

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 14 February 2023  
at 6.30pm



## Minutes

**PRESENT:**

**Chairperson:** Cr Hanna El Moullem (Mayor)

**Councillors:** Cr Sonia Castelli  
Cr Alex del Porto  
Cr Laurence Evans OAM  
Cr Clarke Martin  
Cr Fiona Stiffold

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

## Table of Contents

Prayer

Acknowledgement of Country

1. Apologies
2. Disclosure of Conflict of Interest of any Councillor
3. Adoption and Confirmation of the minutes of previous meeting
4. Matters of Decision
  - 4.1 38 Haldane Street, Beaumaris Grant a Permit Application: 2022/529/1 Ward: Beckett..... 6
  - 4.2 38 Clonmore Street, Beaumaris Grant a Permit Application: 2022/598/1 Ward: Beckett..... 9
  - 4.3 59 Tramway Parade, Beaumaris Grant a Permit Application: 2022/485/1 Ward: Beckett..... 11
  - 4.4 11–13 Black Street, Brighton Notice of Decision to Grant a Permit Application: 2022/110/1 Ward: Dendy ..... 13
  - 4.5 49–51 Abbott Street, Sandringham Notice of Decision to Grant a Permit Application: 2022/495/1 Ward: Boyd..... 15
  - 4.6 56 Graham Road, Highett Notice of Decision to Grant a Permit Application: 2022/453/1 Ward: Ivison ..... 17
  - 4.7 30 Beach Road, Beaumaris Notice of Decision to Grant a Permit Application: 2022/274/1 Ward: Beckett ..... 26
  - 4.8 184 Esplanade, Brighton Notice of Decision to Grant a Permit Application: 2022/436/1 Ward: Dendy ..... 30
  - 4.9 40A First Street, Black Rock Grant a Permit Application: 2022/496/1 Ward: Ebden ..... 32
  - 4.10 1 Nautilus Street, Beaumaris Extension of Time - Approve Application: 2016/60/5 Ward: Beckett ..... 35
  - 4.11 51 Cummins Road, Brighton East Extension of Time - Approve Application: 2007/2/2 Ward: Castlefield..... 36
  - 4.12 17 Hardinge Street, Beaumaris Extension of Time - Approve Application: 2017/195/2 Ward: Beckett ..... 37
  - 4.13 79 Durrant Street, Brighton Extension of Time - Approve Application: 2011/657/3 Ward: Bleazby..... 38
  - 4.14 Statutory Planning - Monthly Report (November and December 2022) ..... 39

In the absence of the Chair, Cr Samuel King, the Governance Manager declared the Planning and Amenity Delegated Committee Meeting open at 6.30pm and called for a motion to nominate a Chair for the Meeting.

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That the Mayor, Cr El Mouallem take the chair for the 14 February 2023 Planning and Amenity Delegated Committee Meeting.

**CARRIED**

The Mayor assumed the chair.

The Mayor invited Cr Stiffold to read the prayer.

## **Prayer**

O God  
Bless this City, Bayside,  
Give us courage, strength and wisdom,  
So that our deliberations,  
May be for the good of all,  
Amen

## **Acknowledgement of Country**

Cr del Porto read the acknowledgement of the original inhabitants of this land.

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



## **4. Matters of Decision**

### **4.1 38 HALDANE STREET, BEAUMARIS GRANT A PERMIT APPLICATION: 2022/529/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/22/546 – Doc No: DOC/23/1288

*It is recorded that Mrs Pauline Zielezna, Mrs Elizabeth Byers, and Mr Leo Simon Byers each spoke for two minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/529/1 for the land known and described as 38 Haldane Street, Beaumaris for the removal of native vegetation (*Ficus hillii* var. *macrocarpa* - Hills weeping fig) in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before vegetation removal begins, 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 landscape plans submitted with the application, but modified to show:
  - a) a revised Landscape Plan in accordance with Condition 3  
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.

#### Landscaping

3. 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 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
  - a) removal of Tree 2
  - b) retention of Tree 3
  - c) replacement planting to include:
    - (i) one (1) indigenous tree that will reach a mature height of 8 x 4 metres
    - (ii) one (1) indigenous tree that will reach a mature height of 6 x 3 metres.

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

**Permit Expiry**

5. 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 Laurence Evans OAM, Clarke Martin and Fiona Stiffold (3)  
**AGAINST:** Crs Alex del Porto, Sonia Castelli and Hanna El Mouallem  
(Mayor) (3)

The Mayor exercised the casting vote and the division was **LOST**

**Moved: Cr del Porto**

**Seconded: Cr Evans OAM**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/529/1 for the land known and described as 38 Haldane Street, Beaumaris for the removal of native vegetation (*Ficus hillii* var. *macrocarpa* - Hills weeping fig and a *Eucalyptus camaldulensis* – Red river gum) in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

**Permit Expiry**

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





**4.2 38 CLONMORE STREET, BEAUMARIS  
GRANT A PERMIT  
APPLICATION: 2022/598/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/22/546 – Doc No: DOC/23/1286

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**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/598/1 for the land known and described as 38 Clonmore Street, Beaumaris for the removal of native vegetation in the Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before vegetation removal begins, landscape 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 show:
  - a) a Landscape Plan in accordance with Condition 3 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.

Landscaping

3. 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 Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
  - a) retention of Trees 3, 6, 8 and 9
  - b) removal of Trees 12, 16, 17, X, Y and Z
  - c) plant schedule to include indigenous species only as replacements.
4. 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.
5. 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.

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.



**4.3 59 TRAMWAY PARADE, BEAUMARIS  
GRANT A PERMIT  
APPLICATION: 2022/485/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/22/546 – Doc No: DOC/23/1291

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*It is recorded that Mr Mason Moeini and Mrs Vanessa Gashtasbi each submitted a written statement in relation to this item.*

*It is recorded that Mr Mason Moeini spoke for two minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/485/1 for the land known and described as 59 Tramway Parade, Beaumaris for the removal of native vegetation in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before vegetation removal begins, 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 landscape plans submitted with the application, but modified to show:
  - a) retention of Tree 22
  - b) removal of Trees 4, 5, 11, 12 and 24
  - c) a revised Landscape Plan in accordance with Condition 3all 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.

Landscaping

3. 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 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
  - a) retention of Tree 22
  - b) removal of Trees 4, 5, 11, 12 and 24.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Permit Expiry

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



**4.4 11–13 BLACK STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2022/110/1 WARD: DENDY**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/3149

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*It is recorded that Mr Johannes Risseeuw submitted a written statement in relation to this item.*

*It is recorded that Ms Rosa Morstyn, Mr Mark Stanojevic, and Mr Ben Cooke each spoke for two minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

- A. That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/110/1 for the land known and described as 11–13 Black Street, Brighton for the partial demolition and the construction of a three storey apartment building (with basement) comprising of 23 dwellings and construction of a front fence exceeding 1.5 metres in height within a Heritage Overlay and a Design Development Overlay Schedule 11 for the following reasons:
1. The proposal fails to successfully implement the Municipal Planning Strategy and the Planning Policy Framework which require an increase in density to be balanced with considerations regarding neighbourhood character, heritage, be site responsive and achieve high quality urban design.
  2. The proposal fails to respect the existing/preferred neighbourhood character of the area and fails to respond to the preferred character strategies as well as the general strategies and objectives of Clause 15.01-5L (Neighbourhood Character, Precinct B2) of Bayside Planning Scheme, on the following grounds:
    - a) The proposed front fence has a maximum height of 2m and includes limited transparency which is inconsistent with the low open style fences encouraged.
    - b) The second storey fails to be adequately recessed which contributes to visual dominance to the streetscape.
    - c) The front façade parapet features contribute to visual dominance to the streetscape
    - d) The proposal fails to site buildings to accommodate substantial vegetation.
  3. The proposal fails to successfully meet the numerical requirements of Clause 55 of the Bayside Planning Scheme, specifically:
    - a) Standard B6 – Street Setback
    - b) Standard B8 – Site coverage
    - c) Standard B17 – Side and rear setbacks
    - d) Standard B32 - Front fences
    - e) Standard B47 – Room Depth

4. The proposal fails to comply with the objectives and Decision Guidelines of Clause 43.02 (Design and Development Overlay Schedule 11) for the following reasons:
    - a) The second floor has not been setback the required 4m from the front wall of the floor immediately below.
  5. The proposal fails to comply with the Objectives, Strategies and Decision Guidelines of Clause 15.03-1L (Heritage Overlay) for the following reasons:
    - a) The scale, massing and form of the proposed development is not sympathetic to the heritage building.
    - b) The proposed works to the existing heritage building are inappropriate and would lead to the destruction of its heritage fabric. The additions overwhelm the heritage building and detract from its value and significance when viewed along the streetscape and from the wider area.
- B. That Council engages the appropriate external legal representation for any future VCAT proceeding relating to this application.

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

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

**CARRIED**

**4.5 49–51 ABBOTT STREET, SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2022/495/1 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/22/392505

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*It is recorded that Mr Chris Winchester, Mr Timothy Gunning, Mr Paul Martin, and Ms Rosemary Raffaele each submitted a written statement in relation to this item.*

*It is recorded that Miss Georgia McKay (on behalf of Owners Corporation 4987), Dr Warwick Pattinson, and Mrs Harriet Canwell each spoke for two minutes in relation to this item.*

**Moved: Cr Stitfold**

**Seconded: Cr Evans OAM**

- A. That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/495/1 for the land known and described as 49–51 Abbott Street, Sandringham for the construction of a three-storey apartment building containing twenty-seven apartments, roof terraces over basement car parking and a front fence exceeding a height of 1.5 metres in a General Residential Zone Schedule 2 (GRZ2); buildings and works that exceed 9 metres in a Design and Development Overlay Schedule 8 (DD08) for the following reasons:
1. The proposal fails to successfully implement the Municipal Planning Strategy and the Planning Policy Framework which require an increase in density to be balanced with considerations regarding neighbourhood character, be site responsive and achieve high quality urban design.
  2. The proposal fails to respect the existing/preferred neighbourhood character of the area and fails to respond to the preferred character strategies as well as the general strategies and objectives of Clause 15.01-5L (Neighbourhood Character, Precinct G1) of Bayside Planning Scheme, on the following grounds:
    - The proposed front fence has a maximum height of 2.2m and includes limited transparency which is inconsistent with the low open style fences encouraged.
    - The second storey fails to be recessed which contributes to visual dominance to the streetscape.
    - The proposal fails to site buildings to accommodate substantial vegetation including the retention of Tree 11.
  3. The proposal fails to successfully meet the numerical requirements of Clause 55 of the Bayside Planning Scheme, specifically:
    - a) Standard B8 – Site coverage
    - b) Standard B17 – Side and rear setbacks
    - c) Standard B32 - Front fences.
  4. The proposed vehicle access to the rear laneway of Gypsy Way creates unreasonable impacts by way of potential for conflict between vehicles and pedestrians and amenity impacts by way of noise to adjoining properties.

5. The proposal fails to comply with the objectives and Decision Guidelines of Clause 43.02 (Design and Development Overlay Schedule 8) for the following reasons:
- The preferred scale of development exceeds the scale of development expected on the fringe of a Major Activity Centre that adjoins Neighbourhood Residential Zoned land.
- B. That Council notes that traffic, parking and pedestrian movement in Abbott Street, Gypsy Way and the surrounding areas is of concern and seeks its Traffic Team to undertake a review of the traffic, parking and pedestrian movement and safety to ensure that the amenity of the area is best protected. The assessment must include public consultation and provide recommended changes to protect road users and pedestrians in the area. The report from the Traffic Team should be presented to the Planning and Amenity Delegated Committee by no later than the September 2023 meeting.

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

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

**AGAINST:** Nil (0)

**CARRIED**



**4.6 56 GRAHAM ROAD, HIGHETT  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2022/453/1 WARD: IVISON**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/22/344399

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*It is recorded that Miss Kirsti Viitala, and Mrs Suzanne Henry each submitted a written statement in relation to this item.*

*It is recorded that Ms Ivy McKenna, and Ms Dianne King (King Town Planning) each spoke for two minutes in relation to this item.*

**Moved: Cr Castelli**

**Seconded: Cr del Porto**

A....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 2022/453/1 for the land known and described as 56 Graham Road, Highett, to Construct five double storey dwellings over basement car parking in a General Residential Zone Schedule 13 (GRZ13) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application prepared by Jesse Ant Architects referenced Project number 22-025, Revision B, dated 6 October 2022 and revision number B but modified to show:
  - a) the gradient of garage 1 to be no more than 1 in 16
  - b) swept-path diagrams demonstrating access to/from each garage in accordance with AS2890.1 requirements
  - c) a minimum 2.2m headroom is to be provided at the entrance to the basement and throughout the basement car park as per the AS2890.1 requirements
  - d) pedestrian visual splays in accordance with Clause 52.06-9 of the Bayside Planning Scheme to be provided to each side of the proposed crossover
  - e) a Sustainable Design Assessment in accordance with Condition 12
  - f) a Landscaping Plan in accordance with Condition 13
  - g) a Tree Management and Protection Plan in accordance with Condition 16
  - h) provision of the development contributions fee in accordance with Condition 27

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must

- be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
  7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
  8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
  9. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
  10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
  11. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

**Sustainable Design Assessment**

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

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

#### Landscaping

13. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Keystone Alliance, reference L9442, Revision B dated 6 October 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) replacement canopy trees as follows:
    - i. Acacia on the left side of basement ramp to be replaced with a tree that will reach 6m x 4m at maturity

- ii. Acacia on the right side of basement ramp to be replaced with a tree that will reach 12m x 6m at maturity
  - iii. replace 4 coast daisies at Unit 1 with a tree that will reach 8m x 4m at maturity
  - iv. replace all trees for Units 2-5 with trees that will reach 8m x 4m at maturity (One tree per Unit frontage)
- b) planter box specification required for Magnolia trees. This will include dimensions and irrigation system
  - c) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - d) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - g) details of surface finishes of pathways and driveways
  - h) where practicable, the inclusion of green walls at appropriate locations
  - i) planting schedule to be a minimum of 80% indigenous species.
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 is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### Protection of trees for services

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

#### Street tree protection

21. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
22. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 2.5 metres of the street tree *Lophostemon confertus*, asset Id 427106 measured from the edge of the trunk. Any installation of services and

drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Root pruning within the TPZ (Tree Protection Zone):

- Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
  - All roots that will be affected must be correctly pruned in accordance with AS4373-2007 'Pruning of Amenity Trees'.
  - Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.
23. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Drainage

24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
25. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets Department.
26. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

#### Development Contribution

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

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

#### Construction Management Plan

28. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit, a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):
- a. Council roads frontages and nearby road infrastructure
  - b. works necessary to protect road and other infrastructure
  - c. remediation of any damage to road and other infrastructure
  - d. containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land

- e. facilities for vehicle washing, which must be located on the land
- f. the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
- g. site security
- h. management of any environmental hazards including, but not limited to:
  - i. contaminated soil and ground water
  - ii. materials and waste
  - iii. dust
  - iv. stormwater contamination from run-off and wash-waters
  - v. sediment from the land on roads
  - vi. washing of concrete trucks and other vehicles and machinery
  - vii. spillage from refuelling cranes and other vehicles and machinery
- i. the construction program
- j. preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k. parking facilities for construction workers
- l. measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m. an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- n. an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- o. the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p. include details of bus movements throughout the precinct during the construction period
- q. a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i. using lower noise work practice and equipment
  - ii. the suitability of the land for the use of an electric crane
  - iii. silencing all mechanical plant by the best practical means using current technology
  - iv. fitting pneumatic tools with an effective silencer
  - v. other relevant considerations
  - vi. any site-specific requirements

During the construction:

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

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

#### Permit Expiry

29. 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.

Addressing will be allocated at a later date Council's Revenue Services Team.

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

B That Council's Rates Team reviews the street numbering for the proposed development at 56 Graham Road, Highett with the focus of ensuring the existing numbering of properties in Thistle Grove, Highett are maintained.

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

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

**CARRIED**

**4.7 30 BEACH ROAD, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2022/274/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/22/376042

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*It is recorded that Mr John & Mrs Fay Weislemann submitted a written statement in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/274/1 for the land known and described as 30 Beach Road, Beaumaris for the construction of buildings and works comprising of a roof deck and storey heights exceeding 3.5m in height to a dwelling in a Design and Development Overlay Schedule 1 (DDO1) and the removal of vegetation native to Australia that is located in a Vegetation Protection Overlay Schedule 3 (VPO3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans advertised prepared by Peng Peng Architecture, referenced Job number 2105, Sheets A104 to A109 dated 6 November 2022 and revision number C but modified to show:
  - a) the enclosed area to the north of the stairs within the access structure to be removed.
  - b) retention of Tree 4
  - c) a Landscaping Plan in accordance with Condition 7
  - d) a Tree Management and Protection Plan in accordance with Condition 8
  - e) provision of an Arboricultural Impact Assessment Report in accordance with Condition 9

all to the satisfaction of the Responsible Authority.

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

6. Before the occupation of the site commences, screening of balconies including fixed privacy screens be designed to limit overlooking must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

**Landscape Plan**

7. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn in accordance with Bayside Landscaping Guidelines and drawn to scale with dimensions. The plan must show:
  - a) any changes in accordance with Condition 1 of the permit, including retention of Tree 4.
  - b) replacement indigenous canopy trees as follows and any associated reduction in proposed structures:
    - i. One in the front setback with a minimum mature height of 10 metres
    - ii. Two in the rear setback with a minimum mature height of 8 metres
  - c) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - d) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - g) details of surface finishes of pathways and driveways
  - h) where practicable, the inclusion of green walls at appropriate locations
  - i) planting schedule to be a minimum of 80% indigenous species.

**Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees**

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

The TPMP must include:

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

protection measures

- e) monitoring and certification by the project arborist of implemented protection measures.

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

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

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

The TPP must :

- f) be legible, accurate and drawn to scale;
- g) indicate the location of all tree protection measures to be utilised and;
- h) include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised and;
- i) include a key describing all tree protection measures to be utilised.

#### Arboricultural impact assessment report

- 9. Prior to the endorsement of plans pursuant to Condition 1, an Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites that access Trees 4 and 11 prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

#### Street Tree Protection

- 10. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
- 11. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There must be no soil excavation within the specified SRZ (Structured Root Zone) and the Exclusion zone (no excavation permitted) in line with council guidelines for working near council trees. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

#### Permit Expiry

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

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

**Permit Notes:**

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

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

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

**CARRIED**

**4.8 184 ESPLANADE, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2022/436/1 WARD: DENDY**

City Planning and Amenity - Development Services  
File No: PSF/22/8323 – Doc No: DOC/23/1235

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*It is recorded that Mr Tim Wertheimer submitted a written statement in relation to this item.*

*It is recorded that Mr Paul Little spoke for two minutes in relation to this item.*

*It is recorded that Cr Castelli left the Meeting at 8.48 pm. Cr Castelli returned to the Meeting at 8:51 pm.*

**Moved: Cr del Porto**

**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 2022/436/1 for the land known and described as 184 Esplanade, Brighton for alterations and additions to the existing roof deck and construction works with ceiling heights in excess of 3.5m in height, in the Design and Development Overlay – Schedule 1 (DDO1) 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 and prepared by Mim Design, dated 10/10/2022 and revision number B but modified to show:
  - a) the removal of the solid walls around, and roof over the spa equipment and mechanical services area on the rooftop deck. An alternative plant screen can be provided to the satisfaction of the Responsible Authority and the height must not exceed 1700mm
  - b) the removal of the fixed pergola above the spa and alfresco area on the rooftop deck
  - c) the provision of a 1700mm screen adjacent to the spa and associated landing at roof deck level, restricting views to the north – in particular the large habitable room window at No.188 Esplanade. The screen to be located along the landing itself or alternatively located along some other section of the roof deck to the satisfaction of the Responsible Authority
  - d) the screening along the north and south of the first floor rear terrace to extend a minimum of 1.0m past the westernmost edge of the terrace to restrict views into the neighbouring rear yardsall 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.

**Permit Expiry**

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

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

**Permit Notes:**

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 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, Fiona Stiffold and Hanna El Mouallem (Mayor) (6)  
**AGAINST:** Nil (0)

**CARRIED**

**4.9 40A FIRST STREET, BLACK ROCK  
GRANT A PERMIT  
APPLICATION: 2022/496/1 WARD: EBDEN**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/23/2180

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*It is recorded that Mr Kiril Jovanoski spoke for two minutes in relation to this item.*

*It is recorded that Cr del Porto left the Meeting at 8.58 pm. Cr del Porto returned to the Meeting at 9:01 pm.*

**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

That Council resolves to Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/496/1 for the land known and described as 40A First Street, Black Rock 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:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans prepared by Kiril Architects, referenced TP00-TP13, dated July 2022 and revision number 0 but modified to show:
  - a) a note on the plans to state: Areas within the Tree Protection Zone of Tree 2 be natural soil with no hard surfaces (e.g. concrete slab)
  - b) a note on the plans to state: any decking or fencing within the Tree Protection Zone of Tree 2 to be a root sensitive design
  - c) a note to state: Driveway to be at grade and permeable
  - d) an amended Landscape Plan in accordance with Condition 8
  - e) a Tree Management and Protection Plan in accordance with Condition 9all 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.

Landscape Plan

8. An amended Landscape plan generally in accordance with the Landscape Plan prepared by Falkner and Chapman referenced 40aFirstLP Rev 1 and drawn to scale with dimensions but modified to show:
  - a) an additional indigenous canopy tree which will grow to 8 metres in height at maturity in accordance with the Bayside Landscape Guidelines (2016) in the rear private open space area.

Tree Protection Management Plan

9. 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.
10. All actions and measures identified in the Tree Management Report must be implemented.
  11. 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.
  12. 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**

13. 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.

**Permit Expiry**

14. 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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

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

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

**CARRIED**

**4.10 1 NAUTILUS STREET, BEAUMARIS  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2016/60/5 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/391788

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolves to Approve the extension of time of one (1) year to Planning Permit 2016/60/5, so that the development must now commence no later than 21 February 2024 and be completed no later than 21 February 2026.

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

<b><u>DIVISION:</u></b>	<b>FOR:</b>	Crs Alex del Porto, Laurence Evans OAM, Sonia Castelli, Clarke Martin, Hanna El Mouallem (Mayor) and Fiona Stitfold (6)
	<b>AGAINST:</b>	Nil (0)

**CARRIED**

**NOTE:** Item 4.10 was **CARRIED** as part of a block motion.

**4.11 51 CUMMINS ROAD, BRIGHTON EAST  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2007/2/2 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/392595

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolves to Approve the extension of time of two (2) year to Planning Permit 2007/2/2, so that the development/use must be completed no later than 26 October 2024.

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

<b><u>DIVISION:</u></b>	<b>FOR:</b>	Crs Alex del Porto, Laurence Evans OAM, Sonia Castelli, Clarke Martin, Hanna El Mouallem (Mayor) and Fiona Stitfold (6)
	<b>AGAINST:</b>	Nil (0)

**CARRIED**

**NOTE:** Item 4.11 was **CARRIED** as part of a block motion.

**4.12 17 HARDINGE STREET, BEAUMARIS  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2017/195/2 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/23/2293

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolves to Approve the extension of time of one (1) year to Planning Permit 2017/195/1, so that the development must now commence no later than 19 January 2024 and be completed no later than 19 January 2026.

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

<b><u>DIVISION:</u></b>	<b>FOR:</b>	Crs Alex del Porto, Laurence Evans OAM, Sonia Castelli, Clarke Martin, Hanna El Mouallem (Mayor) and Fiona Stitfold (6)
	<b>AGAINST:</b>	Nil (0)

**CARRIED**

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

**4.13 79 DURRANT STREET, BRIGHTON  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2011/657/3 WARD:BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/23/2422

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolves to Approve the extension of time of one (1) year to Planning Permit 2011/657/3, so that the development must now be completed no later than 13 January 2024.

This will be the final extension of time that will be approved for this site.

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

<b><u>DIVISION:</u></b>	<b>FOR:</b>	Crs Alex del Porto, Laurence Evans OAM, Sonia Castelli, Clarke Martin, Hanna El Mouallem (Mayor) and Fiona Stitfold (6)
	<b>AGAINST:</b>	Nil (0)

**CARRIED**

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

**4.14 STATUTORY PLANNING - MONTHLY REPORT (NOVEMBER AND DECEMBER 2022)**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/7507

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**Moved: Cr Martin**

**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 November and December 2022.

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

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

**CARRIED**

*The Chairperson declared the meeting closed at 9.03pm.*