

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Monday 12 December 2022
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Jo Samuel-King MBBS (Deputy Mayor)

Councillors: Cr Sonia Castelli
Cr Alex del Porto
Cr Hanna El Moullem (Mayor)
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Fiona Stitfold

Officers: Fiona Farrand – Acting Director City Planning and Amenity
Juliana Aya – Manager Urban Strategy
Felicity Barclay – Acting Manager Development Services
Terry Callant – Manager Governance
John Coates – Manager Amenity Protection
Sarah Collins – Statutory Planning Coordinator
Anthony Jacobs – Economic Development Coordinator
Michael Kelleher – Statutory Planning Coordinator
Robert Lamb – Governance Officer

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The Chairperson, Cr Samuel-King MBBS (Deputy Mayor) declared the Planning and Amenity Delegated Committee Meeting open at 6.30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Chairperson invited Cr Evans to read the prayer.

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

Cr Martin 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

It is recorded that Cr Samuel-King sought leave for the 14 February 2023 Planning and Amenity Delegated Committee Meeting.

Moved: Cr Evans OAM

Seconded: Cr del Porto

That Councillor Jo Samuel-King be granted leave of absence for the 14 February 2023 Planning and Amenity Delegated Committee Meeting.

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

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

CARRIED

2. Disclosure of Conflict of Interest of any Councillor

- Cr Fiona Stitfold declared a General Conflict of Interest in Item 4.1: 482 Balcombe Road, Beaumaris, given the applicant is known to Cr Stitfold professionally.

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 15 November 2022.

Moved: Cr Martin

Seconded: Cr Evans OAM

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 15 November 2022, as previously circulated, be confirmed as an accurate record of proceedings.

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

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

AGAINST: Nil (0)

CARRIED

4. Matters of Decision

4.1 482 BALCOMBE ROAD, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/321005

It is recorded that Cr Fiona Stitfold declared a General Conflict of Interest in this item given the applicant is known to Cr Stitfold professionally. Cr Stitfold left the meeting at 6.36 pm

It is recorded that Dr David Delac submitted a written statement and spoke for 2 minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers issue a Local Law Tree Removal Permit for one Liquidambar (Liquidambar styraciflua) tree, as a protected tree, at 482 Balcombe Road, Beaumaris
2. that any such permit includes a condition requiring planting of two indigenous trees which are each capable of reaching a minimum height of 8m and minimum canopy width of 8m at maturity.

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

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

CARRIED

It is recorded that Cr Fiona Stitfold was not present in the meeting during debate or when the vote was taken on the above item. Cr Stitfold returned to the meeting at 6.44 pm.

**4.2 15 MARY STREET, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/352991

It is recorded that Mr Geoffrey Humphreys submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers issue a Local Law Tree Removal Permit for the English Oak (*Quercus robur*) tree, located in the front setback of 15 Mary Street, Beaumaris
2. that any such permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 12m height and minimum canopy width of 11m at maturity.

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

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

CARRIED

**4.3 32 FOLKESTONE CRESCENT, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/353004

It is recorded that Mr Chris Think submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers issue a Local Law Tree Removal Permit for the Peppercorn (Schinus molle) tree, located in the rear yard of 32 Folkestone Crescent, Beaumaris
2. that any such permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 9m height and minimum canopy width of 8m at maturity.

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

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

CARRIED

**4.4 BAD SHEPHERD BREWING CO - 386 RESERVE ROAD, CHELTENHAM
PARKLET PERMIT APPLICATION**

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/22/364501

It is recorded that Mrs Jenny Watts (on behalf of Bad Shepherd Brewing Co)spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves to issue an Annual Permit for a parklet to occupy two car parking spaces to the Bad Shepherd Co. at 386 Reserve Road, Cheltenham.

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

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

AGAINST: Nil (0)

CARRIED

**4.6 282–284 BAY STREET, BRIGHTON
NOTICE OF DECISION TO REFUSE TO GRANT AN AMENDMENT TO A
PERMIT
APPLICATION: 2008/804/3 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/343308

It is recorded that Mr Daniel Cullen submitted a written statement in relation to this item.

It is recorded that Mr Daniel Cullen, Mr Ilya Furnan, and Ms Julia Knight each spoke for 2 minutes in relation to this item.

Moved: Cr El Mouallem (Mayor)

Seconded: Cr del Porto

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 2008/804/3 for the land known and described as 282–284 Bay Street, Brighton, for the construction of a three (3) storey building and use for five (5) new apartments in a Heritage Overlay and Design and Development Overlay Schedule 6 and waiver of car parking subject to the following changes:

1. Make the following amendments to the Planning Permit:
 - a) Condition 1 (a) be deleted.
 - b) Condition 3 be deleted.

2. The following table is to be added at the end of the permit:

Date	Details
12 December 2022	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none"> • Condition 1 (a) be deleted. • Condition 3 be deleted. • Deletion of the requirement for the original heritage parapet of the building on east and north elevation to be reinstated (as required under the original permit conditions).

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

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

CARRIED

**4.7 15 STEWART STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/421/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/343689

It is recorded that Cr del Porto left the meeting at 8.11 pm. Cr del Porto returned to the meeting at 8.13 pm.

It is recorded that Mr Greg Barton submitted a written statement in relation to this item.

It is recorded that Mr Chris Pippo spoke for 2 minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Martin

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/421/1 for the land known and described as 15 Stewart Street, Brighton, for the construction of two dwellings and a front fence exceeding 1.2 metres in height on a lot in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (amended) prepared by Roke Design Studio referenced 22-004, sheets 4-9 of 9 dated 15 November 2022 and revision number TP-10 but modified to show:
 - a) a Sustainable Design Assessment in accordance with Condition 10.
 - b) a Landscaping Plan in accordance with Condition 11
 - c) a Tree Protection Management Plan and Tree Protection Plan in accordance with Condition 14
 - d) provision of the development contributions fee in accordance with Condition 23all 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 Zenith Concepts Pty Ltd, dated 28 June 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) Canopy tree planting in accordance with table 3 of the Bayside Landscape Guidelines including:
 - i) replacement of the Maple trees in the front setback of each dwelling with a species capable of reaching at least 12 metres at maturity
 - ii) an additional canopy tree in the rear of each dwelling capable of reaching a height of at least 8 metres and a canopy spread of at least 4 metres at maturity.
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. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist in accordance with the Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (including the Fig trees at NO. 17 Cairns Crescent) is to be done by hand by a qualified Arborist.

Protection of trees for services

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

Street tree protection

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

Drainage

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

Development Contribution

23. Prior to endorsement of the 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

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

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

Permit Notes:

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

Eastern Dwelling – 15A Stewart Street BRIGHTON 3186

Western Dwelling – 15B Stewart Street BRIGHTON 3186

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

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

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

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

AGAINST: Nil (0)

CARRIED

**4.8 14–16 GRENVILLE STREET, HAMPTON
SUPPORT THE GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2018/814/3 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/353051

It is recorded that Mr Paul Little (on behalf of 14 Grenville Street Pty Ltd) spoke for 2 minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council resolves to Support the Grant of an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2018/814/3 for the land known and described as 14-16 Grenville Street, Hampton for the construction of a three storey multi-dwelling building over a basement car park 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 and must be generally in accordance with the plans advertised, drawing No: TP200 dated July 2021, prepared by Finnis Architecture Interiors Communities but modified to show:
 - a) details of all internal fencing on the ground floor to be in accordance with Standard B23 of the Bayside Planning Scheme
 - b) section diagrams demonstrating the proposed balconies and habitable room windows at upper levels will not incur overlooking in accordance with Standard B23 of the Bayside Planning Scheme
 - c) section plan demonstrating the balcony of Apartment 102 and the south facing windows of Apartment 202 comply with Standard B22 of the Bayside Planning Scheme
 - d) annotation on the plans that all overlooking screens to be in accordance with Standard B22
 - e) sufficient storage spaces to be provided for each dwelling in accordance with Standard B44 of the Bayside Planning Scheme
 - f) sightlines to be provided where ramp intersects with the footpath in accordance with Clause 52.06 of the Bayside Planning Scheme
 - g) an updated Water Sensitive Urban Design measures in accordance with Condition 8
 - h) an updated Landscaping Plan in accordance with Condition 9
 - i) an updated Tree Management Plan in accordance with Condition 12
 - j) an updated Waste Management Plan in accordance with Condition 21
 - k) compliance in accordance with Melbourne Water's Conditions as listed in Conditions 24 – 31

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

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.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape

Architects Pty Ltd, reference 21-623, L-TP00 Rev D, dated Feb 2022 and be drawn to scale with dimensions. The plan must show:

- a) additional three (3) *Eucalyptus pauciflora* (Snow Gums) along the west boundary in the similar locations as approved by the permit 2018/814/1
 - 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) demonstration that there are at least 26 cubic meters of soil for each *Allocasuarina verticillate* (Drooping Sheoak) currently proposed at the south-west and south-east corners of the subject site.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) the Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site
 - b) the location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree protection

16. Before the development starts, tree protection fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
17. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 2 metres of the street tree asset 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.
18. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Drainage

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

Waste Management Plan

21. Before the endorsement of plans, the Waste Management Plan prepared by Leigh Design, must be revised and submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor to be collected on site, not Council, and include:
 - a) dimensions of storage waste areas
 - b) storm water drains in storage areas should be fitted with a litter trap
 - c) the number and size of bins to be provided
 - d) facilities for bin cleaning
 - e) method of waste and recyclables collection
 - f) types of waste for collection, including colour coding and labelling of bins
 - g) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
 - h) method of hard waste collection
 - i) method of presentation of bins for waste collection

- j) sufficient headroom within the basement to accommodate waste collection vehicles
 - k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
 - l) strategies for how the generation of waste and recyclables will be minimised
 - m) compliance with relevant policy, legislation and guidelines.
22. When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Construction Management Plan

23. Prior to the commencement of development, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to, the following as applicable:
- a) a detailed schedule of works including a full project timing
 - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
 - c) the location for the parking of all construction vehicles and construction worker vehicles during construction
 - d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) proposed traffic management signage indicating any inconvenience generated by construction
 - f) fully detailed plan indicating where construction hoardings would be located
 - g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
 - h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
 - i) site security
 - j) public safety measures
 - k) construction times, noise and vibration control
 - l) restoration of any Council assets removed and/or damaged during construction
 - m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)

- n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
- o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads
- q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
- r) details of crane activities, if any.

Melbourne Water

- 24. The building must be constructed with finished floor levels set no lower than 9.68 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 9.38 metres to AHD.
- 25. The driveway to the basement must be constructed with a flood-proof apex and associated bunding set no lower than 9.68 metres to AHD, which is 300mm above the applicable flood level of 9.38 metres to AHD.
- 26. The basement must be fully tanked/floodproofed and with any openings to the basement (windows, vents etc.) set no lower than 9.68 metres to AHD, which is 300mm above the applicable flood level of 9.38 metres to AHD.
- 27. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the driveway apex and ground floor level (as constructed) reduced AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 28. Front and side setbacks must be maintained at natural surface level and no fill, retaining walls or solid structures to be permitted in this area to allow for the conveyance of overland flood flow to the satisfaction of Melbourne Water.
- 29. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the building and basement ramp.
- 30. Decking must be constructed with unenclosed foundations and steps must not contain vertical risers, to allow for the passage of overland flood flows.
- 31. Any new fence must be of an open style of construction (minimum 50% open) or timber paling (along the side boundaries) unless with the written consent of Melbourne Water, to allow for the passage of overland flood flows.

Permit Expiry

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

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

Permit Notes:

- 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.

Date of Amendment	Details
29 April 2020	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to:</p> <ol style="list-style-type: none"> The following amendments to the Planning Permit: <ul style="list-style-type: none"> Condition 1 amended to read as follows: Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted to the tribunal dated September 2019 but modified to show: Condition 1(a) amended to read as follows: <ol style="list-style-type: none"> Details of all internal fencing on the ground floor in accordance with Standard B23 of the Bayside Planning Scheme. Condition 1(b) amended to read as follows: <ol style="list-style-type: none"> The eastern boundary fence reduced to 1.9 metres, except where it abuts the easternmost bedrooms of dwellings G01 and G03. In this location the fence must be sufficient height and structure to meet requirements of Standard B22 of the Bayside Planning Scheme. Plans identified as TP01, TP02, TP03, TP04, TP05, TP06, TP07, TP08 and TP09 prepared by Artisan Architects and dated 24/1/2020 be endorsed. Along with the above plans the following reports are to be endorsed. <ul style="list-style-type: none"> Sustainable Management Plan Acoustic Report Landscape Plan Tree Management and Protection Plan Waste Management Plan

12 December 2022	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> : <ul style="list-style-type: none">• Amended plans to show minor changes to layout and changes to the architectural expression.• amendment of conditions 1, 10, 21, and 24-31.• renumbering of subsequent conditions.
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The Motion was PUT and a **DIVISION** was called:

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

CARRIED

**4.9 284–286 HIGHETT ROAD, HIGHETT
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2004/679/3 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/22/3818 – Doc No: DOC/22/354177

It is recorded that Dr Mayumi Purvis, Ms Karolina Bartkowicz, and Mr Steven Thomas each spoke for 2 minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Martin

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 2004/679/3 for the land known and described as 284–286 Highett Road, Highett, for the use and development for a mixed use multi-level building, comprising of a supermarket, retail premises, office area, apartments, construction of internally illuminated business identification signs, sale and consumption of liquor (for a restaurant) and associated car parking reduction for the following reasons:

1. The proposal fails to satisfy the relevant decision guidelines of Clause 52.05-8 of the Bayside Planning Scheme, in particular:
 - a) The impact of the proposed illumination on the amenity of nearby residents and the amenity of the area.

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

DIVISION: **FOR:** Crs Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stiffold and Hanna El Mouallem (Mayor) (6)
AGAINST: Cr Alex del Porto (1)

CARRIED

**4.10 20 CORREA AVENUE, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2022/148/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/356294

It is recorded that Ms Robyn Taylor (for Southern Planning Consultants) submitted a written statement in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/148/1 for the land known and described as 20 Correa Avenue, Cheltenham for the construction of two dwellings 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 prepared by Thomas Anderson Design referenced revision F, dated 02/11/22 but modified to show:
 - a) a Sustainable Design Assessment in accordance with Condition 10
 - b) a Landscaping Plan in accordance with Condition 11
 - c) an Arboricultural Impact Assessment in accordance with Condition 14
 - d) a Tree Management and Protection Plan in accordance with Condition 15
 - e) provision of the development contributions fee in accordance with Condition 24
 - f) the eastern garage associated with residence 2 to be setback 150mm from the eastern boundary. Internal dimensions of the garage to be at least 6m x 3.5mall 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

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 plan drawn by Genus landscape architects, reference 21-0607, dated 09/11/22 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) the two new canopy trees in the rear setback to be a minimum of 8m in height at maturity
 - b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways
 - g) where practicable, the inclusion of green walls at appropriate locations
 - h) planting schedule to be a minimum of 80% indigenous species.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Arboricultural Impact Assessment

14. Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The report must 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.

If TPZ encroachment is greater 10% of any site tree or neighbouring tree this report must recommend root sensitive design to ensure the trees remain viable post construction. This recommendation must be notated on the floor plan.

Tree Protection Management Plan

15. 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.

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

19. 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

20. 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.
21. 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.
22. 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

23. 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

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

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

Permit Notes:

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

Western Dwelling – 20A Correa Avenue CHELTENHAM 3192

Eastern Dwelling – 20B Correa Avenue CHELTENHAM 3192

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

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

AMENDMENT**Moved: Cr del Porto****Seconded: Cr Castelli**

The officers' recommendation with the addition of Condition 1g):

1g) Increasing the first floor side setback by 500mm on the east façade for bedrooms 3 and 4, the bathroom ensuite and walk-in robe, and by 500mm on the west façade for bedrooms 3, 4, sitting room, ensuite and walk-in robe.

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

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

LOST

**4.13 7 KENT AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/76/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/358568

It is recorded that Ms Andrea Tuckman, and Mr Joe Grech (for Human Habitats) each submitted a written statement in relation to this item.

Moved: Cr El Mouallem (Mayor)

Seconded: Cr del Porto

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 2022/76/1 for the land known and described as 7 Kent Avenue, Brighton for the construction and extension of a dwelling with floor to ceiling heights exceeding 3.5m on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans advertised prepared by Nicholas Day Architects, dated 4/10/2022 and revision number B but modified to show:
 - a) southern elevation and first floor plan windows to be corrected to correlate
 - b) Water Sensitive Urban Design measures in accordance with Condition 12
 - c) a Landscaping Plan in accordance with Condition 14
 - d) a Tree Management and Protection Plan in accordance with Condition 17 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the

satisfaction of Council.

8. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
9. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
10. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

11. 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.

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

Landscaping

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 John Patrick, referenced as Job No. 22-509, dated September 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) a minimum of two (2) small canopy trees capable of reaching mature heights of at least 8m and a canopy spread of 4m at maturity.

- b) a minimum of one (1) large canopy tree, to be capable of reaching mature heights of at least 10m and a canopy spread of 6m at maturity.
 - c) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - d) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - g) details of surface finishes of pathways and driveways
 - h) where practicable, the inclusion of green walls at appropriate locations.
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. Soil excavation must not occur within 2 metres from the edge of both the street tree asset's stems at ground level.
22. 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.
23. 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.
24. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

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.

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:

- 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.
- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 4 of the Building Regulations 2006. Non-compliance with any regulation will require dispensation from Council's Building Department.

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

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

AGAINST: Nil (0)

CARRIED

**4.14 17 ROODING STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2017/396/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/358786

It is recorded that Mr Lewis Moore spoke for 2 minutes in relation to this item.

Moved: Cr El Mouallem (Mayor)

Seconded: Cr del Porto

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 2017/396/2 for the land known and described as 17 Rooding Street, Brighton, for the construction of nine dwellings on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the Amended Plans prepared by Schmidt+Pang TP01 to TP09 (inclusive) and issue dated 16.06.2022 but modified to show:
 - a) adequate head room (a minimum of 2.2m) is provided at the entrance to basement and throughout the car park, including the car park space of TH08
 - b) adequate head room is provided for the proposed waste truck collection at its docking bay when operating
 - c) updated swept path showing all vehicles including the proposed waste truck can enter and exit the site in forward directions in accordance with Clause 52.06-8 of the Bayside Planning Scheme
 - d) an updated landscape plan in accordance with condition 7
 - e) an updated Tree Management Plan in accordance with condition 10
 - f) an updated WSUD report in accordance with Condition 13
 - g) drainage Contributions Levy Charge in accordance with Condition 16
 - h) an updated Waste Management Plan in accordance with Condition 17all 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 buildings without

the written consent of the Responsible Authority.

5. All pipes, 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 occupation, screening of windows including fixed privacy screens, be designed to limit overlooking as required by Standard B22 and Standard B23 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan prepared by Urbis PL_501, dated 23.03.22 and be drawn to scale with dimensions. The plan must show:
 - a) all plants in the landscape plan must be coastal adapted; preferably indigenous species
 - b) details of construction methods and Tree Management measures approved pursuant to the requirements of Condition 10 of this permit
 - c) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - d) details of surface finishes of pathways and driveways.
8. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
10. Before the development starts, including any related demolition or removal of vegetation, an updated Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) details of Tree Protection Zones for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site
- b) comment on methods to be utilised and instruction on how to deploy them
- c) comment on when the protection measures are to be deployed
- d) comment on when the protection measures can be modified
- e) process that will be followed if any damage occurs to a tree
- f) process that will be followed if construction works require alteration to protection measures outlined in report

g) stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The Tree Protection Plan must be drawn to scale and show:

- a) the location of all tree protection measures to be utilised, specifically the *Schinus aeria* (Peppercorn Tree) at 13 Rooding Street
- b) if tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

11. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
12. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
13. Before the development starts, 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.

14. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
15. Before the development, detailed plans indicating, but not limited to, the method of storm-water 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.
16. 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 Contributions Levy Charge Sheet and it must include the Building Price Index

applicable at the time of payment.

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

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

18. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a) a detailed schedule of works including a full project timing
 - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
 - c) the location for the parking of all construction vehicles and construction worker vehicles during construction
 - d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed
 - e) proposed traffic management signage indicating any inconvenience generated by construction

- f) fully detailed plan indicating where construction hoardings would be located
 - g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
 - h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
 - i) site security
 - j) public safety measures
 - k) construction times, noise and vibration controls
 - l) restoration of any Council assets removed and/or damaged during construction
 - m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
 - n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
 - o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience
 - p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads
 - q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
 - r) details of crane activities, if any.
19. 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

- 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.
- Council must be notified of the vehicular crossing and reinstatement works.
- 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.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

Council records indicate that there is no easement within the property.

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

Before the vehicle crossing application will be approved, the applicant must pay \$1,635.69 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

Date of Amendment	Details
12 December 2022	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> : <ul style="list-style-type: none"> - Amendment to the plans to show various changes to internal layouts and architectural style. - Amendment to the preamble of the permit to change the approved dwelling number from 10 to 9. New permit preamble as follows: <ul style="list-style-type: none"> - Construct nine dwellings over a basement - Amendment of conditions 1 and 7.

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

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

CARRIED

**4.15 1 SUMMERHILL ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/379/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/359331

It is recorded that Mr Robert Simunic submitted a written statement in relation to this item.

It is recorded that Ms Jan Kreymborg, Mr Michael Boer, and Mr Chris Pippo each spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr del Porto

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 2022/379/1 for the land known and described as 1 Summerhill Road, Beaumaris, for the construction of one dwelling on a lot of less than 500 square metres including a front fence in excess of 1.2m in height and 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 amended plans prepared by Stak Design, referenced TP02.01-TP02.05, TP03.01, dated 16/11/2022 and revision number TP2 but modified to show:
 - a) a Tree Management and Protection Plan in accordance with Condition 12
 - b) the proposed front fence reduced to a maximum height of 2.2mall 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.

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.

Protection Management Plan

12. 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.
13. All actions and measures identified in the Tree Management Report must be implemented.
 14. 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.
 15. 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

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

Street tree protection

17. Soil excavation must not occur within 2 metres from the edge of the four Coast Tea-tree street trees asset's stem at ground level.
18. 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.
19. 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.

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

Drainage

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

Permit Expiry

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

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

Permit Notes:

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

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

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

CARRIED

**4.16 469 HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/298/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/362272

It is recorded that Cr del Porto left the meeting at 10.32 pm. Cr del Porto returned to the meeting at 10.34 pm.

It is recorded that Mr Peter Robertson, Ms Gabrielle Bibby, Mr Darren and Mrs Cathryn Sayers, and Miss Vanessa Issa each submitted a written statement and each spoke for 2 minutes in relation to this item.

It is further recorded that Mr Peter Robertson, Ms Gabrielle Bibby, Mr Darren Sayers, and Miss Vanessa Issa each spoke for 2 minutes in relation to this item.

Moved: Cr Martin

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 2022/298/1 for the land known and described as 469 Hampton Street, Hampton, for buildings and works in a Commercial 1 Zone and Design and Development Overlay, Schedule 12 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. Once commenced, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
3. 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.
4. 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.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

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

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

CARRIED

A motion was called at 10.56pm that the meeting be extended by a period of 30 minutes from 11pm if required.

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Evans OAM

That the meeting be extended for a period of 30 minutes from 11pm if required.

CARRIED

**4.17 2 HOWELL STREET, BRIGHTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION: 2010/483/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/21/5706 – Doc No: DOC/22/355263

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2010/483/1
2. that plans identified as Drawing number A03, prepared by Wald Architects and dated May 2021 to be endorsed. These plans are to be read in conjunction with Sheet 1 and 2 endorsed on 16 June 2014 and Sheet 3, 4 and 5 endorsed on 21 July 2011
3. that Sheet 2 endorsed on 29 July 2011 be superseded.

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

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

CARRIED

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

**4.18 24 MOORE STREET, BRIGHTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION: 2017/288/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/850 – Doc No: DOC/22/355275

Moved: Cr Castelli**Seconded: Cr del Porto**

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2017/288/1
2. that plans identified as TPL02E and TPL01E, prepared by Craig Eldridge Design and dated 22/10/2022 be endorsed. These plans are to be read in conjunction with plans 1 to 3 and 6 to 20 endorsed on 4 August 2021
3. that plans 4 and 5 endorsed on 4 August 2021 be superseded.

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

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

CARRIED**NOTE:** Item 4.18 was **CARRIED** as part of a block motion.

**4.19 209–213 BAY STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2013/433/5 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/360786

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2013/433/5
2. that plans identified as Level B1 Basement Plan, prepared by Elenberg Fraser and provided with the application be endorsed. These plans are to be read in conjunction with endorsed on 26 May 2016 and 14 July 2015
3. that plans Sheet 1 endorsed on 14 July 2015 be superseded.

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

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

CARRIED

NOTE: Item 4.19 was **CARRIED** as part of a block motion.

**4.20 23–25 LINACRE ROAD AND 1A DEAKIN STREET SOUTH, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2020/113/3 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/370793

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolves:

1. to Approve the amended Construction Management Plan in accordance with Secondary Consent provisions of Planning Permit 2020/113/3
2. that CMP Update (Rev. 2) letter, prepared by Sinjen and dated 4 October 2022 be endorsed. This will be to be read in conjunction with the previously endorsed Construction Management Plan endorsed on 26 November 2021.

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

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

CARRIED

NOTE: Item 4.20 was **CARRIED** as part of a block motion.

**4.21 1 STRADBROKE AVENUE, BRIGHTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION: 2013/364/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/361851

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolves to Approve the Extension of Time of twelve months to Planning Permit 2013/364/1, so that the development must now be completed no later than 4 November 2023.

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

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

AGAINST: Nil (0)

CARRIED

NOTE: Item 4.21 was **CARRIED** as part of a block motion.

**4.22 4 BYRON STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2015/742/2 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/362394

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2015/742/2, so that the development/use must now commence no later than 15 September 2024 and be completed no later than 15 September 2026.

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

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

AGAINST: Nil (0)

CARRIED

NOTE: Item 4.22 was **CARRIED** as part of a block motion.

4.23 STATUTORY PLANNING - MONTHLY REPORT (OCTOBER 2022)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/366022

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolves to

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

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

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

CARRIED

NOTE: Item 4.23 was **CARRIED** as part of a block motion.

The Chairperson declared the meeting closed at 10.58pm.