

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 8 August 2023  
at 6.30pm



## Minutes

**PRESENT:**

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

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

**Officers:** Matthew Cripps – Director City Planning and Amenity  
Terry Callant – Manager Governance  
Fiona Farrand – Manager Development Services  
Scott Matheson – A/Statutory Planning Coordinator  
Ronan Hamill – Principal Statutory Planner (Arborist)  
Robert Lamb – Governance Officer  
Joseph Connellan – A/Senior Statutory Planner

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The Chairperson, Cr Samuel-King declared the Planning and Amenity Delegated Committee Meeting open at 6:30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Chairperson invited Cr Martin to read the prayer.

## **Prayer**

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

## **Acknowledgement of Country**

Cr Stitfold read the acknowledgement of Country.

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

## **1. Apologies**

There were no apologies submitted to the meeting.

## **2. Disclosure of Conflict of Interest of any Councillor**

Cr Samuel-King declared a material conflict of interest in Item 4.7 (637–639 Nepean Highway, Brighton East) given the proposed use as a medical centre could be perceived to be in direct competition with Cr Samuel-King’s business.

## **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 11 July 2023.

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 11 July 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,  
Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor),  
Fiona Stitfold and Hanna El Moullem (Mayor) (7)  
**AGAINST:** Nil (0)

**CARRIED**

## **4. Matters of Decision**

### **4.1 60A ARKARINGA CRESCENT, BLACK ROCK LOCAL LAW TREE REMOVAL APPLICATION 2023/81**

City Planning and Amenity - Development Services  
File No: PSF/23/179 – Doc No: DOC/23/137639

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolves to Refuse to Issue a Local Law Tree Removal Permit for removal of one *Liquidambar styraciflua* (Sweet gum) at 60A Arkaringa Crescent Black Rock.

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

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

**CARRIED**

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

**4.2    31 CHURCH STREET, BEAUMARIS  
LOCAL LAW TREE REMOVAL APPLICATION 2023/118**

City Planning and Amenity - Development Services  
File No: PSF/23/179 – Doc No: DOC/23/203526

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolves:

1. to Issue a Local Law Tree Removal Permit for removal of one Cupressus macrocarpa (Monterey cypress), as a protected tree at 31 Church Street, Beaumaris on receipt of a satisfactory building permit
2. that the permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 8m 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, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)  
**AGAINST:** Nil (0)

**CARRIED**

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

**4.3    53 RED BLUFF STREET, BLACK ROCK  
LOCAL LAW TREE REMOVAL APPLICATION 2023/155**

City Planning and Amenity - Development Services  
File No: PSF/23/179 – Doc No: DOC/23/207156

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolves:

1. to Issue a Local Law Tree Removal Permit for removal of one Acer negundo (Box Elder) tree, as a protected tree at 53 Red Bluff Street, Black Rock
2. that the permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 8m 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, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)  
**AGAINST:** Nil (0)

**CARRIED**

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



**4.4    55 TRAMWAY PARADE, BEAUMARIS  
LOCAL TREE REMOVAL APPLICATION 2023/160**

City Planning and Amenity - Development Services  
File No: PSF/23/179 – Doc No: DOC/23/216246

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolves:

1. to Issue a Local Law Tree Removal Permit for removal of one Liquidambar styraciflua (Liquidambar) tree, as a protected tree 55 Tramway Parade, Beaumaris
2. that the permit includes a condition requiring planting of one indigenous tree capable of reaching a minimum height of 8m 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, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)  
**AGAINST:** Nil (0)

**CARRIED**

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

**4.5 6 TOWERS STREET, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/1/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/103413

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*It is recorded that Mrs Lisa Brick, Mr Peter Bucovaz, Mrs Gabrielle McDermott, Mr Eddy Daemen, and Mr Chris Pippo each spoke for 2 minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/1/1 for the land known and described as 6 Towers Street, Beaumaris for the construction of two dwellings on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the amended plans prepared by Roke Design Studios referred to as Sheets 1–10, Revision TP-25 dated 20/06/2023 but modified to show:
  - a) annotation that the pool equipment housing to Dwelling 2 is to be acoustically treated
  - b) inclusion of the rainwater tank within the rear SPOS of dwelling 2
  - c) annotation of the footing engineering design to be implemented in accordance with the 'Memorandum – 01' from Creative Engineering, dated 15 June 2023
  - d) a schedule of construction materials, external finishes and colours
  - e) a Sustainable Design Assessment in accordance with Condition 8
  - f) a Landscaping Plan in accordance with Condition 9
  - g) a Tree Management and Protection Plan in accordance with Condition 12
  - h) an Arboricultural Impact Assessment in accordance with Condition 16
  - i) provision of the development contributions fee in accordance with Condition 25
  - j) the air conditioner unit for dwelling 2 to be located in the rear SPOS alongside the rear sliding doors and appropriately screenedall 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.

#### Sustainable Design Assessment

8. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18

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

#### Landscaping

9. 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 Revision E drawn by Zenith Concepts, dated February 2023, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
  - a) all built form changes required to be consistent with the development plans
  - b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
  - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - f) details of surface finishes of pathways and driveways
  - g) where practicable, the inclusion of green walls at appropriate locations.
10. 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.
11. 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

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

The TPMP must include:

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

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

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

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

The TPP must:

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

Arboricultural Impact Assessment

16. Before the development starts, an Arboricultural Impact Assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, must be submitted to and be endorsed by the Responsible Authority. The report must explain the design and construction methods proposed to minimize impacts on trees to be retained (including site trees and neighbouring trees) where there is encroachment into the calculated TPZ. This must include the location, materials, features and engineering of the design and construction methods proposed.
17. Any findings from the Assessment must be annotated on the plans prior to endorsement, and be implemented to the satisfaction of the Responsible Authority.

Protection of trees for services

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

Street tree protection

19. 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.
20. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There must be no soil excavation within 2.5 metres of the street tree *Melaleuca armillaris*, (asset ID 472711) 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.
21. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
22. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated by hand along the line of the crossover adjacent to the tree. All

roots that will be affected by must 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

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.
- 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.

The addresses are as follows:

Western Dwelling – 6A Towers Street BEAUMARIS 3193

Eastern Dwelling – 6B Towers 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.
- 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.

**Amendment:**

**Moved: Cr Castelli**

**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 2023/1/1 for the land known and described as 6 Towers Street, Beaumaris for the construction of two dwellings on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the amended plans prepared by Roke Design Studios referred to as Sheets 1–10, Revision TP-25 dated 20/06/2023 but modified to show:
  - a) annotation that the pool equipment housing to Dwelling 2 is to be acoustically treated
  - b) inclusion of the rainwater tank within the rear SPOS of dwelling 2
  - c) annotation of the footing engineering design to be implemented in accordance with the '*Memorandum – 01*' from Creative Engineering, dated 15 June 2023
  - d) a schedule of construction materials, external finishes and colours
  - e) a Sustainable Design Assessment in accordance with Condition 8
  - f) a Landscaping Plan in accordance with Condition 9
  - g) a Tree Management and Protection Plan in accordance with Condition 12
  - h) an Arboricultural Impact Assessment in accordance with Condition 16
  - i) provision of the development contributions fee in accordance with Condition 25
  - j) the air conditioner unit for dwelling 2 to be located in the rear SPOS alongside the rear sliding doors and appropriately screened
  - k) the double garage for dwelling 2 to be reduced to a single garage and set back a minimum of 2m from the side boundary



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.

#### Sustainable Design Assessment

8. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling

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

#### Landscaping

9. 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 Revision E drawn by Zenith Concepts, dated February 2023, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) all built form changes required to be consistent with the development plans
  - b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
  - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - f) details of surface finishes of pathways and driveways
  - g) where practicable, the inclusion of green walls at appropriate locations.

10. 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.
11. 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

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

The TPMP must include:

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

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

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

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

The TPP must:

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

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

#### Arboricultural Impact Assessment

16. Before the development starts, an Arboricultural Impact Assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, must be submitted to and be endorsed by the Responsible Authority. The report must explain the design and construction methods proposed to minimize impacts on trees to be retained (including site trees and neighbouring trees) where there is encroachment into the calculated TPZ. This must include the location, materials, features and engineering of the design and construction methods proposed.
17. Any findings from the Assessment must be annotated on the plans prior to endorsement, and be implemented to the satisfaction of the Responsible Authority.

#### Protection of trees for services

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

#### Street tree protection

19. 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.
20. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There must be no soil excavation within 2.5 metres of the street tree *Melaleuca armillaris*, (asset ID 472711) 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.
21. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

- d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
22. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated by hand along the line of the crossover adjacent to the tree. All roots that will be affected by must 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

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.
- 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.

The addresses are as follows:

Western Dwelling – 6A Towers Street BEAUMARIS 3193



*It is recorded that the meeting was adjourned at 8.00pm.*

**Procedural Motion**

**Moved: Cr del Porto**                      **Seconded: Cr Evans**  
That the meeting be adjourned for a period of 5 minutes.

**CARRIED**

*It is recorded that the meeting was resumed at 8.05pm*

**Procedural Motion**

**Moved: Cr del Porto**                      **Seconded: Cr Evans**  
That the meeting be resumed.

**CARRIED**

**4.6 6 HAZEL AVENUE, HIGHETT  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/126/1 WARD: IVISON**

City Planning and Amenity - Development Services  
File No: PSF/23/2664 – Doc No: DOC/23/201683

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*It is recorded that Mrs Yuliya, Mr Andrew & Mr Anatoliy Kopyl; Mr Trevor Layzell;, and Mr Peter Vien each submitted a written statement in relation to this item.*

*It is recorded that Mr Trevor Layzell, and Mr Peter Vien each spoke for 2 minutes in relation to this item.*

**Moved: Cr Castelli**    **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 2023/126/1 for the land known and described as 6 Hazel Avenue, Highett for the construction of two (2) dwellings on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans advertised, prepared by CBG Architects, revision 'TP-06' but modified to show:
  - a) the eastern side of the first floor to comply with Clause 55.04-1 (Standard B17)
  - b) an increased mixture of materials and finishes to both the eastern and western external walls of the first floor

- c) both proposed crossovers to be 3m in width, whilst remaining at least 2m away from the edge of the trunk of the street tree in the nature strip of the subject site
- d) the provision of mailboxes for both dwellings, which must be located for convenient access as required by Australia Post
- e) 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
- f) a Sustainable Design Assessment in accordance with Condition 9
- g) a Landscaping Plan in accordance with Condition 10
- h) a Tree Management and Protection Plan in accordance with Condition 13
- i) provision of the development contributions fee in accordance with Condition 25
- j) the wall along the eastern boundary to be moved 2.3 metres to the north
- k) changes to the layout of the ground floor of Dwelling 2 to support condition 1j)
- l) the wall along the eastern boundary to be compliant with Standard B18 of the Bayside Planning Scheme

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

### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts Pty Ltd 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) 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 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 Callistemon viminalis, asset Id 436515 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 dug by hand along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must be correctly pruned by hand, in accordance with section 9 of AS4373-2007 'Pruning of Amenity Trees'.
21. Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.
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.
- 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 - 6 Hazel Avenue HIGHETT 3190

Eastern Dwelling - 8 Hazel 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 Motion was PUT and a **DIVISION** was called:

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

**CARRIED**

*It is recorded that the Chairperson, Cr Samuel-King declared a material conflict of interest in this item given the proposed use as a medical centre could be perceived to be in direct competition with Cr Samuel-King's business.*

*Cr Samuel-King therefore called for a motion that the Mayor take the chair for consideration of Item 4.7: (637–639 Nepean Highway, Brighton East).*

**Procedural Motion**

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That the Mayor, Cr El Mouallem take the chair for consideration of Item 4.7: 637–639 Nepean Highway, Brighton East.

**CARRIED**

*Cr Samuel-King left the meeting at 8.37pm.*

**4.7 637–639 NEPEAN HIGHWAY, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2022/316/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/210747

*It is recorded that Mr Travis Sanders, and Dr Samuel Verco each spoke for 2 minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

PART A:

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/316/1 for the land known and described as 637-639 Nepean Highway, Brighton East for buildings and works and use of the land as a medical centre including associated signage, reduction of the required car parking rate and alteration to access to Transport Zone 2 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and 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 Section 57a Amended plans prepared by Cera Stribley referenced TP.1001-TP.1004, TP.2000 – TP.2001, dated 23.05.23 and revision number C but modified to show:
  - a) the business identification sign to be set back a minimum 2.5m from the front boundary
  - b) headroom, ramp design and column locations and blind aisles to comply with AS2890.1 requirements

- c) the 2.2m headroom must be annotated perpendicularly to the ramp as per the AS2890.1
- d) the AS2890.6 requires 2.3m headroom that any vehicle path of travel to/from parking space for people with disabilities. This needs to be annotated
- e) the 4 tandem car spaces within the basement to be allocated to staff parking
- f) a Sustainable Design Assessment in accordance with Condition 19
- g) a Landscaping Plan in accordance with Condition 20
- h) a Tree Management and Protection Plan in accordance with Condition 23
- i) a Waste Management Plan in accordance with Condition 32
- j) provision of the development contributions fee in accordance with Condition 38
- k) the proposed rear setbacks modified to achieve compliance with Standard A10 (Side and rear setbacks) with any modifications to be absorbed within the proposed footprint

all to the satisfaction of the Responsible Authority.

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

9. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
10. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
11. The use may operate only between the hours of (Monday to Friday – 8am – 5pm), unless with the prior written consent of the Responsible Authority.
12. Not more than 8 practitioners may be present on the premises at any one time without the prior written consent of the Responsible Authority.
13. No fewer than 22 car spaces must be provided on the land for the use and development, including 1 space clearly marked for use by disabled persons.

#### Signage

14. The location and details of the sign, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
15. All signs must be located wholly within the boundaries of the land.
16. The sign must not contain any flashing light.
17. The sign must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
18. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.

#### Sustainable Design Assessment

19. 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.
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed



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

#### Landscaping

20. 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 Studio92, dated 17.05.2023 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) planting schedule to be a minimum of 80% indigenous species

- h) the 3 Eucalyptus Cineara 'Apple Gum' (8m x 3.5m) in the front setback, replaced with two canopy trees capable of reaching 8m tall and 4m wide at maturity
  - i) addition of screen planting along the rear boundary.
21. 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.
22. 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

23. 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.
24. All actions and measures identified in the Tree Management Report must be implemented.

25. 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

26. 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

27. 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.
28. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There must be no soil excavation within the specified SRZ (Structured Root Zone) and the Exclusion zone (no excavation permitted) in line with council guidelines for working near council trees. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

#### Parking and Traffic Management Plan

29. Before the use or development starts, a traffic and parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must be generally in accordance with the plan (specify any earlier submitted plan) but must include:
- a) the location of all areas on-and/or off-site to be used for staff and patron parking
  - b) specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site
  - c) the number and location of all on- and off-site security staff
  - d) the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site
  - e) measures to preclude staff parking in designated patron car parking areas
  - f) staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time
  - g) servicing of the drainage and maintenance of car parking areas
  - h) “No right turn” regulatory signage will be required at the access point as vehicles exiting the ramp are only allowed to turn left
  - i) the 4 tandem car spaces within the basement to be allocated to staff parking.

Waste Management Plan

30. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
  - a) dimensions of storage waste areas
  - 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.
31. When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Construction Management Plan

32. 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 contaminated soil and ground water
  - ii materials and waste
  - iii dust
  - iv stormwater contamination from run-off and wash-waters
  - v sediment from the land on roads
  - vi washing of concrete trucks and other vehicles and machinery
  - vii spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k) parking facilities for construction workers
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p) include details of bus movements throughout the precinct during the construction period
- q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i using lower noise work practice and equipment
  - ii the suitability of the land for the use of an electric crane
  - iii silencing all mechanical plant by the best practical means using current technology
  - iv fitting pneumatic tools with an effective silencer

- v other relevant considerations
- vi any site-specific requirements

During the construction:

- r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines
  - s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system
  - t) vehicle borne material must not accumulate on the roads abutting the land
  - u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads
  - v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
33. 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.

#### Drainage

34. 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.
35. 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

36. 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

37. 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.
  - c) The use is not started within five years of the date of this permit.
  - d) The use is discontinued for a period of two years or more.



*It is recorded that Cr Samuel-King returned to the meeting at 9.08pm.*

*The Mayor called for motion that Cr Samuel-King resume as Chair.*

**Procedural Motion**

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Cr Samuel-King resume as Chair.

**CARRIED**

**4.8    1–1A CENTRE ROAD, BRIGHTON  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2017/686/1    WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/213368

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*It is recorded that Mr Paul Little (for Planning & Property Partners Pty Ltd) submitted a written statement and spoke for 2 minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2017/686/1, so that the development must now commence no later than 4 July 2025 and be completed no later than 4 July 2027.

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

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

**CARRIED**



**4.9 57 CHARLES STREET, BRIGHTON EAST  
EXTENSION OF TIME - APPROVE  
2015/592/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/216170

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**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2015/592/1, so that the development must now commence no later than 21 March 2024 and be completed no later than 21 March 2026.

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

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

**CARRIED**

#### **4.10 STATUTORY PLANNING - MONTHLY REPORT (JUNE 2023)**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/222278

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**Moved: Cr Martin**

**Seconded: Cr Stitfold**

That Council resolves to:

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

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

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

**AGAINST:** Nil (0)

**CARRIED**

*The Chairperson declared the meeting closed at 9.20 pm.*