrently with the submission of an amended plan of subdivision pursuant to Condition 2, amended plans to the satisfaction of the responsible authority must be submitted and approved by the responsible authority. When approved the plans will be endorsed and then form part of the permit. The plans must be generally in accordance with the architectural plans for the proposed dwelling on Lot 6 prepared by Archmap and most recently dated 29 April 2020 but modified to show:
 - a) translucent glass to all first floor windows on the eastern elevation and to the south facing window of bedroom 3, clearly shown on both the floor plans and elevations
 - b) deleted
 - c) side boundary fence shared with number 5 Winmarleigh Close to be replaced at the full cost of the permit applicant/developer of the site.
2. Before the plan of subdivision is certified under the Subdivision Act 1988, a plan of subdivision to the satisfaction of the responsible authority must be submitted and approved by the responsible authority. When approved the plan of subdivision will be endorsed and then form part of the permit. The plan of subdivision must be generally in accordance with plan of subdivision PS803453K (reference 10565N/1 Version A) prepared by Hellier McFarland and must include:
 - a) the creation of restriction which refers to the Memorandum of Common Provisions required pursuant to Condition 17 of this permit
 - b) an expiry date of not less than 15 years in relation to the restriction described in Condition 2(a) above.
3. The subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Prior to the commencement of the development, drainage plans must be submitted to and approved by the responsible authority. The plans must include an upgraded drainage pipe to the existing pit in front of 3 Canterbury Place, Brighton. The pipe shall follow the same horizontal alignment and replace the existing 150mm pipe adjacent to the west Boundary of 11 Canterbury Place, Brighton and thereafter on a suitable alignment to the outlet pit. Appropriate precautions are to be taken to protect existing infrastructure and vegetation.
6. The development must include provision of on-site stormwater detention (OSD) system which is to retain on-site stormwater to agreed 1 in 100 year ARI peak flowrates beyond available pipe capacity.
7. All easements for required utility services and roads must be set aside in favour of the relevant authority for which the easement is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
8. 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.
9. 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.
10. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
11. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to

5% per cent of the site value of all the land in the subdivision as an open space contribution.

12. The subdivision as shown in the endorsed plan of subdivision and amended plans must not:
 - a) provide for any pedestrian or vehicular access to or from the property to Winmarleigh Close, Brighton; or
 - b) provide for any fence located on the boundary between the property and Winmarleigh Close to be fitted with a gate.

Landscape Plan

13. Before the plan of subdivision is certified, a landscape plan must be submitted to and approved by the responsible authority. The landscape plan must be generally in accordance with the landscape plan prepared by MEMLA (attached to the VCAT witness statement of Matthew McFall) dated 30 August 2016 but modified to show:
 - a) tree protection zones (if required) in relation to the:
 - i river Red Gum (*Eucalyptus camaldulensis*)
 - ii flooded Gum (*Eucalyptus rudis*)
 - iii three (3) Bhutan Cypress (*Cupressus torulosa*)
 - b) details regarding the purpose of the proposed irrigation of the garden bed located along the northern boundary of the property (shared with 6 Winmarleigh Close, Brighton)
 - c) planting in the proposed garden bed along the northern boundary of the property (shared with 6 Winmarleigh Close, Brighton) which will not exceed 300mm in height at maturity, in order to maintain light access into the basement of 6 Winmarleigh Close
 - d) any vegetation within 5 metres of the eastern boundary to Lot 6 to have a maximum height of 3 metres at maturity.

Tree Management Plan

14. Before the plan of subdivision is certified, a tree management plan must be prepared by a suitably qualified arborist and must be submitted to and be approved in writing by the responsible authority. The tree management plan must detail measures to protect and ensure the viability of the following trees for both the construction of subdivision and the construction of any future dwellings on the land, in accordance with the arboricultural statement prepared by Treemap Arboriculture dated 24 November 2016:
 - a) River Red Gum (*Eucalyptus camaldulensis*)
 - b) Flooded Gum (*Eucalyptus rudis*)
 - c) Three (3) Bhutan Cypress (*Cupressus torulosa*)as set out in the arboricultural statement prepared by Treemap Arboriculture dated 24 November 2016.

Design Guidelines

15. Before the plan of subdivision is certified, a set of design guidelines must be prepared by a suitably qualified architect and must be submitted to and approved by the responsible authority. The design guidelines must include the proposed design and finishes to be used in relation to any development of the subdivided lots permitted by this permit.

Section 173 Agreement

16. Before the plan of subdivision is certified, 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 construction of any development on the land will be undertaken in accordance with the recommendations of the tree management plan approved under Planning Permit No. 2014/666/1
 - b) the landscaping proposed on the landscape plan approved under Planning Permit No. 2014/666/1 or any amendment to the plan approved by the responsible authority will be completed within 6 months of the issue of a certificate of occupancy to the satisfaction of the responsible authority.

Memorandum of Common Provisions

17. Concurrent with the Plan of Subdivision being certified by the responsible authority, the owner of the land must submit to the responsible authority a Memorandum of Common Provisions. Unless otherwise agreed in writing by the responsible authority after consultation with affected landowners, the owner of the land must register on the title of the land and the subdivided lots permitted by this permit a Memorandum of Common Provisions including the following matters:
 - a) building envelope restrictions generally in accordance with the amended plans approved pursuant to Condition 1 of this permit
 - b) a requirement that the development of the land and the subdivided lots permitted by this Permit shall be in accordance with the building envelopes recorded within the Memorandum of Common Provisions as required by Condition 17(a), or any amendments to the building envelopes that are approved in writing by the responsible authority
 - c) a requirement that the development of the land and the subdivided lots permitted by this Permit shall be in accordance with the Design Guidelines approved under Planning Permit No. 2014/666/1 or any amendment to the Design Guidelines approved in writing by the responsible authority
 - d) no fence is to be constructed on the northern boundary of the land shared with 6 Winmarleigh Close, Brighton
 - e) no landscaping or planting to be provided for on the northern boundary of the land which exceeds 300mm in height at maturity, to prevent the restriction of natural light into the basement of the property at 6 Winmarleigh Close, Brighton

- f) no landscaping or planting to be provided for on common boundary of the land which exceeds the existing fence height of the common fence shared between the property and the western boundary of 6 Winmarleigh Close, Brighton
- g) any rooftop plant or equipment to be constructed on Lots 5 and 6 must not be visible from the property at 6 Winmarleigh Close, Brighton
- h) any rooftop plant or equipment to be constructed on Lots 5 and 6 must not be visible from the property at 5 Winmarleigh Close, Brighton
- i) the prevention of any overlooking from Lots 3 and 4 into the secluded private open space and swimming pool of 6 Winmarleigh Close, Brighton
- j) the prevention of any overlooking from Lot 6 into the secluded private open space and rooms of 5 Winmarleigh Close, Brighton
- k) the prohibition of vehicular and pedestrian access from the land to Winmarleigh Close, Brighton
- l) appropriate screening of any views out from west-facing windows of the proposed dwellings to 4 Were Street, Brighton
- m) any windows in the first floor wall of Lot 6, which will be opposite to the wall of 6 Winmarleigh Close, Brighton, will be screened (at a maximum 25% transparency) to a height of 1.7 metres above finished floor level
- n) no balconies are to project into the first floor setback zone that is parallel to, but setback from, the common boundary with 6 Winmarleigh Close, Brighton
- o) the Memorandum of Common Provisions is prepared at the cost of the owner of the land
- p) the Memorandum of Common Provisions may only be amended or removed with the written consent of the responsible authority
- q) no roof deck is allowed on Lots 1, 2, 3 and 4, unless the consent(s) from the owners' corporation of 2-4 Were Street, Brighton and Council is obtained
- r) any swimming pool equipment(s) must not be constructed adjoining the neighbouring properties (outside the overall site).

Common Property Accessway

18. Before the statement of compliance is issued under the Subdivision Act 1988, the common property access way must be fully constructed to the satisfaction of the responsible authority.

United Energy

19. Entering 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) establishing easement(s) internally or externally to the site; and/or
 - b) providing site(s) to locate substations.
20. Making a payment to United Energy to cover the cost of preparing such documentation and work.

Melbourne Water Corporation

21. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
22. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

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. All lots shown on the Plan of Subdivision must be included in the Owners Corporation schedule.

Development Contributions Levy

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

Permit Expiry

27. This permit will expire if:
 - a) the plan of subdivision is not certified within two (2) years of the date of this permit
 - b) the plan of subdivision is not registered within five (5) 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 the plan of subdivision is not certified.

Date of Amendment	Details
21 July 2020	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to:</p> <ul style="list-style-type: none"> • amend the endorsed building envelope plans to include a swimming pool to Lot 6 • amendment to allow the construction of a dwelling within the approved building envelope on Lot 6 • amendment to allow the construction of the roof deck above the first floor of the proposed dwelling on Lot 6 • amend the endorsed design guidelines to add reference to the roof top deck for Lot 6 • amend the design guidelines by specifying that no roof deck is allowed on Lots 1, 2, 3 and 4, unless the consent(s) from the owners' corporation of 2-4 Were Street, Brighton and Council is obtained • amend condition 16 of the planning permit for the Memorandum of Common Provisions to include: <ul style="list-style-type: none"> ○ no roof deck is allowed on Lots 1, 2, 3 and 4, unless the consent(s) from the owners' corporation of 2-4 Were Street, Brighton and Council is obtained ○ any swimming pool equipment(s) must not be constructed adjoining the neighbouring properties (outside the overall site) • include a development contributions levy condition. <p>Correct conditions 8 and 9.</p>
20 July 2021	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to:</p> <ul style="list-style-type: none"> • Amendment of Condition 18 to read: <p><i>Before the occupancy permit for dwelling(s) on any lot is issued, the common property access way must be fully constructed to the satisfaction of the responsible authority and in accordance with the endorsed Tree Management Plan.</i></p>
11 October 2022	<p>Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i> approving the following changes:</p> <ul style="list-style-type: none"> • Changes to the Building Envelope Plans <ul style="list-style-type: none"> ○ minor revisions to the location of swimming pools ○ modifications to the building envelopes, generally resulting in buildings being located further from adjoining dwellings. ○ reduction in building envelope size for Lots 1-5 ○ increase in the building envelope for Lot 6

	<ul style="list-style-type: none">○ alterations to orientation and location of the roof terrace○ corresponding changes to site coverage and permeability● changes to the approved building to be constructed on Lot 6<ul style="list-style-type: none">○ extension of the garage to the West.○ extension of the ground building along the east and west elevations○ modifications to the first floor building envelope increasing setbacks from southern boundary○ reorientation of roof terraces and increase in roof terrace size○ relocation of pool○ internal rearrangement○ corresponding changes to site coverage and permeability● construction of dwellings on Lots 1-5.<ul style="list-style-type: none">○ all dwellings are to contain four (4) bedrooms○ each dwelling is provided with two (2) car parking spaces○ maximum building height of 6.9m and two storeys○ site coverages ranging from 47.1% to 50%○ permeability ranging from 25.9% to 45.4%○ garden area of between 40.5% and 62.3%. <p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none">• Deletion of Condition 1 (b).• Addition of Condition 1(c) to read as follows: <i>side boundary fence shared with number 5 Winmarleigh Close to be replaced at the full cost of the permit applicant/developer of the site.</i>• Addition of Condition 13(d) to read as follows: <i>any vegetation within 5 metres of the eastern boundary to Lot 6 to have a maximum height of 3 metres at maturity.</i>
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CARRIED

**4.3 8 DALGETTY ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/180/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/3177 – Doc No: DOC/22/273298

It is recorded that Mr Robert MacDonald, and Mr Mark Stanojevic each 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 2022/180/1 for the land known and described as 8 Dalgetty Road, Beaumaris for the construction of two (2) double storey dwellings over a basement and front fence that exceeds 1.2 metres in a Neighbourhood Residential Zone Schedule 3 (NRZ3), buildings and works associated with roof top decks above the second storey of a building in a Design and Development Overlay Schedule 1 (DDO1) and removal of vegetation protected by 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 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 Ben and Ben referenced Revision C, Sheet T07, T08, T09, T10, T11.1 and T11.2 date 8 September 2022 but modified to show:
 - a) site services to be located away from neighbouring habitable room windows
 - b) a Sustainable Design Assessment in accordance with Condition 12
 - c) a Landscaping Plan in accordance with Condition 13
 - d) a Tree Management and Protection Plan in accordance with Condition 16
 - e) provision of the development contributions fee in accordance with Condition 27all 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. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard D20 of Clause 58 of the Bayside Planning Scheme.

Sustainable Design Assessment

12. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/m²

- g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
 - i) provision of external dry lines for each dwelling
 - j) bicycle parking space in each garage/ private open space area
 - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
 - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
 - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
 - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
 - o) provisions for renewable energy systems such as Solar PV
 - p) commitment to recycle at least 70% of construction and demolition waste
 - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
 - r) use of sustainable materials such as low VOC paints for the internal walls
 - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - t) provision of green walls / vertical gardens
- all to the satisfaction of the Responsible Authority.

Landscaping

13. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Faulkner & Chapman Landscape Design, reference 8 DalgettyLP, dated 5 April 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) amended development plans as referenced in 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. Plantings must be 80% indigenous by species type and count
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways
 - g) where practicable, the inclusion of green walls at appropriate locations
 - h) planting schedule to be a minimum of 80% indigenous species.
14. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

16. 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.
17. All actions and measures identified in the Tree Management Report must be implemented.
 18. 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.
 19. 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

20. 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

21. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
22. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 3.5 metres of the street tree *Banksia integrifolia*, asset Id 433681 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.

Drainage

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

For Subterranean and Basement Drainage

25. 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.
26. 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

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

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

Permit Expiry

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

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

Permit Notes:

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

Southern Dwelling – 8A Dalgetty Road BEAUMARIS 3193

Northern Dwelling – 8B Dalgetty Road BEAUMARIS 3193

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

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

CARRIED

**4.4 81-83 WILSON STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2021/774/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/281665

It is recorded that Mr Simon Martin 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 Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/774/1 for the land known and described as 81-83 Wilson Street, Brighton for the construction of a multi-dwelling two-storey development over basement car parking and a front fence in excess of 1.2m in height on a lot of the Bayside Planning Scheme for the following reasons:

1. The proposal fails to successfully meet the numerical requirements of Clause 55 of the Bayside Planning Scheme, specifically:
 - a) Standard B8 – Site Coverage
 - b) Standard B17 – Side and rear setbacks
 - c) Standard B18 – Walls on boundaries
 - d) Standard B22 – Overlooking
 - e) Standard B32 – Front fences.
2. The proposal fails to respect the existing/preferred neighbourhood character of the area and fails to respond to the preferred character strategies as well as the general strategies and objectives of Clause 15.01-5L (Neighbourhood Character, Precinct B24) of Bayside Planning Scheme, on the following grounds:
 - a) The proposal fails to retain the existing dwelling on the site.
 - b) The proposal fails to site buildings to create the appearance of space between buildings.
 - c) The proposal fails to appropriately articulate the built form, and in particular the upper levels of the building by virtue of the proposed side and rear boundary setbacks.
 - d) The proposed front fence fails to appropriately maintain and enhance views into the site.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin, Sonia Castelli, Fiona Stiffold and Hanna El Mouallem (Deputy Mayor) (6)
AGAINST: Nil (0)

CARRIED

**4.5 17 ANITA STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/202/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/286433

It is recorded that Mr Rohan Murley 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 2022/202/1 for the land known and described as 17 Anita Street, Beaumaris for the construction of two (2) dwellings on a lot and the removal of native vegetation within 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 advertised, prepared by Murley Design, referenced 21 1852, date April '22 and issue A but modified to show:
 - a) a coloured schedule of construction materials, external finishes and colours
 - b) amended floor plans and elevations that show compliance with Clause 52.06-9 (pedestrian sight lines)
 - c) a Sustainable Design Assessment in accordance with Condition 10
 - d) a Landscaping Plan in accordance with Condition 11
 - e) a Tree Management and Protection Plan in accordance with Condition 14
 - f) an Arboricultural Impact Assessment Report in accordance with Condition 19
 - g) provision of the development contributions fee in accordance with Condition 27all 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

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 Murley Design, drawing number TP07, dated Apr '22 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways
 - f) where practicable, the inclusion of green walls at appropriate locations
 - g) 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.

Arboricultural Impact Assessment Report

19. Before the development starts, including any related demolition or removal of vegetation, an Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites must be submitted to and be endorsed by the Responsible Authority. The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

Street tree protection

20. Soil excavation must not occur within 2 metres from the edge of the *Tristaniopsis laurina* (Water Gum) street tree asset's stem at ground level.
21. 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.
22. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
23. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
25. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site

Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

26. Council records indicate that there is a 1.22m wide drainage and sewerage easement along the northern property boundary as indicated on the drawings provided. The plans indicate that a pool fence shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the responsible Authority/Authorities.

Development Contribution

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

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

Permit Expiry

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

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

Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.
 - Western Dwelling – 17A Anita Street BEAUMARIS 3193
 - Eastern Dwelling – 17B Anita Street BEAUMARIS 3193

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

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

CARRIED

**4.6 UNIT 6/65 TIBROCKNEY STREET, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/113/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/302063

It is recorded that Miss Kate Taylor, Ms Elizabeth Zshornack, Mr Mick Fagan, Mr Michael Jones, Ms Carol Merrett, Mr David Burgin, Ms Megan O’Leary, Mr Daniel and Mrs Sharon Elliott each submitted a written statement in relation to this item.

It is recorded that Ms Jenny Hayes, Mr Braydon Watson, and Mrs Cassie Watson each spoke for 2 minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/113/1 for the land known and described as 6/65 Tibrockney Street, Highett for the construction of one dwelling on a lot less than 500 square metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (amended) prepared by BW referenced 1408 and dated 8/8/2022 but modified to show:
 - a) a schedule of construction materials, external finishes and colours (incorporating paint samples) shown on the elevation plans
 - b) Water Sensitive Urban Design measures in accordance with Condition 8
 - c) a Tree Management and Protection Plan in accordance with Condition 10all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard

A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

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

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

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

Tree Protection Management Plan

10. 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.
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.
 13. 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

14. 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

15. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
16. 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.

**4.7 22 RESERVE ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/53/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/297860

It is recorded that Mr Andrew Bromley submitted a written statement in relation to this item.

It is recorded that Mr Nicholas Matys, Prof. John Buckeridge, and Mr Andrew Bromley each 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 2022/53/1 for the land known and described as 22 Reserve Road, Beaumaris to undertake buildings and works constituting construction of two dwellings on a lot, construction of two roof decks above the second storey of a building, construction of a front fence exceeding a height of 1.2m, and removal of vegetation native to Australia 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 Pitard Group referenced 2107, date 1/6/2022 and revision number 2 but modified to show:
 - a) crossover to dwelling 1 shifted such that it is setback 1.0m from the southern boundary and the driveway realigned accordingly
 - b) the pedestrian paths to both dwellings either removed entirely with access provided off driveway, or altered to landscape features (e.g. individual pavers) such that it does not detract from landscape space within the front setback
 - c) location of all neighbouring trees within 5m of a common boundary to be shown on the plans
 - d) provision of visual splays for each driveway in accordance with the requirements of Clause 52.06 of the Bayside Planning Scheme
 - e) dimensions showing the garage door to be a minimum of 4.8m wide
 - f) a Sustainable Design Assessment in accordance with Condition 10
 - g) a Landscaping Plan in accordance with Condition 11
 - h) provision of the development contributions fee in accordance with Condition 19
 - i) full compliance with Standard B6 of Rescode
 - j) screening to 1700mm to be provided at the rear elevation of the roof deck to dwelling 1

- k) the retention of trees 3 and 10, with any consequential design changes required to ensure their ongoing protection and survival to occur to the satisfaction of the Responsible Authority
- all to the satisfaction of the Responsible Authority.
- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 - 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 - 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 - 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 - 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 - 8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
 - 9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

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

- d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/m²
 - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
 - i) provision of external dry lines for each dwelling
 - j) bicycle parking space in each garage/ private open space area
 - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
 - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
 - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
 - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
 - o) provisions for renewable energy systems such as Solar PV
 - p) commitment to recycle at least 70% of construction and demolition waste
 - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
 - r) use of sustainable materials such as low VOC paints for the internal walls
 - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - t) provision of green walls / vertical gardens
- 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 in accordance with the landscape plan (submitted with the application) prepared by Species Landscape Architecture referenced 22001, date 16/2/2022 and revision number 1 and be drawn to scale with dimensions.

and fully compliant with the Bayside Landscaping Guidelines. The plan must show:

- a) plans updated to reflect the design changes since its creation, and also those required under condition 1
 - b) the planting of either one (1) large indigenous canopy tree capable of reaching a mature height of at least 12m and spread of at least 8m, or, the planting of two (2) small indigenous canopy trees capable reaching a mature height of at least 8m and spread of at least 4m within the rear/side setbacks of each dwelling
 - c) location of all neighbouring trees within 5m of a common boundary to be shown on the plans
 - d) 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
 - e) 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
 - f) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - g) planting schedule must be a minimum of 80% indigenous species
 - h) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - i) details of surface finishes of pathways and driveways
 - j) where practicable, the inclusion of green walls at appropriate locations
 - k) the retention of trees 3 and 10.
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.

Protection of trees for services

14. 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

15. 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.
16. 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.

17. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the East property boundary as indicated on the drawings provided. The plans indicate that decking and storage sheds shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the responsible Authority/Authorities. The items shall be partially demountable over the easement and ensure the continuation of Council rights of drainage.
18. 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

19. 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

20. 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 – 22A Reserve Road BEAUMARIS 3193
 - Northern Dwelling – 22B Reserve Road BEAUMARIS 3193

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

**4.9 452A HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/217/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/3980 – Doc No: DOC/22/230794

It is recorded that Mr Jack Manion (for JMPlanning) submitted a written statement in relation to this item.

It is recorded that Mrs Caroline Shephard, and Mr Jack Manion (for JMPlanning) each spoke for 2 minutes in relation to this item.

Moved: Cr Stitfold

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 2022/217/1 for the land known and described as 452A Hampton Street, Hampton for the construction a four storey mixed use development containing a retail use and six apartments in a Commercial 1 Zone (C1Z), buildings and works in a Design and Development Overlay Schedule 12 (DD012) and a reduction in car parking requirement of Clause 52.06 of the Bayside Planning Scheme 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 AMS Constructions referenced project number AMC 06.21-22/02, Sheets TP00-TP25 dated September 2022 and revision number A but modified to show:
 - a) the internal northern elevation of the proposed retail premises to include additional glazing to provide passive surveillance to the lobby area
 - b) the height of the wall/screen between balconies on Level 2 to be annotated and comply with the requirements of Standard D15 of Clause 58.04-2 of the Bayside Planning Scheme
 - c) all windows located on the northern and southern side boundaries to be setback a minimum of 1 metre from the side boundary to be achieved through a reduction in floor area
 - d) location of the proposed 5,000 litre water tank
 - e) the length and aisle width of the onsite car spaces must meet the relevant requirements of AS2890.1
 - f) one Disabled Parking space to be provided
 - g) a minimum 2.2m headroom must be provided at the entrance (when the garage door/gate is at opened position) and throughout the car park as per the AS2890.1
 - h) the location of the gate/roller door to the carpark to be set backed at least 5m from the rear property boundary
 - i) a cross section to be provided to the ramp complies with AS2890.1

- j) all column locations within the basement (if applicable) to be shown and comply with AS2890.1
- k) the gradient of the car park to be annotated and comply with AS2890.1
- l) notation for the proposed separators (as part of the new crossover into car park) must not encroach into Council car park
- m) the loading bay to be increased in width to be at least 6.4 metres long
- n) the ground floor “retail tenancy” to be notated as a “shop”
- o) the green wall on the first floor elevation to Hampton Street as required by Condition 14
- p) a Sustainable Design Assessment in accordance with Condition 13
- q) a Landscaping Plan in accordance with Condition 14
- r) an amended Waste Management Plan in accordance with Condition 20
- s) 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 must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council’s Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council’s Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be

removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.

10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
11. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
12. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard D20 of Clause 58 of the Bayside Planning Scheme.

Sustainable Design Assessment

13. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/m²
 - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
 - i) provision of external dry lines for each dwelling
 - j) bicycle parking space in each garage/ private open space area
 - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
 - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18

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

all to the satisfaction of the Responsible Authority.

Landscaping

14. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions. The plan must show:
- a) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - b) landscaping and/or planting within all balcony and terrace areas
 - c) details of surface finishes of pathways and driveways
 - d) a green wall on the first-floor level to Hampton Street including the use of climbing or cascading plants
 - e) details of an automatic irrigation system(s) for all planters, including the green wall together with a landscaping management plan which provides details of the following:
 - i. an analysis of the different irrigation demands for the different planters within the site
 - ii. details of the irrigation source(s), supply and connections points
 - iii. details of a maintenance program for the irrigation system(s) including flushing, checking systems integrity, monitoring sensors and calibration settings
 - iv. responsibility for the ongoing maintenance of the irrigation system(s) and all landscaping by the owners corporation unless otherwise to the satisfaction of the Responsible Authority.

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.

Drainage

17. 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.
18. 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.
19. 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.

Waste Management Plan

20. Prior to the endorsement of the plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority that is generally in accordance with the Waste Management Plan, prepared by TTM Consulting Pty Ltd and dated 14 December 2021 but modified to note:
 - A private waste collection must be adopted via 6.4m rear min loader (for both shop and residential components). The rear mini loader shall reverse down into car park and exit the site in forward manner after completion of the waste collection onsite. Waste shall be collected during after-hours.
 - Garbage bins must not be placed within public car parks and/or road reserves under any circumstances.

The plan will be endorsed and will then form part of the permit.

21. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Carparking

22. The approval under this permit for car parking reduction under Clause 52.06 (Carparking) is based on the ground floor tenancy being a 'Shop'. Any alteration to this use will require consent from the Responsible Authority.
23. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Construction Management Plan

24. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit, a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible

Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):

- a. a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
- b. works necessary to protect road and other infrastructure
- c. remediation of any damage to road and other infrastructure
- d. containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
- e. facilities for vehicle washing, which must be located on the land
- f. the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
- g. site security
- h. management of any environmental hazards including, but not limited to:
 - i. contaminated soil and ground water
 - ii. materials and waste
 - iii. dust
 - iv. stormwater contamination from run-off and wash-waters
 - v. sediment from the land on roads
 - vi. washing of concrete trucks and other vehicles and machinery
 - vii. spillage from refuelling cranes and other vehicles and machinery
- i. the construction program
- j. preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k. parking facilities for construction workers
- l. measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m. an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- n. an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- o. the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads

- p. include details of bus movements throughout the precinct during the construction period
- q. a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - i. using lower noise work practice and equipment
 - ii. the suitability of the land for the use of an electric crane
 - iii. silencing all mechanical plant by the best practical means using current technology
 - iv. fitting pneumatic tools with an effective silencer
 - v. other relevant considerations
 - vi. any site-specific requirements

During the construction:

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

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

Development Contribution

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

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

Permit Expiry

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

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

Permit Notes:

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

Commercial - 452A Hampton Street HAMPTON 3188

Residential – 452B Hampton Street HAMPTON 3188

Level 1 – Units 101-104/452B Hampton Street HAMPTON 3188

Level 2 – Units 201-202/452B Hampton 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 no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

**4.10 14 HAMLET STREET, CHELTENHAM
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2018/377/2 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/190108

It is recorded that Anne Ross, Mr Robert Smith (on behalf of Austral Injections P/L), and Mr Mark Chester each spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr del Porto (Mayor)

Part A

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 2018/377/2 for the land known and described as 14 Hamlet Street, Cheltenham for the partial use of land for a function centre and caretaker's residence, construct or carry out works, reduction in car parking and the sale or consumption of liquor on the land in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use(s) or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by XtheT Building Design, referenced 1804 and date 14/09/2018 but modified to show:
 - a) replacement of the words 'Workshop' with 'Arts & Crafts Centre'
 - b) deletion of car parking space #2 and replaced with landscaped area
 - c) deletion of all extraneous information from TP03 including (but not limited to) 'metal trusses', 'C5', 'Caroma Care P-Trap' and similar notations
 - d) all car parking spaces to be allocated for staff use only – the spaces associated with each use must be shown on the plans, including:
 - i) Arts & Crafts Centre – 3 spaces
 - ii) Food & Drinks Premises (Café) – 2 spaces
 - iii) Caretaker's Dwelling – 1 space
 - e) removal of the existing crossover and replaced with landscaped area
 - f) an Acoustic Report in accordance with condition 14 below
 - g) any development changes in accordance with the acoustic report shown in condition 14 below, including specific details of any required internal or external treatments
 - h) a Landscaping Plan in accordance with Condition 17
 - i) preparation of a Facility Management Plan in accordance with Condition 20all to the satisfaction of the Responsible Authority.
2. The uses as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

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 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.

Use of land

5. The use of the land for the purpose of a Function Centre may operate only between the hours of:
 - a. Monday to Wednesday: 8.30am to 11.00pm
 - b. Thursday to Friday: 8.30am to 1.00am the following day
 - c. Saturday: 9.00am to 1.00am the following day
 - d. Sunday: 10.00am to 1.00am the following day
6. Deleted
7. In accordance with the hours permitted under condition 5 of this permit, the total number of patrons present on the premises at any one time must not exceed:
 - a. Monday to Wednesday, 7.00am to 5.00pm: 80 Patrons
 - b. Monday to Wednesday, 5.00pm to 7.00pm: 120 Patrons
 - c. Monday to Wednesday, 7.00pm to 1.00am: 200 Patrons
 - d. Thursday, 7.00am to 5.00pm: 80 Patrons
 - e. Thursday, 5.00pm to 7.00pm: 150 Patrons
 - f. Thursday, 7.00pm to 1.00am: 200 Patrons
 - g. Friday, 7.00am to 4.00pm: 80 Patrons
 - h. Friday, 4.00pm to 7.00pm: 150 Patrons
 - i. Friday, 7.00pm to 1.00am: 200 Patrons
 - j. Saturday, 7.30am to 11.00am: 150 Patrons
 - k. Saturday, 11.00am to 4.00pm: 180 Patrons
 - l. Saturday, 4.00pm to 1.00am: 230 Patrons
 - m. Sunday 8.30am to 11.00pm: 200 Patrons
8. Deliveries to and from the site (including waste collection) must only take place between:
 - a. 6am and 9am – Monday to Friday
 - b. 8am and 1pm – Saturday, Sunday or on public holidays.
9. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.
10. Noise associated with the delivery or collection of goods from the premises or staff activity on the site must be kept at a level satisfactory to the EPA and the Responsible Authority.
11. The caretaker's dwelling must be used in accordance with the management of the facility and must not be used as a separate dwelling.

12. The use(s) of the land must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any building, works or materials
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d. presence of vermin
 - e. in any other manner.
13. All liquor sold must be consumed within the redline area and is not permitted for off-site consumption.

Acoustic Report

14. Prior to the endorsement of plans pursuant to Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. This report must demonstrate how the building will be acoustically treated to minimise noise transmission within and from the site. When approved, the Acoustic Report will be endorsed and will form part of this permit.
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
16. At the request of the Responsible Authority, the owner/occupier must undertake noise measurements by a suitably qualified acoustic consultant and a report must be submitted to the Responsible Authority for compliance in relation to the N-1.

Landscaping

17. 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Landscaping should be 80% indigenous species by count and quantity
 - b) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - c) details of surface finishes of pathways and driveways.
18. Within 3 months of the commencement of the use the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
19. 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.

Facility Management Plan

20. Prior to the endorsement of plans pursuant to Condition 1, a Facility Management Plan is required to be submitted to the satisfaction of the Responsible Authority. The Facility Management Plan is to address noise, amenity and sustainable transport measures. The Facility Management Plan must address but is not limited to the following:
- a. appointment and/or employment of a Manager on-site including contact information
 - b. hours of operation and maximum number of patrons for all parts of the premises and methods for monitoring and enforcement
 - c. location and methods of internal signage directing patrons to the relevant parts of the site
 - d. details of staffing arrangements including numbers and working hours of any security staff
 - e. standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the Responsible Authority or an officer of the liquor licensing authority
 - f. Details of any measures to be undertaken to ensure minimal impacts from the licensed premises, particularly for events finishing after 9pm.
 - g. outlining of the Waste Policies & Waste Awareness and Minimisation outlined in the Waste Management Plan submitted with the application
 - h. education of staff and customers regarding parking arrangements and encouraging the use of sustainable transport
 - i. a map of the surrounding area demonstrating active and public transport options, including directions to local bus stops and Southland Station
 - j. phone numbers and/or contact information for local transport providers offering after-hours pick-up.
21. The operation of the facility, including the methods, recommendations and requirements in the Facility Management Plan, must be carried out to the satisfaction of the Responsible Authority.

Waste Management Plan

22. The Waste Management Plan submitted with the application must be endorsed and form part of the permit. Waste collection from the development must be in accordance with this plan, to the satisfaction of the Responsible Authority.

Vehicle Crossings & Parking

23. Before the commencement of the use, new or altered vehicle crossing(s) servicing the site must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with kerb and channel, to the satisfaction of the Responsible Authority.
24. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

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 City Assets and Projects Department.

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

- 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.

Date of Amendment	Details
11 October 2022	Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i> : <ul style="list-style-type: none"> • Delete Condition 6 • Amend Condition 5 and 7 to read as follows: Condition 5: The use of the land for the purpose of a Function Centre may operate only between the hours of: <ol style="list-style-type: none"> a. Monday to Wednesday, 8.30am to 11.00pm b. Thursday to Friday, 8.30am to 1.00am the following day c. Saturday, 9.00am to 1.00am the following day d. Sunday, 10.00am – 1.00am the following day Condition 7: In accordance with the hours permitted under condition

	<p>5 of this permit, the total number of patrons present on the premises at any one time must not exceed:</p> <ul style="list-style-type: none"> a. Monday to Wednesday, 7.00am to 5.00pm: 80 Patrons b. Monday to Wednesday, 5.00pm to 7.00pm: 120 Patrons c. Monday to Wednesday, 7:00pm to 1.00am: 200 Patrons d. Thursday, 7.00am to 5.00pm: 80 Patrons e. Thursday, 5.00pm to 7.00pm: 150 Patrons f. Thursday, 7.00pm to 1:00am: 200 Patrons g. Friday, 7:00am to 4.00pm: 80 Patrons h. Friday, 4.00pm to 7:00pm: 150 Patrons i. Friday, 7.00pm to 1.00am: 200 Patrons j. Saturday, 7.30am to 11.00am: 150 Patrons k. Saturday, 11.00am to 4:00pm: 180 Patrons l. Saturday, 4.00pm to 1.00am: 230 Patrons m. Sunday 8.30am to 11.00pm: 200 Patrons
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Part B

That Council’s Traffic Management Team undertake investigations into car parking management arrangements within Hamlet Street, Cheltenham to consider the parking requirements necessary in response to the planning permit being issued and determine what alternate parking arrangements should be implemented, if applicable, to manage the increase in parking congestion and potential parking impacts and required time restrictions.

The investigations must include parking survey and community engagement. All recommend traffic changes are to be presented to a future Planning and Amenity Delegate Committee Meeting within the next 6 months for consideration.

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin, Sonia Castelli, Fiona Stiffold and Hanna El Mouallem (Deputy Mayor) (6)

AGAINST: Nil (0)

CARRIED

4.13 STATUTORY PLANNING - MONTHLY REPORT (AUGUST 2022)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/298541

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

That Council resolves to

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

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

DIVISION: **FOR:** Crs Alex del Porto (Mayor), Laurence Evans OAM, Clarke Martin, Sonia Castelli, Fiona Stitfold and Hanna El Moullem (Deputy Mayor) (6)

AGAINST: Nil (0)

CARRIED

The Chairperson declared the meeting closed at 10.09pm.