

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 9 May 2023
at 6.30pm



Minutes

PRESENT:

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

Councillors: Cr Sonia Castelli
Cr Hanna El Mouallem (Mayor)
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Fiona Stitfold

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance
James Roscoe – Manager Climate, Waste and Integrated Transport
Felicity Barclay – Statutory Planning Coordinator
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Robert Lamb – Governance Officer
Ziqi Xi – Principal Statutory Planner

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Prayer

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The Chairperson, Cr Samuel-King 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 The Mayor Cr El Moullem 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 country.

- ◆ 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 at the 21 March 2023 Council Meeting, Cr Alex del Porto sought leave of absence from his duties as a Councillor for the period commencing 11 April to 26 May 2023 inclusive and sought the suspension of his Councillor allowance during this period of absence. Accordingly, Council noted Cr del Porto's absence from the meeting.

Moved Cr El Moullem (Mayor)

Seconded Cr Castelli

That Council notes the leave of absence of Cr Alex del Porto for the 9 May 2023 Planning and Amenity Delegated Committee Meeting.

CARRIED

2. Disclosure of Conflict of Interest of any Councillor

- Cr Castelli declared a General Conflict of Interest in Item 4.8 (4/170 Church Street, Brighton) given Cr Castelli's partner has previously undertaken consultancy work with the applicant.

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 4 April 2023.

Moved: Cr Martin

Seconded: Cr Evans OAM

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 4 April 2023, 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, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stiffold and Hanna El Mouallem (Mayor) (6)
AGAINST: Nil (0)

CARRIED

4. Matters of Decision

4.1 11 HORNBY STREET, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/113940

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes that the permit applicant has withdrawn their application for review of a Local Law Tree Removal application for the Sweetgum (*Liquidambar styraciflua*) located in the front yard of 11 Hornby Street, Beaumaris
2. withdraws the item from the 9 May 2023 Planning and Amenity Delegated Committee Meeting agenda.

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 Moullem (Mayor) (6)
AGAINST: Nil (0)

CARRIED

4.2 RESPONSE TO NOTICE OF MOTION - 327 - HAILEYBURY COLLEGE TRAFFIC AND PARKING STUDY

Environment, Recreation and Infrastructure - Climate, Waste and Integrated Transport
File No: PSF/23/176 – Doc No: DOC/23/122128

It is recorded that Cr Castelli left the Meeting at 7:09 pm. Cr Castelli returned to the Meeting at 7:11 pm.

It is recorded that Mrs Sue Forster submitted a written statement in relation to this item.

It is recorded that Mr Harry Pavlou, Ms Felicity Frederico OAM, Mr John Ryan, Mr Paul Rubinstein, Mr Rob Curtain, and Mr Gary Crocker each spoke for 2 minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council:

1. notes the report and the Haileybury College Brighton Traffic and Parking Study April 2023 (attachment 1)
2. writes to the Minister for Planning, the Minister for Transport and Infrastructure, and relevant Members of Parliament highlighting:
 - a. the impacts that traffic and parking will have on the surrounding road network if a permit were to be issued for the development of the Creative Arts and Sports Centre (CASC)
 - b. Council's position that the cap on student numbers must not be removed
 - c. that there are concerns that the school is currently failing to adhere to and comply with existing planning permit requirements, dating back to 2006, associated with traffic and parking management which must be given due regard in the current deliberations when considering the further intensification of land use and development on the site
3. subject to the Creative Arts and Sports Centre (CASC) development proceeding, undertakes community consultation with residents and works with the Department of Transport and Planning on the traffic management and parking changes as recommended in the report
4. subject to the Creative Arts and Sports Centre (CASC) development proceeding, undertakes a post-construction review of traffic and parking conditions
5. continues to engage with the local community and the school with the objective of improving traffic and parking within the area and a report be presented to the September 2023 Planning and Amenity Delegated Committee meeting on the outcomes.

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 Stitfold and Hanna
 El Mouallem (Mayor) (6)
AGAINST: Nil (0)

CARRIED

**4.3 28–34 SERVICE STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/616/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/101474

It is recorded that Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association) submitted a written statement in relation to this item.

It is recorded that Mr Adam Haines, Mr James Pearce, and Mr Stephen Barrow-Yu each spoke for 2 minutes in relation to this item.

Moved: Cr Stitfold

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 **2022/616/1** for the land known and described as **28–34 Service Street, Hampton**, for the **construction of a three storey multi-dwelling building over a two level basement and a front fence in excess of 1.5 metres in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (amended on 29 March 2022) prepared by Fender Katsalidis, job number 22087, TP000 – TP601 dated 10.02.2023 and revision number A but modified to show:
 - a) site coverage to be correctly annotated on the plan
 - b) overlooking details, including manufacturer specifications, of the proposed perforated metal screening and sectional diagrams to confirm the proposed west and east windows at first floor comply with Standard B22 Overlooking of the Bayside Planning Scheme
 - c) internal fencing details in between SPOS at ground floor in accordance with Standard B23 Internal Views of the Bayside Planning Scheme
 - d) site services including meter boxes and letterboxes details to be provided in accordance with Standard B34 Site Services of the Bayside Planning Scheme
 - e) details of solar access into communal outdoor open space to confirm the development complies with Standard B37 Solar Access to Communal Outdoor Open Space of the Bayside Planning Scheme
 - f) an acoustic report/memo prepared by a qualified professional confirming the proposed development meets the Standard B41 Noise Impacts of the Bayside Planning Scheme
 - g) the cross-section of the ramp must be extended to the centre line of the road and must be updated with all intermediate levels, grades, length of grades to the satisfaction of the Responsible Authority. The width of the main ramp to be a minimum of 3.6m in between wall to wall

- h) a minimum 2.2m headroom to be provided at the entrance to the basement (when the garage door is in an opened position) and throughout the basement car parks in accordance with Clause 52.06 of the Bayside Planning Scheme
- i) section plans showing the proposed basement height clearance is adequate in allowing the proposed waste collection (a 6.4m rear mini loader for waste collection) to be performed onsite (where required)
- j) dimension of the proposed vehicle crossing, to not exceed 3.6m in width
- k) annotation that the proposed sightlines are provided where the driveway intersects with the footpath to be in accordance with Clause 52.06 of the Bayside Planning Scheme
- l) deletion of the proposed car parking space adjacent to the access way at basement level 2 (marked as Parallel Lot 2.6 x 6.7) to enhance access in between the two basement levels
- m) a schedule of construction materials, external finishes and colours
- n) an updated Sustainable Design Assessment in accordance with Condition 13
- o) an updated Landscaping Plan in accordance with Condition 15
- p) a Tree Management Plan in accordance with Condition 18
- q) a Waste Management Plan in accordance with Condition 29
- r) provision of the development contributions fee in accordance with Condition 30
- s) a Car Park Management Plan in accordance with Condition 32
- t) any modifications to the plan arising from the Public Works Plan in accordance with Condition 33

all to the satisfaction of the Responsible Authority.

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

8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
11. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
12. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard B44 of Clause 55 of the Bayside Planning Scheme.

Sustainable Design Assessment

13. Prior to the endorsement of plans, an updated Sustainable Management Plan including any amendments included in Condition 1 to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by ASCOT Consulting Engineers Pty Ltd dated 22 November 2022.
14. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

Landscaping

15. 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 Erkersley Garden Architecture, reference 28-34 Service Street Hampton, dated 21 Nov. 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) no soil excavation within the TPZ of Tree 12
 - b) all the proposed Banksias within the front setback are required to be setback a minimum of 1m from any building structures
 - 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.
16. 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.
17. 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

18. 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, street trees 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.
19. All actions and measures identified in the Tree Management Report must be implemented.
 20. 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.
 21. 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

22. 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

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

27. 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.
28. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Waste Management

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

Development Contribution

30. 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

31. Prior to the commencement of development, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to, the following as applicable:
- a) a detailed schedule of works including a full project timing
 - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
 - c) the location for the parking of all construction vehicles and construction worker vehicles during construction
 - d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed
 - e) proposed traffic management signage indicating any inconvenience generated by construction
 - f) fully detailed plan indicating where construction hoardings would be located
 - g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
 - h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
 - i) site security
 - j) public safety measures
 - k) construction times, noise and vibration controls
 - l) restoration of any Council assets removed and/or damaged during construction
 - m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
 - n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
 - o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience
 - p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads

- q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
- r) details of crane activities, if any.

Car Park Management Plan

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

- a) methodology as to how the visitors will use the proposed visitor car parking spaces
- b) allocation of parking for all individual tenancies and visitor car parking space
- c) any signs and/or line marking of car parking spaces within the basement
- d) provision and maintenance of a suitable lighting/warning system within the laneway and basement car park areas to control access/egress at each ramp
- e) the proposed 'Stop-Go' signals system needs to prioritise vehicles entering from the street into basement. The lighting infrastructure must be provided onsite and must be designed with minimal impact upon existing residential amenity in the area.

33. Prior to the endorsement of plans pursuant to Condition 1, a Public Realm Improvement Plan must be prepared and developed in collaboration with Council's Statutory Planning Department. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:

- a) the upgrade of the existing Council footpaths on Service Street
- b) the new or upgraded vehicle crossovers and roads/laneways
- c) new street tree plantings
- d) new street furniture, including seats, rubbish bins, etc.
- e) new bicycle parking facilities
- f) the remarking of the lines of the on-street car parking spaces in front of the site to align with any new vehicle crossings or removed vehicle crossings
- g) the relocation of any existing street parking signs to align with any new vehicle crossings or removed vehicle crossings
- h) new public lighting within the Service Street
- i) the undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the site.

When approved, such plan will form part of the endorsed plans under this permit.

34. Prior to the occupation of the site associated with the development hereby approved, all public works associated with that stage must be completed in accordance with the endorsed Public Works Plan to the satisfaction of the Responsible Authority and Council. The cost of all works associated with the endorsed plan must be borne by the developer/owner(s) of the land.

Permit Expiry

35. 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.

[Planner to add in information received from Peter Hatley from Revenue Services] [The paragraph's above and below must be present in every permit]

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$6,985.27 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
- Council records indicate that there is a council stormwater drain running parallel to the South side property boundary. Council considers this asset to be protected by an implied easement. The plans indicate no proposals to encroach into the implied easement with any buildings or structures of note. Proposals to be built

over the easement will require Build Over Easement consent from the responsible Authority/Authorities.

- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the south side property boundary as indicated on the drawings provided. The plans indicate that a structure shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the responsible Authority/Authorities. The structure shall be partially demountable over the easement, and the proposal shall require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.
- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the south side property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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

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

CARRIED

**4.4 14 BRIDGE STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/87/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/103113

It is recorded that Mrs Roseann Lenihan submitted a written statement in relation to this item.

It is recorded that Ms Katrina Luxton spoke for 2 minutes in relation to this item.

Moved: Cr Stitfold

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 **2023/87/1** for the land known and described as **14 Bridge Street, Hampton** for **buildings and works in a Design and Development Overlay Schedule 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. 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.
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.

Drainage

6. 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.
7. 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

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

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

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.
- 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 Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stiffold and Hanna El Moullem (Mayor) (6)
AGAINST: Nil (0)

CARRIED

**4.5 21 ARKARINGA CRESCENT, BLACK ROCK
GRANT A PERMIT
APPLICATION: 2022/565/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/23/3435 – Doc No: DOC/23/112164

Moved: Cr Evans OAM

Seconded: Cr El Mouallem (Mayor)

That Council resolves to **Grant a Permit** the provisions of the Bayside Planning Scheme in respect of planning application **2022/565/1** for the land known and described as **21 Arkaringa Crescent, Black Rock** for the **construction of three (3) dwellings on a lot and the removal of native vegetation** 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 Andrew Ramage Design and dated 06/10/2022 but modified to show:
 - a) the street tree opposite Dwelling 2 (Tree 16) to be shown as removed
 - b) amended floor plans that show compliance with Clause 52.06-9 (pedestrian sight lines)
 - c) a Sustainable Design Assessment in accordance with Condition 10
 - d) a Landscaping Plan in accordance with Condition 11
 - e) a Tree Management and Protection Plan in accordance with Condition 14
 - f) an Arboricultural Impact Assessment Report in accordance with Condition 18
 - g) provision of the development contributions fee in accordance with Condition 2all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible

Authority thereafter for the life of the building.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

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

- n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
 - o) provisions for renewable energy systems such as Solar PV
 - p) commitment to recycle at least 70% of construction and demolition waste
 - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
 - r) use of sustainable materials such as low VOC paints for the internal walls
 - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - t) provision of green walls / vertical gardens where practicable
- all to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Dig-it-Yourself Garden Design, dated January 2023 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) the planting of an indigenous species that is capable of reaching a minimum mature height of 8 metres within the Bent Parade frontage adjacent to the laundry/pantry of Dwelling 1
 - b) the proposed Black Sheoak tree within the rear setback of Dwelling 2 to be replaced with an indigenous species that is capable of reaching a minimum mature height of 15 metres
 - c) the proposed Lightwood Wattle tree within the rear setback of Dwelling 3 to be replaced with an indigenous species that is capable of reaching a minimum mature height of 15 metres
 - d) the proposed canopy tree plantings to be of advanced stock
 - e) 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
 - f) 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
 - g) 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
 - h) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - i) details of surface finishes of pathways and driveways
 - j) planting schedule to be a minimum of 80% indigenous species
 - k) provision of green walls / vertical gardens where practicable.

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

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

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

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

Arboricultural Impact Assessment Report

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

Any required design changes must be incorporated into the plans submitted under condition 1.

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.

Street tree protection

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

Drainage

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

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

Development Contribution

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

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

Permit Expiry

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

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

Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Council records indicate that there is no easement within the property.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$8,615.20 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

**4.7 4 SUNLIT COURT, HAMPTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION: 2017/246/2 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/116488

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council resolves:

1. to **Approve** the amended plans in accordance with **Secondary Consent** provisions of **Planning Permit 2017/246/2**
2. that plans identified as TP4.01, TP4.02, and, TP4.04 prepared by SLC Bayside and dated 28/03/2023 be endorsed. These plans are to be read in conjunction with the following previously endorsed plans:
 - Plans TP-2.01, TP-2.02 TP-2.03 prepared by SLC Bayside, and dated 4 August 2022, endorsed on 19 September 2022
 - Landscape plan dated 22 September 2021, Waste Management Plan dated September 2021 by Eco-City sustainability consultants, Storm report dated 29 July 2021 and Tree Management Plan by BlueGum dated August 2021 endorsed on 24 November 2021
3. that plans TP-4.01 and TP-4.02 endorsed on 19 September 2022 be superseded, and the plan TP4.04 endorsed on 24 November 2021 is superseded.

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 Stitfold and Hanna El Muallem (Mayor) (6)
AGAINST: Nil (0)

CARRIED

It is recorded that Cr Castelli returned to the meeting at 9.11 pm.

4.9 STATUTORY PLANNING - MONTHLY REPORT (MARCH 2023)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/115513

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during March 2023.

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 Moullem (Mayor) (6)
AGAINST: Nil (0)

CARRIED

The Chairperson declared the meeting closed at 9.14 pm.