

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 13 June 2023
at 6.30pm



Minutes

PRESENT:

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

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

Officers: Matthew Cripps – Director City Planning and Amenity
John Coates – Manager Amenity Protection
Fiona Farrand – Manager Development Services
Liz Peddie – Acting Manager Governance
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Alex Bitmead – Statutory Planner
Ronan Hamill – Principal Statutory Planner (Arborist)
Robert Lamb – Governance Officer
Laura Pocock – Senior Statutory Planner

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 14 Kirkwood Street, Beaumaris Local Law Tree Removal Application..... 7
 - 4.2 49 Potter Street, Black Rock Local Law Tree Removal Application 8
 - 4.3 23 Reserve Road, Beaumaris Local Law Tree Removal Application..... 9
 - 4.4 5 Garnet-Leary Avenue, Black Rock Local Law Tree Removal Application..... 10
 - 4.5 409 Balcombe Road, Beaumaris Local Law Tree Removal Application..... 11
 - 4.6 26 Hardinge Street, Beaumaris Local Law Tree Removal Application..... 12
 - 4.7 2A Ruxton Rise, Beaumaris Local Law Tree Removal Application 13
 - 4.8 1 Michael Street, Beaumaris Local Law Tree Removal Application 14
 - 4.9 17 Wattle Avenue, Beaumaris Local Law Tree Removal Application..... 15
 - 4.10 1/26 Third Street, Black Rock Local Law Tree Removal Application 16
 - 4.11 71 Haldane Street, Beaumaris Local Law Tree Removal Application..... 17
 - 4.12 24 & 28 Thomas Street and 36–38A Deakin Street North, Hampton Notice of Decision to Grant a Permit Application: 2022/248/1 Ward: Boyd..... 18
 - 4.13 32 Kendall Street, Hampton Notice of Decision to Grant a Permit Application: 2023/107/1 Ward: Castlefield..... 42
 - 4.14 110 Cochrane Street, Brighton Notice of Decision to Grant a Permit Application: 2022/656/1 Ward: Dendy 48

4.15	Unit 1 / 77–79 Orlando Street, Hampton Notice of Decision to Grant a Permit Application: 2022/431/1 Ward: Boyd	51
4.16	3 Marshall Avenue, Highett Notice of Decision to Grant a Permit Application: 2023/103/1 Ward: Ivison	53
4.17	20 Hilton Street, Beaumaris Notice of Decision to Grant a Permit Application: 2022/579/1 Ward: Beckett	59
4.18	21 Arkaringa Crescent, Black Rock Grant a Permit Application: 2022/565/1 Ward:Ebden	66
4.19	390–392 Hampton Street, Hampton Extension of Time - Approve Application 2016/308/1 Ward: Boyd	73
4.20	298 New Street, Brighton Extension of Time - Approve Application 2016/739/2 Ward: Dendy.....	74
4.21	Statutory Planning - Monthly Report (April 2023)	75

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 Cr Stitfold 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.

1. Apologies

It is recorded that Cr Castelli was an apology for the 13 June 2023 Planning and Amenity Delegated Committee Meeting.

Moved: Cr del Porto

Seconded: Cr Evans

That Council notes the apology of absence of Cr Sonia Castelli for the 13 June 2023 Planning and Amenity Delegated Committee Meeting.

CARRIED

2. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 9 May 2023.

Moved: Cr Martin

Seconded: Cr Evans OAM

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 9 May 2023, as previously circulated, be confirmed as an accurate record of proceedings.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Moullem (Mayor) (6)

AGAINST: Nil (0)

CARRIED

4. Matters of Decision

4.1 14 KIRKWOOD STREET, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/132781

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers Issue a Local Law Tree Removal Permit for one *Cinnamomum camphora* (*Camphor laurel*) at 14 Kirkwood Street, Beaumaris
2. that the permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 6m and minimum canopy width of 3m at maturity.

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

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

AGAINST: Nil (0)

CARRIED

NOTE: Item 4.1 was **CARRIED** as part of a block motion.

4.2 49 POTTER STREET, BLACK ROCK LOCAL LAW TREE REMOVAL APPLICATION

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/137638

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers Issue a Local Law Tree Removal Permit for one *Hesperocyparis macrocarpa* (*Monterey cypress*) at 49 Potter Street, Black Rock
2. that the permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 6m and minimum canopy width of 3m at maturity.

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

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

AGAINST: Nil (0)

CARRIED

NOTE: Item 4.2 was **CARRIED** as part of a block motion.

4.3 23 RESERVE ROAD, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/137640

It is recorded that Mrs Trudi and Mr Scott Sampson, and Mr Jamie Baxter each submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers Issue a Local Law Tree Removal Permit for:
 - 1 X *Hesperocyparis macrocarpa* (Monterey cypress) and
 - 1 X *Cedrus deodara* (Deodar)at 23 Reserve Road, Beaumaris
2. that the permit includes a condition requiring planting of two indigenous trees each capable of reaching a minimum height of 10m and minimum canopy width of 6m at maturity.

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

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

CARRIED

NOTE: Item 4.3 was **CARRIED** as part of a block motion.

**4.4 5 GARNET-LEARY AVENUE, BLACK ROCK
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/137642

Moved: Cr del Porto**Seconded: Cr Evans OAM**

That Council resolves to Refuse to Issue a Local Law Tree Removal Permit for removal of one *Malus domestica* (Crab apple) tree, as a protected tree at 5 Garnet-Leary Avenue, Black Rock.

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

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

AGAINST: Nil (0)

CARRIED

NOTE: Item 4.4 was **CARRIED** as part of a block motion.

**4.5 409 BALCOMBE ROAD, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/162797

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers Issue a Local Law Tree Removal Permit for one *Cinnamomum camphora* (*Camphor laurel*) at 409 Balcombe Road, Beaumaris
2. that the permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 6m and minimum canopy width of 3m at maturity

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

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

CARRIED

NOTE: Item 4.5 was **CARRIED** as part of a block motion.

4.6 26 HARDINGE STREET, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/152856

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers Issue a Local Law Tree Removal Permit for:
 - *Fraxinus angustifolia* (*Desert ash*) with a condition requiring planting of an indigenous tree capable of reaching a minimum height of 11m and minimum canopy width of 9m at maturity
 - *Hesperocyparis macrocarpa* (*Monterey cypress*) with a condition requiring planting of two indigenous tree capable of reaching a minimum height of 10m and minimum canopy width of 8m at maturity

at 26 Hardinge Street, Beaumaris.

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

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

CARRIED

NOTE: Item 4.6 was **CARRIED** as part of a block motion.

**4.7 2A RUXTON RISE, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/137643

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves to Refuse to Issue a Local Law Permit for removal of one Hesperocyparis macrocarpa (Monterey cypress) tree, as a protected tree at 2A Ruxton Rise, Beaumaris.

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

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

AGAINST: Nil (0)

CARRIED

NOTE: Item 4.7 was **CARRIED** as part of a block motion.

**4.8 1 MICHAEL STREET, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/152859

It is recorded that Dr Boris & Mrs Oskana Mezhov, and Mrs Jane & Mr Chris Scott each submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers Issue a Local Law Tree Removal Permit for:
 - *Fraxinus angustifolia* (Desert ash)at 1 Michael Avenue, Beaumaris
2. that the permit includes a condition *to replace with an indigenous tree with a minimum height of 9m height and minimum canopy width of 4m at maturity.*

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

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

CARRIED

NOTE: Item 4.8 was **CARRIED** as part of a block motion.

**4.9 17 WATTLE AVENUE, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/152861

Moved: Cr Martin

Seconded: Cr del Porto

That Council defers consideration of this item until the July 2023 Planning and Amenity Delegated Committee Meeting to provide the applicant the opportunity to present any additional details.

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

DIVISION: FOR: Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stiffold and Hanna El Moullem (Mayor) (6)

AGAINST: Nil (0)

CARRIED

**4.10 1/26 THIRD STREET, BLACK ROCK
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Development Services
File No: PSF/23/179 – Doc No: DOC/23/162973

Moved: Cr del Porto**Seconded: Cr Evans OAM**

That Council resolves:

1. that delegated officers Issue a Local Law Tree Removal Permit for one *Hesperocyparis macrocarpa* (*Monterey cypress*) at 1/26 Third Street, Black Rock
2. that the permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 9m and minimum canopy width of 4m at maturity.

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

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

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

**4.12 24 & 28 THOMAS STREET AND 36–38A DEAKIN STREET NORTH,
HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/248/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/147613

It is recorded that Cr Martin left the Meeting at 6.50pm and returned to the meeting at 6.52pm.

It is recorded that Cr del Porto left the Meeting at 6.51pm and returned to the meeting at 6.53pm.

It is recorded that Dr Jonathan Nightingale (on behalf of Hampton Neighbourhood Association), Mr Paul Little (for Spyre (Hamptons) Pty Ltd c/- Planning & Property Partners Pty Ltd) each submitted a written statement in relation to this item.

It is recorded that Mr Dean Elliott, Ms Monica Kerlin, Mrs Dorothy Persic, Mr Blair Roberts, Mr Nick Hultink, Mr Stephen Greenham, Dr Jonathan Nightingale (on behalf of Hampton Neighbourhood Association), Mr Daniel Laruccia (for Spyre (Hamptons) Pty Ltd), Mr Paul Little (for Spyre (Hamptons) Pty Ltd c/- Planning & Property Partners Pty Ltd) each spoke for 2 minutes in relation to this item.

It is recorded that Cr Stitfold moved a motion (and Cr Martin seconded) with proposed additional conditions. The applicant was asked to respond to the proposed conditions; however, they requested time to consider their response. The mover then withdrew the motion to allow for a motion to defer the matter to the end of the meeting to enable this consideration.

Procedural Motion

Moved Cr del Porto

Seconded Cr Martin

That the item be deferred to the end of the meeting to allow the applicant time to consider the proposed amended conditions.

CARRIED

It is recorded that this item was resumed at the conclusion of Item 4.21.

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 2022/248/1 for the land known and described as 24 & 28 Thomas Street and 36–38A Deakin Street North, Hampton for the construction of buildings and works comprising of three three-storey buildings containing 23 dwellings with basement parking and a front fence exceeding 1.5 metres in height in a Design and Development Overlay in accordance with the endorsed plans and subject to the following conditions from the

standard conditions:

1. Before the development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans prepared by MLD Studio referenced P1.03 – P12.14, date 11/4/2023 and revision number L but modified to show:
 - a) the second floor associated with Building C facing Deakin Street North setback 4m from the floor immediately below to comply with the Design and Development Overlay Schedule 12
 - b) a 2.2m headroom clearance at the entrance to be measured when the garage doors/gates are at 'opened positions' as per the AS2890.1 both entry and exit points. In addition, relevant headroom must also be provided at the garbage collection points
 - c) a minimum 2.2m headroom clearance to be provided within entire car park as per AS2890.1
 - d) a minimum 2.5m x 2.5m corner splay must be provided on the north-west corner of the property. The splay must be infilled in concrete to match the existing footpath
 - e) a Sustainable Design Assessment in accordance with Condition 11
 - f) an Environmentally Sustainable Development Management Plan in accordance with Condition 12
 - g) a Landscaping Plan in accordance with Condition 15
 - h) a Tree Protection Management Plan in accordance with Condition 18
 - i) a Waste Management Plan in accordance with Condition 28
 - j) a Traffic and Car Parking Management plan in accordance with Condition 30
 - k) a Public Works Plan in accordance with Condition 33
 - l) provision of the development contributions fee in accordance with Condition 35
 - m) relocation of the exit vehicle ramp to Deakin Street North so that this is set 2m from the southern boundary to its kerb
 - n) provision of a vehicle access gate internally within the ramp (with detail of angled treatment), opening outward to reduce impact of headlights from exiting cars
 - o) provision of additional planting along the southern boundary adjacent to the exit ramp
 - p) increased balustrade/screen height to 1.7m at Level 2 along the southern elevation of Building C. to meet the standard B22 of rescode
 - q) relocation of the exit vehicle ramp to Deakin Street North so that this is set 2m from the southern boundary to its kerb
 - r) provision of internal 1.7m high gates to the southern balcony areas of Apartments 301 and 304
 - s) delete the rooftop terrace and replace with the consideration of a biodiverse rooftop garden

all to the satisfaction of the Responsible Authority.

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

Sustainable Design Assessment

11. Prior to the endorsement of plans pursuant to Condition 1, The SMP prepared by Sustainable Development Consultants dated 29/04/22 and BESS Report (Project No 7E81F439-R1 published 28/04/22) should require the following amendments to demonstrate the 55% or greater standard in BESS:
 - a) a BESS report with a minimum 60% 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 7 star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating

requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin

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

Environmentally Sustainable Development Management Plan

12. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants and include, but not be limited to the following:
 - a) Water Sensitive Urban Design (WSUD) initiatives to comply with the best practice performance objective set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater

Committee 1999:

- I. specify drought-tolerant, any suitable indigenous species and water-efficient garden annotated on Landscape plan &/or [Permeability or Deep Planting] on Plans
 - II. inclusion of proposed 2m² Raingarden on the western side of the site as per SDA – Appendix E – WSUD Sketch p.49 to be added to [Landscape] plan
- b) a STORM report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority:
 - I. Landscape Plan notates “All [irrigated] Landscaped areas to be irrigated from onsite rainwater collection tank with mains back up” this is not included in SMP or Plans – amend and make consistent
 - c) complete BESS report demonstrating the initiatives selected to achieve the 55% or greater standard committed to in the summary report
 - d) preliminary building energy ratings to align with plans:
 - I. NatHERS Report to be supplied with SDA
 - e) single side dwellings deeper than 5 metres to be provided with mixed mode ventilation providing fresh air rates of at least 2.5 L/s/m² of air movement to each habitable room for residential or an increase of at least 100% on minimum rates set out in AS 1668.2-2002 for office and retail areas:
 - I. Natural cross flow ventilation is required in all habitable spaces to achieve 100% in BESS
 - f) demonstration that stormwater detention volume requirements are in addition to stormwater retention
 - g) clearly state that in addition to producing a Building User’s Guide that it will be provided to occupants
 - h) endorsed SMP Report initiatives to be fully integrated with architectural and building services plans and specifications for building approval.
13. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.
14. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.

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 plan drawn by CDA Design Group Pty Ltd,

reference Landscape Plan, dated August 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:

- a) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways
 - f) where practicable, the inclusion of green walls at appropriate locations
 - g) where practicable, the inclusion of planter boxes to terrace and balconies at appropriate locations
 - h) 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. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

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

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist

responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
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.

Protection of trees for services

21. 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

22. 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.
23. 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 in line with guidelines for working near council trees. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
24. Root pruning within the TPZ (Tree Protection Zone)
- All roots that will be affected must be correctly pruned in accordance with AS4373-2007 'Pruning of Amenity Trees'.
 - Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

Drainage

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

Waste Management Plan

28. Before the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a) dimensions of storage waste areas
 - b) storm water drains in storage areas should be fitted with a litter trap
 - c) the number and size of bins to be provided
 - d) facilities for bin cleaning
 - e) method of waste and recyclables collection
 - f) types of waste for collection, including colour coding and labelling of bins
 - g) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
 - h) method of hard waste collection
 - i) method of presentation of bins for waste collection
 - j) sufficient headroom within the basement to accommodate waste collection vehicles
 - k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
 - l) strategies for how the generation of waste and recyclables will be minimised
 - m) compliance with relevant policy, legislation and guidelines.
29. 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.

Traffic and Car Parking Management Plan

30. Prior to the endorsement of plans pursuant to Condition 1, a Traffic and 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. The plan must include:
 - a) all car parking space, aisles and columns designed in accordance with AS2890.1

- b) car parking allocated and sign posted/marked in accordance with the minimum proportions below specified by Clause 52.06 of the Planning Scheme, or as otherwise agreed by the responsible authority (subject to appropriate justification being provided)
- c) the proposed vehicle access via Thomas Street and vehicle exit arrangement into Deakin Street to be regulated via suitable mechanism (i.e. swipe card system for vehicles entering via Thomas Street with appropriate setback from the roadway/front property boundary as per relevant standards. In addition, 'Entry Only' signs at Thomas Street end and 'No Access' signs at Deakin Street North to be provided to alert motorists of the proposed access/egress conditions. Additional warning signs such as 'No Exit' signs within the car park must also be provided at appropriate locations within basement as part of the car parking management plan. The exit only gate at vehicle exit point must only operate for vehicles exiting the ramp
- d) signage to improve safety in respect of interaction between vehicles and pedestrians
- e) disabled bay markings and bollard/s
- f) signage and line marking to provide for management of vehicle movements, including the one lane sections
- g) the car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separately from the development for any reason without the written consent of the Responsible Authority.

Construction Management Plan

31. Prior to commencement of any building works and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):
- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
 - b) works necessary to protect road and other infrastructure
 - c) remediation of any damage to road and other infrastructure
 - d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
 - e) facilities for vehicle washing, which must be located on the land
 - f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
 - g) site security
 - h) management of any environmental hazards including, but not limited to:
 - i. i contaminated soil and ground water
 - ii. ii materials and waste
 - iii. iii dust

- iv. iv stormwater contamination from run-off and wash-waters
- v. v sediment from the land on roads
- vi. vi washing of concrete trucks and other vehicles and machinery
- vii. 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.
32. 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.

Public Works Plan

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:
- the upgrade of the existing Council footpaths on Thomas Street
 - the upgrade of the existing Council footpaths on Deakin Street North
 - the new or upgraded vehicle crossovers and roads/laneways
 - new street tree plantings
 - 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
 - the relocation of any existing street parking signs to align with any new vehicle crossings or removed vehicle crossings.

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.

Development Contribution

35. 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

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

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

Permit Notes:

- 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.

Townhouses:

TH1 - 24 Thomas Street HAMPTON 3188

TH2 – 40 Deakin Street North HAMPTON 3188

TH3 – 38 Deakin Street North HAMPTON 3188

Southern (Deakin Street North) Apartment Building:

101-106 – Ground Floor – Units 1-6/36 Deakin Street North HAMPTON 3188

201-206 – Level 1 – Units 101-106/36 Deakin Street North HAMPTON 3188

301-304 – Level 2 – Units 201-204/36 Deakin Street North HAMPTON 3188

Eastern (Thomas Street) Apartment Building:

107-108 – Ground Floor – Units 1-2/28 Thomas Street HAMPTON 3188

207-208 – Level 1 – Units 101-102/28 Thomas Street HAMPTON 3188

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council’s supervision for which 24 hours’ notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a ‘Road Opening Permit’ must be obtained to facilitate such work.
- A ‘Road Opening / Stormwater Tapping Permit’ is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the application will be approved, the applicant must pay \$13,017.88 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 428757 & 426554). This amount has been determined in accordance with Council’s current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the

street tree. Any replacement planting will be at the discretion of the responsible authority.

Amendment

Moved: Cr del Porto

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 2022/248/1 for the land known and described as 24 & 28 Thomas Street and 36–38A Deakin Street North, Hampton for the construction of buildings and works comprising of three three-storey buildings containing 23 dwellings with basement parking and a front fence exceeding 1.5 metres in height in a Design and Development Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans prepared by MLD Studio referenced P1.03 – P12.14, date 11/4/2023 and revision number L but modified to show:
 - a) the second floor associated with Building C facing Deakin Street North setback 4m from the floor immediately below to comply with the Design and Development Overlay Schedule 12
 - b) a 2.2m headroom clearance at the entrance to be measured when the garage doors/gates are at 'opened positions' as per the AS2890.1 both entry and exit points. In addition, relevant headroom must also be provided at the garbage collection points
 - c) a minimum 2.2m headroom clearance to be provided within entire car park as per AS2890.1
 - d) a minimum 2.5m x 2.5m corner splay must be provided on the north-west corner of the property. The splay must be infilled in concrete to match the existing footpath
 - e) a Sustainable Design Assessment in accordance with Condition 11
 - f) an Environmentally Sustainable Development Management Plan in accordance with Condition 12
 - g) a Landscaping Plan in accordance with Condition 15
 - h) a Tree Protection Management Plan in accordance with Condition 18
 - i) a Waste Management Plan in accordance with Condition 28
 - j) a Traffic and Car Parking Management plan in accordance with Condition 30
 - k) a Public Works Plan in accordance with Condition 33
 - l) provision of the development contributions fee in accordance with Condition 35
 - m) relocation of the exit vehicle ramp to Deakin Street North so that this is set 2m from the southern boundary to its kerb

- n) provision of a vehicle access gate internally within the ramp (with detail of angled treatment), opening outward to reduce impact of headlights from exiting cars
- o) provision of additional planting along the southern boundary adjacent to the exit ramp
- p) increased balustrade/screen height to 1.7m at Level 2 along the southern elevation of Building C. to meet the standard B22 of rescode
- q) relocation of the exit vehicle ramp to Deakin Street North so that this is set 2m from the southern boundary to its kerb
- r) provision of internal 1.7m high gates to the southern balcony areas of Apartments 301 and 304
- s) increase the setback of the rooftop terrace area of Building C from the southern boundary by 1m. All landscaping to roof terraces to constitute biodiverse indigenous species and all lighting to be specified as nocturnal animal friendly

all to the satisfaction of the Responsible Authority.

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

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

Sustainable Design Assessment

11. Prior to the endorsement of plans pursuant to Condition 1, The SMP prepared by Sustainable Development Consultants dated 29/04/22 and BESS Report (Project No 7E81F439-R1 published 28/04/22) should require the following amendments to demonstrate the 55% or greater standard in BESS:
 - a) a BESS report with a minimum 60% 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 7 star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/m²
 - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
 - i) provision of external dry lines for each dwelling
 - j) bicycle parking space in each garage/ private open space area
 - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
 - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
 - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
 - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
 - o) provisions for renewable energy systems such as Solar PV
 - p) commitment to recycle at least 70% of construction and demolition waste

- q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
- r) use of sustainable materials such as low VOC paints for the internal walls
- s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
- t) provision of green walls / vertical gardens

all to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development Management Plan

12. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants and include, but not be limited to the following:
- a) Water Sensitive Urban Design (WSUD) initiatives to comply with the best practice performance objective set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999:
 - I. specify drought-tolerant, any suitable indigenous species and water-efficient garden annotated on Landscape plan &/or [Permeability or Deep Planting] on Plans
 - II. inclusion of proposed 2m² Raingarden on the western side of the site as per SDA – Appendix E – WSUD Sketch p.49 to be added to [Landscape] plan
 - b) a STORM report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority:
 - I. Landscape Plan notates “All [irrigated] Landscaped areas to be irrigated from onsite rainwater collection tank with mains back up” this is not included in SMP or Plans – amend and make consistent
 - c) complete BESS report demonstrating the initiatives selected to achieve the 55% or greater standard committed to in the summary report
 - d) preliminary building energy ratings to align with plans:
 - I. NatHERS Report to be supplied with SDA
 - e) single side dwellings deeper than 5 metres to be provided with mixed mode ventilation providing fresh air rates of at least 2.5 L/s/m² of air movement to each habitable room for residential or an increase of at least 100% on minimum rates set out in AS 1668.2-2002 for office and retail areas:
 - I. Natural cross flow ventilation is required in all habitable spaces to achieve 100% in BESS
 - f) demonstration that stormwater detention volume requirements are in addition to stormwater retention
 - g) clearly state that in addition to producing a Building User’s Guide that it will be provided to occupants
 - h) endorsed SMP Report initiatives to be fully integrated with architectural and building services plans and specifications for building approval.

13. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.
14. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.

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 plan drawn by CDA Design Group Pty Ltd, reference Landscape Plan, dated August 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways
 - f) where practicable, the inclusion of green walls at appropriate locations
 - g) where practicable, the inclusion of planter boxes to terrace and balconies at appropriate locations
 - h) 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. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

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

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
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.

Protection of trees for services

21. 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

22. 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.

23. 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 in line with guidelines for working near council trees. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
24. Root pruning within the TPZ (Tree Protection Zone)
 - All roots that will be affected must be correctly pruned in accordance with AS4373-2007 'Pruning of Amenity Trees'.
 - Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

Drainage

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

Waste Management Plan

28. Before the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a) dimensions of storage waste areas
 - b) storm water drains in storage areas should be fitted with a litter trap
 - c) the number and size of bins to be provided
 - d) facilities for bin cleaning
 - e) method of waste and recyclables collection
 - f) types of waste for collection, including colour coding and labelling of bins
 - g) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
 - h) method of hard waste collection
 - i) method of presentation of bins for waste collection
 - j) sufficient headroom within the basement to accommodate waste collection vehicles
 - k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
 - l) strategies for how the generation of waste and recyclables will be minimised

- m) compliance with relevant policy, legislation and guidelines.
29. 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.

Traffic and Car Parking Management Plan

30. Prior to the endorsement of plans pursuant to Condition 1, a Traffic and 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. The plan must include:
- a) all car parking space, aisles and columns designed in accordance with AS2890.1
 - b) car parking allocated and sign posted/marked in accordance with the minimum proportions below specified by Clause 52.06 of the Planning Scheme, or as otherwise agreed by the responsible authority (subject to appropriate justification being provided)
 - c) the proposed vehicle access via Thomas Street and vehicle exit arrangement into Deakin Street to be regulated via suitable mechanism (i.e. swipe card system for vehicles entering via Thomas Street with appropriate setback from the roadway/front property boundary as per relevant standards. In addition, 'Entry Only' signs at Thomas Street end and 'No Access' signs at Deakin Street North to be provided to alert motorists of the proposed access/egress conditions. Additional warning signs such as 'No Exit' signs within the car park must also be provided at appropriate locations within basement as part of the car parking management plan. The exit only gate at vehicle exit point must only operate for vehicles exiting the ramp
 - d) signage to improve safety in respect of interaction between vehicles and pedestrians
 - e) disabled bay markings and bollard/s
 - f) signage and line marking to provide for management of vehicle movements, including the one lane sections
 - g) the car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separately from the development for any reason without the written consent of the Responsible Authority.

Construction Management Plan

31. Prior to commencement of any building works and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):
- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
 - b) works necessary to protect road and other infrastructure
 - c) remediation of any damage to road and other infrastructure

- d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
- e) facilities for vehicle washing, which must be located on the land
- f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
- g) site security
- h) management of any environmental hazards including, but not limited to:
 - i. i contaminated soil and ground water
 - ii. ii materials and waste
 - iii. iii dust
 - iv. iv stormwater contamination from run-off and wash-waters
 - v. v sediment from the land on roads
 - vi. vi washing of concrete trucks and other vehicles and machinery
 - vii. 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.
32. 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.

Public Works Plan

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 Thomas Street
 - b) the upgrade of the existing Council footpaths on Deakin Street North
 - c) the new or upgraded vehicle crossovers and roads/laneways
 - d) new street tree plantings
 - e) 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
 - f) the relocation of any existing street parking signs to align with any new vehicle crossings or removed vehicle crossings.

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.

Development Contribution

35. 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

36. 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.

Townhouses:

TH1 - 24 Thomas Street HAMPTON 3188

TH2 – 40 Deakin Street North HAMPTON 3188

TH3 – 38 Deakin Street North HAMPTON 3188

Southern (Deakin Street North) Apartment Building:

101-106 – Ground Floor – Units 1-6/36 Deakin Street North HAMPTON 3188

201-206 – Level 1 – Units 101-106/36 Deakin Street North HAMPTON 3188

301-304 – Level 2 – Units 201-204/36 Deakin Street North HAMPTON 3188

Eastern (Thomas Street) Apartment Building:

107-108 – Ground Floor – Units 1-2/28 Thomas Street HAMPTON 3188

207-208 – Level 1 – Units 101-102/28 Thomas Street HAMPTON 3188

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

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

- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the application will be approved, the applicant must pay \$13,017.88 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 428757 & 426554). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM and Jo Samuel-King
MBBS (Deputy Mayor) (3)

AGAINST: Crs Clarke Martin, Fiona Stitfold and Hanna El Moullem
(Mayor) (3)

The Chair exercised the casting vote and the division was

CARRIED

The Amendment then became the motion and the motion was PUT

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Jo Samuel-King
MBBS (Deputy Mayor) Crs Clarke Martin, Fiona Stitfold (5)

AGAINST: Cr Hanna El Moullem (Mayor) (1)

CARRIED

**4.13 32 KENDALL STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/107/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/141843

It is recorded that Mrs Fiona Zhang submitted a written statement to this item.

It is recorded that Ms Sinem Bozcan, and Mrs Fiona Zhang each spoke for 2 minutes in relation to this item.

Moved: Cr del Porto

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 2023/107/1 for the land known and described as 32 Kendall Street, Hampton for the construction of two (2) double storey dwellings in a Neighbourhood Residential Zone Schedule 3 (NRZ3) 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 Arki Design Studio referenced Job Number 2244, Page 1-3 and dated 20 February 2023 but modified to show:
 - a) deletion of pergola entry to Dwelling 1 or alternatively setback behind the garage
 - b) each master bedroom window on the eastern boundary to be screened with a fixed external screen to a height of 1.7 metres with a maximum 25% transparency
 - c) a notation for the pool equipment of Dwelling 1 to be located next to the clothesline
 - d) the proposed crossover of Dwelling 1 to be reduced in width to 3 metres from the northern side boundary and be located outside the Structural Root Zone of Tree 1
 - e) The proposed driveway of Dwelling 1 to be constructed above grade and of a permeable material where it extends into the Tree Protection Zone of Tree 1
 - f) Visual corner splays on either side of both accessways to be annotated as in accordance with Clause 52.06-9 of the Bayside Planning Scheme.
 - g) a Sustainable Design Assessment in accordance with Condition 9
 - h) a Landscaping Plan in accordance with Condition 10
 - i) a Tree Management and Protection Plan in accordance with Condition 13
 - j) provision of the development contributions fee in accordance with Condition 24

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.

Sustainable Design Assessment

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Bradbury Culina, Drawing number 4173, reference Sheet 1, dated 27 March 2023 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must be modified to show:
- a) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - d) details of surface finishes of pathways and driveways
 - e) planting schedule to be a minimum of 80% indigenous species and any alterations to proposed canopy trees to facilitate this requirement.

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

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

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

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

Street tree protection

18. Soil excavation must not occur within 3 metres from the edge of the *Eucalyptus cladocalyx* (Sugar Gum) street tree asset's stem at ground level.
19. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

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

Development Contribution

24. 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

25. 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.

Northern Dwelling – 32A Kendall Street HAMPTON 3188

Southern Dwelling – 32B Kendall Street HAMPTON 3188

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

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

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

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

AGAINST: Nil (0)

CARRIED

**4.14 110 COCHRANE STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/656/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/152718

It is recorded that Mr Peter Hodder, and Mr Kevin Howard each submitted a written statement in relation to this item.

It is recorded that Mr Lee Shaw spoke for 2 minutes in relation to this item.

Moved: Cr El Moullem (Mayor)

Seconded: Cr del Porto

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/656/1 for the land known and described as 110 Cochrane Street, Brighton for the partial demolition of a heritage building, and buildings and works consisting of an extension to a heritage building in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans amended prepared by Made For, referenced R220209, date 25/04/2023 and revision P4 but modified to show:
 - a) the window within the side gable along May Street, associated with the master bedroom ensuite to be centrally placed and vertically positioned
 - b) the proposed southern wall associated with the scullery and living room reduced to an overall height of 3.19 metres
 - c) the provision of additional shrubs and a green wall located along the proposed southern wall and May Street
 - d) the proposed ground floor southern wall associated with the scullery and living room to be setback a minimum of 1.3 metres from the southern boundary
 - e) the provision of three medium sized, native canopy trees to be located between the proposed southern wall associated within the scullery and living room and May Streetall 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. 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.
7. 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.
8. The landscaping on the endorsed plans must be maintained. Landscaping that is dead, diseased or damaged must be replaced to the satisfaction of the Responsible Authority.

Permit Expiry

9. 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.
- Before the development starts the applicant must pay \$3,214.85 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible

Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

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

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

CARRIED

**4.15 UNIT 1 / 77–79 ORLANDO STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/431/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/8189 – Doc No: DOC/23/1213

It is recorded that Mr Noel Horrigan submitted a written statement 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 2022/431/1 for the land known and described as Unit 1 / 77–79 Orlando Street, Hampton for alterations and additions to an existing dwelling, including a first floor and the construction of a front fence exceeding 1.2m in height, on a lot under 500sqm 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 but modified to show:
 - a) the windows servicing the first floor 'Main Bed' and 'Study/Bed 4' to be screened in accordance with Clause 54.04-6 (Standard A15) of the Bayside Planning Scheme to prevent overlooking. If no screening is required, clear diagrams would be required to show compliance
 - b) an updated materials and finishes schedule, including swatches and or examples of colours and finishes, in line with the relevant neighbourhood character requirements of Clause 15.01 of the Bayside Planning Scheme
 - c) a reduction to the maximum building height from 8.01m to 7.625m
 - d) a reduction to the pitch of the proposed first floor roof from 30 degrees to 24 degrees
 - e) no use of render externally at the ground floor level
 - f) the retention of the existing white painted external brickwork at the ground floor level to maintain conformity with the adjoining units (if replacement bricks are required in part they must be of the same colour, size and style)
 - g) an updated elevation, drawn to the scale and fully dimensioned, showing the front fencing to be 1.7m in maximum heightall 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, where required, 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.

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.

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

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

CARRIED

**4.16 3 MARSHALL AVENUE, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/103/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/143710

It is recorded that Mr Tasman Jones (for Songbowden Planning) submitted a written statement in relation to this item.

It is recorded that Mr Michael Inserra spoke for 2 minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr El Moullem (Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/103/1 for the land known and described as 3 Marshall Avenue, Highett for the construction of two (2) double storey dwellings in a Neighbourhood Residential Zone Schedule 3 (NRZ3) 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 Achieve Design Group referenced Job Number 22/4174, Revision A and dated 2 March 2023 but modified to show:
 - a) the ground floor sitting room of Dwelling 1 on the southern elevation to be screened with fixed obscure glazing to a minimum of 1.7 metres above the floor level
 - b) the proposed crossover of Dwelling 1 to be setback a minimum of 1 metre from the southern side boundary
 - c) a Sustainable Design Assessment in accordance with Condition 9
 - d) an amended Landscaping Plan in accordance with Condition 10
 - e) a Tree Management and Protection Plan in accordance with Condition 13
 - f) provision of the development contributions fee in accordance with Condition 22all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

Sustainable Design Assessment

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Achieve Design Group, reference Drawing Number P6, dated 2 March 2023 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) Replacement of the two proposed canopy trees within the front setback with two canopy trees that can reach a minimum mature height of 8 metres.
 - b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways
 - g) where practicable, the inclusion of green walls at appropriate locations
 - h) planting schedule to be a minimum of 80% indigenous species.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
14. All actions and measures identified in the Tree Management Report must be implemented.
 15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
 16. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (specify particular tree/s) is to be done by hand by a qualified Arborist.

Protection of trees for services

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

Street tree protection

18. Before the development starts, tree protection fencing is to be established around the street tree marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
19. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 2.1 metres of the street tree *Eucalyptus leucoxylon* Rosea, asset Id 971964 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 section AS4373-2007 'Pruning of Amenity Trees'.
- Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

Drainage

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

Development Contribution

22. 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

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

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

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

Permit Notes:

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

Southern Dwelling – 3A Marshall Avenue HIGHETT 3190

Northern Dwelling – 3B Marshall Avenue HIGHETT 3190

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

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

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

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

CARRIED

**4.17 20 HILTON STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/579/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: DD005.2022.00000579.001 – Doc No: DOC/23/152355

It is recorded that Ms Nikki Taylor (for Devcon Planning Services Pty Ltd on behalf of Maria Guida, Tom Vosnakis and Karen Skafte) spoke for 2 minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/579/1 for the land known and described as 20 Hilton Street, Beaumaris for the construction of two dwellings on lot, construction of a front fence exceeding 1.2m in height and the removal of native vegetation on land within the Vegetation Protection Overlay Schedule 3 (VPO3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans advertised, drawn by Megowan Architectural, dated 14/02/2023 but modified to show:
 - a) the side setback of the Dining and Living room for Townhouse 2 from the western common boundary to be increased to 2m
 - b) the measurements and finishes of the proposed internal fence located in the front setback
 - c) compliance with the design standards for car parking, in particular design standard 1 – Accessways pursuant to Clause 52.06-9 of the Bayside Planning Scheme
 - d) a Sustainable Design Assessment in accordance with Condition 9
 - e) a Landscaping Plan in accordance with Condition 10
 - f) a Tree Management and Protection Plan in accordance with Condition 13
 - g) provision of the development contributions fee in accordance with Condition 24
 - h) the rear section of the dwellings to have a finished floor level of 17.43m 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.

Sustainable Design Assessment

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

Management Guidelines are achieved as required by planning clause 53.18

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

all to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan advertised and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) the planting of an additional one (1) indigenous tree in the rear setback of each proposed dwelling capable of reaching a minimum height of 8m at maturity
 - b) the provision of an indigenous hedge adjacent to the Dining and Living Room of Townhouse 2
 - c) all proposed canopy trees to be planted a minimum of 1m from fencing, pools or infrastructure
 - d) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - e) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - f) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - g) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - h) details of surface finishes of pathways and driveways

- i) where practicable, the inclusion of green walls at appropriate locations
 - j) planting schedule to be a minimum of 90% indigenous species
 - k) provision of increased landscaping within the front setback of each dwelling.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
- b) indicate the location of all tree protection measures to be utilised
- c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
- d) include a key describing all tree protection measures to be utilised.

14. All actions and measures identified in the Tree Management Report must be implemented.
15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (specify particular tree/s) is to be done by hand by a qualified Arborist.

Protection of trees for services

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

Street tree protection

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

Drainage

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

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

Development Contribution

24. 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

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

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

Permit Notes:

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

Western Dwelling – 20A Hilton Street BEAUMARIS 3193

Eastern Dwelling – 20B Hilton Street BEAUMARIS 3193

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

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

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

DIVISION:

FOR: Crs Alex del Porto, Laurence Evans OAM, Clarke Martin and
Hanna El Mouallem (Mayor) (4)

AGAINST: Crs Jo Samuel-King MBBS (Deputy Mayor) and Fiona Stiffold
(2)

CARRIED

**4.18 21 ARKARINGA CRESCENT, BLACK ROCK
GRANT A PERMIT
APPLICATION: 2022/565/1 WARD:EBDEN**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/152596

It is recorded that Mr Tim Pocock, and Ms Emily Sexton each spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves to Grant a Permit under 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, Beaumaris 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) 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 100% indigenous by species type and count
 - k) the provision of any trees to be removed from the site to be provided for habitat purposes where viable
 - l) 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 Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

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

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

CARRIED

**4.19 390–392 HAMPTON STREET, HAMPTON
EXTENSION OF TIME - APPROVE
APPLICATION 2016/308/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/152250

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2016/308/1, so that the development must now commence no later than 11 August 2025 and be completed no later than 11 August 2027.

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

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

CARRIED

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

**4.20 298 NEW STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION 2016/739/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/152959

Moved: Cr del Porto

Seconded: Cr Evans OAM

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2016/739/2, so that the development must now commence no later than 18 July 2024, be completed no later than 18 July 2026 and the use commence no later than 18 July 2027.

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

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

AGAINST: Nil (0)

CARRIED

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

4.21 STATUTORY PLANNING - MONTHLY REPORT (APRIL 2023)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/152249

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 April 2023.

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

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

AGAINST: Nil (0)

CARRIED

The Chairperson declared the meeting closed at 10.03pm.