

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 14 November 2023  
at 6.30pm



## Minutes

**PRESENT:**

- Chairperson:** Cr Hanna El Mouallem
- Councillors:** Cr Alex del Porto (Deputy Mayor)  
Cr Laurence Evans OAM  
Cr Clarke Martin  
Cr Fiona Stitfold (Mayor)
- Officers:** Matthew Cripps – Director City Planning and Amenity  
Terry Callant – Manager Governance  
Fiona Farrand – Manager Development Services  
Sarah Bovalino – Statutory Planning Coordinator  
Michael Kelleher – Statutory Planning Coordinator  
Ronan Hamill – Principal Statutory Planner  
Joe Connellan – A/Senior Statutory Planner  
Robert Lamb – Governance Officer

**Membership and Quorum of the Committee**

The membership of the Planning and Amenity Delegated Committee is all 7 Councillors. The quorum for a meeting is a majority of Councillors (4).

A quorum for this meeting was reached with 5 Councillors present, and was held with no less than 4 Councillors present in the meeting at all times.

**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 2 Keith Street, Beaumaris Grant A Permit Application: 2023/418/1  
Ward: Beckett..... 6
  - 4.2 122 Weatherall Road, Cheltenham Notice of Decision to Grant a  
Permit Application: 2022/491/1 Ward: Beckett ..... 8
  - 4.3 101 Cochrane Street, Brighton Notice of Decision to Grant a  
Permit Application: 2022/580/1 Ward: Dendy..... 15
  - 4.4 23 Hotham Street, Beaumaris Notice of Decision to Grant a Permit  
Application: 2023/217/1 Ward: Beckett ..... 24
  - 4.5 15, 17A & 17 Abbott Street, Sandringham Notice of Decision to  
Grant a Permit Application: 2023/233/1 Ward: Boyd ..... 30
  - 4.6 2 Burgess Street, Beaumaris Notice of Decision to Grant an  
Amendment to a Permit Application: 2017/509/5 Ward: Beckett  
..... 32
  - 4.7 176 Esplanade, Brighton Extension of Time - Approve  
Application: 2016/257/1 Ward: Dendy ..... 37
  - 4.8 Statutory Planning - Monthly Report (September 2023)..... 38

The Chair, Cr El Mouallem 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 Chair invited Cr Evans to read the prayer.

## Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

## Acknowledgement of Country

Cr del Porto read the acknowledgement of Country.

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

## 1. Apologies

*It is recorded that Cr Castelli and Cr Samuel-King were apologies for the 14 November 2023 Planning and Amenity Delegated Committee Meeting.*

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council notes the apologies of Cr Sonia Castelli and Cr Samuel-King for the 14 November 2023 Planning and Amenity Delegated Committee Meeting.

**CARRIED**

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

It is recorded that Cr El Mouallem declared a General Conflict of Interest in Item 4.2 (122 Weatherall Rd Cheltenham) given Cr El Mouallem owns a property in proximity to the subject site.

## 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 10 October 2023.

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 10 October 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 (Deputy Mayor), Laurence Evans OAM,  
Clarke Martin, Fiona Stitfold (Mayor) and Hanna El  
Mouallem (5)

**AGAINST:** Nil (0)

**CARRIED**

## 4. Matters of Decision

### 4.1 2 KEITH STREET, BEAUMARIS GRANT A PERMIT APPLICATION: 2023/418/1 WARD: BECKETT

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/323542

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/418/1 for the land known and described as 2 Keith Street, Beaumaris for the removal of native vegetation in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before tree removal begins, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and show:
  - a) a landscaping plan in accordance with Condition 2.

#### Landscaping

2. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions. The plan must show:
  - a) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The plant schedule is to include the following:
    - i. four (4) indigenous trees that will each reach a mature height of 8m and canopy width of 4m.
3. 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 with the same stock size.

#### Permit Expiry

4. This permit will expire if one of the following circumstances applies:
  - a) the work is not started within two years of the date of this permit
  - b) the work 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 (Deputy Mayor), Laurence Evans OAM,  
                                  Clarke Martin, Fiona Stitfold (Mayor) and Hanna El Mouallem (5)  
**AGAINST:** Nil (0)

**CARRIED**

*It is recorded that the Chair, Cr El Mouallem declared a General Conflict of Interest in the following matter (Item 4.2) given Cr El Mouallem owns a property in proximity to the subject site. Cr El Mouallem called for a motion that the Mayor, Cr Stitfold take the Chair for consideration of Item 4.2 and Cr El Mouallem left the meeting at 6.36pm.*

### **Procedural Motion**

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That the Mayor, Cr Stitfold take the Chair for consideration of Item 4.2 on the Agenda.

**CARRIED**

### **4.2 122 WEATHERALL ROAD, CHELTENHAM NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2022/491/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/295310

*It is recorded that Mr Trevor Ludeman 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 2022/491/1 for the land known and described as 122 Weatherall Road, Cheltenham for the construction of three dwellings on a lot, including a front fence in excess of 1.2 metres in height, and vegetation removal in a Vegetation Protection Overlay 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 Kat Design referenced TP02 – TP10 Rev.D, dated 24/08/2023, but modified to show:
  - a) the proposed site coverage reduced to a maximum of 50% in accordance with Standard B8 (Site Coverage) of the Bayside Planning Scheme
  - b) the proposed first floor western setback associated with the master bedroom and ensuite of Unit 1 increased to 3.5 metres with no further changes to the built form
  - c) annotation to show the location of mailbox locations to each dwelling, in accordance with Standard B34
  - d) removal of any annotation relating to relocation of Tree 9 on Cherbourg Avenue
  - e) the areas of corner splays to each driveway to be designed and detailed to comply with the Accessways requirements of Clause 52.06-9



- f) deletion of any boundary fencing and trellis notations from the plans
- g) a Sustainable Design Assessment in accordance with Condition 9
- h) a Landscaping Plan in accordance with Condition 10
- i) a Tree Protection Management 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/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 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 amended landscape plan drawn by Zenith Concepts, Revision A dated 08/23, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) the new canopy trees on the rear setbacks to be set in a minimum of 1 metre from the boundary
  - b) all proposed new canopy trees to be species capable of reaching a minimum of 8 metres in height at maturity

- c) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - d) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - g) details of surface finishes of pathways and driveways
  - h) where practicable, the inclusion of green walls at appropriate locations
  - i) 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. 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.
19. 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.

#### 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.

22. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the South side of the property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
23. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

#### Development Contribution

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.

The addresses are as follows:

Northern Dwelling – 122 Weatherall Road CHELTENHAM 3192

Centre Dwelling – 33 Cherbourg Avenue CHELTENHAM 3192

Southern Dwelling – 31 Cherbourg Avenue CHELTENHAM 3192

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- 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 \$9,384.28 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 (Deputy Mayor), Laurence Evans OAM,  
   Clarke Martin, and Fiona Stitfold (Mayor) (4)  
**AGAINST:** Nil (0)

**CARRIED**

*It is recorded that Cr El Mouallem was not present in the meeting during debate or when the vote was taken on the above item.*

*It is recorded that the Cr El Mouallem returned to the meeting at 6.48pm.*

*The Mayor Cr Stiffold called for a motion that Cr El Mouallem resume the Chair.*

### **Procedural Motion**

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Cr El Mouallem resume the Chair.

**CARRIED**

### **4.3 101 COCHRANE STREET, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2022/580/1 WARD: DENDY**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/311983

*It is recorded that Ms Janette Bronwyn Matheson, and Mrs Patrizia Burley each submitted a Written Statement in relation to this item.*

*It is recorded that Mr Henry Burley (via proxy Ms Silvia Nowell), Ms Nadia Cossich, Ms Susan Steel), and Mr Daniel Cameron each spoke for 2 minutes in relation to this item.*

**Moved: Cr del Porto (Deputy Mayor)**

**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 2022/580/1 for the land known and described as 101 Cochrane Street, Brighton for the construction of two or more dwellings on a lot, including a front fence in excess of 1.2 metres in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans prepared by Pink Architecture referenced TP3.0–TP6.0, dated 25/05/2023, but modified to show:
  - a) the pervious area of the development increased to comply with Standard B9 (Permeability and Stormwater Management) of Clause 55.03-4. The increase in permeable area is to be provided in the secluded private open space of dwellings 2 to 4
  - b) the materials and height of the internal fencing between the proposed dwellings to be annotated on the plans, and to be no more less than 1.8m in height
  - c) the proposed front fence to be reduced to no more than 1.8m in height
  - d) appropriate storage included for Dwelling 4, and annotation that all storage provided is to be a minimum 6 cubic metres, in accordance with Standard B30

- e) the northern wall-on-boundary of Dwelling 5 to be correctly shown on the elevations
  - f) the dimensions, depth and structure of the planter boxes central to the private open spaces of Dwellings 1 - 4 to be annotated on the plans. The planters should be a minimum of 3m x 3m, with a minimum depth of 1m.
  - g) the existing southern crossover annotated to be removed, and nature strip, kerb and channel to be reinstated
  - h) the location of all plant and equipment, including hot water services and air conditioners etc. All plant and equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms, to the satisfaction of the Responsible Authority
  - i) a Sustainable Design Assessment in accordance with condition 13
  - j) a Landscaping Plan in accordance with Condition 14
  - k) an Arboricultural Impact Assessment in accordance with Condition 17
  - l) a Tree Management and Protection Plan in accordance with Condition 18
  - m) provision of the development contributions fee in accordance with Condition 28
  - n) the first floor west facing window of dwelling 5 to be screened to a height of 1.7 metres
  - o) the first floor southern setbacks of all dwellings to be increased to comply with Standard B17 of the Bayside Planning Scheme and to be internally absorbed without reduction of any other setbacks
  - p) the site coverage to comply with standard B8 of the Bayside Planning Scheme
  - q) the first floor northern windows of dwellings 4 and 5 to be screened to a height of 1.7m
- all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
  4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
  7. The walls on the boundary of the adjoining properties shall be cleaned and



finished to the satisfaction of the Responsible Authority.

8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
11. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
12. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard D20 of Clause 58 of the Bayside Planning Scheme.

#### Sustainable Design Assessment

13. 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 where practicable
- all to the satisfaction of the Responsible Authority.

#### Landscaping

14. 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 advertised landscape concept plan drawn by Justin Hutchison Pty Ltd, dated 5/10/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) the building footprints and layout to align with the development plans, including any built form changes required under Condition 1
  - b) the two Sunset Maples in the front setback to be replaced with one large canopy tree, capable of reaching a minimum height of 12m and a minimum canopy spread of 8m at maturity
  - c) the dimensions, depth and structure of the planter boxes central to the private open spaces of Dwellings 1 - 4 to be annotated on the plans. The planters should be a minimum of 3m x 3m, with a minimum depth of 1m
  - d) all proposed new canopy trees to be positioned a minimum of 1m from any boundary fencing
  - 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
  - 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) where practicable, the inclusion of green walls at appropriate locations.
15. 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.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Arboricultural Impact Assessment Report

17. Prior to the endorsement of plans pursuant to Condition 1, an Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites must be submitted to and be endorsed by the Responsible Authority.

The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

#### Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

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

#### Construction Management Plan

22. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):
- a) 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.

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.

#### Protection of trees for services

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

#### Drainage

- 24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
- 25. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.
- 26. Council records indicate that there is a council stormwater drain running parallel to the South side of the property boundary. Council considers this asset to be protected by an implied easement. The plans indicate that a structure shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the responsible Authority/Authorities. The structure shall be partially demountable over the easement, and the proposal shall require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.
- 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.

#### Development Contribution

- 28. 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

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

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

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

Permit Notes:

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

The addresses are as follows:

Front Dwelling – 101B Cochrane Street BRIGHTON 3186

Remaining Dwellings – Units 1-4/101A Cochrane Street BRIGHTON 3186 (numbered sequentially with unit 4 at the rear)

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).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The applicant is encouraged to limit heavy construction during the hours of 12pm to 2.30pm Monday to Friday where possible.

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

**DIVISION:**    **FOR:**        Crs Alex del Porto (Deputy Mayor), Laurence Evans OAM,  
                                 Clarke Martin, Fiona Stitfold (Mayor) and Hanna El Moullem (5)  
**AGAINST:** Nil (0)

**CARRIED**

**4.4 23 HOTHAM STREET, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/217/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/249766

*It is recorded that Mr Lee Ingram submitted a Written Statement in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/217/1 for the land known and described as 23 Hotham Street, Beaumaris to construct two (2) double storey dwellings in a Neighbourhood Residential Zone Schedule 3 (NRZ3) and to remove vegetation native to Australia within a Vegetation Protection Overlay Schedule 3 (VPO3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans amended prepared by Eric Sette Architects referenced TP101, TP102, TP103, TP04, TP105, TP106, TP107 dated 7 August 2023 and revision number A but modified to show:
  - a) the proposed retaining wall along the western boundary to be setback a minimum of 1 metre from the western side boundary
  - b) an increased mixture of materials and finishes to both the eastern and western external walls of the first floor to provide for greater articulation to the satisfaction of the Responsible Authority
  - c) corner splays to be noted either side of each accessways in accordance with Clause 52.06-9 of the Bayside Planning Scheme
  - d) a Sustainable Design Assessment in accordance with Condition 10
  - e) an amended Landscaping Plan in accordance with Condition 11
  - f) a Tree Management and Protection Plan in accordance with Condition 14
  - g) provision of the development contributions fee in accordance with Condition 22
  - h) the western side setback to be modified to show full compliance with Standard B17 with no changes to the currently proposed front and rear setback of the same floorall 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. During construction of the permitted buildings & works, the subject site and adjacent nature strip must be maintained in an orderly manner to the satisfaction of the Responsible Authority. This includes maintaining the nature strip grass, rubbish to be stored on-site in covered waste receptacles and construction materials being managed to reduce adverse visual amenity impacts.

#### 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/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 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 plan drawn by Faulkner & Chapman, reference 23HothamLP, dated 16 June 2023, Revision A and the Bayside Landscaping Guidelines but modified to include:
  - a) the proposed *Banksia integrifolia* southwest of site (dwelling 1) to be planted a minimum of 2 metres from a boundary and any reduction in pedestrian footpath to facilitate this change
  - b) driveways to be of a permeable material.
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:

- f) be legible, accurate and drawn to scale
- g) indicate the location of all tree protection measures to be utilised
- h) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
- i) 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 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

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. 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 2.0 metres of the street tree outside 23 Hotham Street and within 4.0m of the street tree outside 25 Hotham Street (*Eucalyptus melliodora*, asset Id 473325) 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 eastern edge of the proposed crossover must be dug by hand.
- All roots that will be affected must be correctly pruned by hand, in accordance with section 9 of 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.

Western Dwelling – 23A Hotham Street BEAUMARIS 3193

Eastern Dwelling – 23B Hotham 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.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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

**DIVISION:**    **FOR:**        Crs Alex del Porto (Deputy Mayor), Laurence Evans OAM,  
                                 Clarke Martin, Fiona Stitfold (Mayor) and Hanna El Mouallem (5)  
**AGAINST:** Nil (0)

**CARRIED**

**4.5 15, 17A & 17 ABBOTT STREET, SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/233/1 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/300863

*It is recorded that Mr Peter Weller and Mr Bruce Clarke each submitted a Written Statement in relation to this item.*

*It is recorded that Mr Peter Weller, Mr David Brice, Mr Bruce Clarke, Mr John Fotakis, and Mr Chris Pippo (on behalf of 15-17 Abbott St Sandringham Developments Pty Ltd) each spoke for 2 minutes in relation to this item.*

**Moved: Cr Stitfold (Mayor)**

**Seconded: Cr del Porto (Deputy Mayor)**

Part A

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the bayside Planning Scheme in respect of planning application 2023/233/1 for the land known and described as 15, 17A and 17 Abbott Street, Sandringham for the construction of a multi-dwelling development (three-storey apartment building containing 24 dwellings) and a front fence exceeding 1.2 metres within a General Residential Zone Schedule 3 (GRZ3) and buildings and works exceeding 9 metres and roof decks in a Design and Development Overlay Schedule 8 (DDO8) for the following reasons:

1. The proposal fails to successfully implement the Municipal Planning Strategy and the Planning Policy Framework which require an increase in density to be balanced with considerations regarding neighbourhood character, heritage, be site responsive and achieve high quality urban design.
2. The proposal fails to comply with the objectives and Decision Guidelines of Clause 43.02 (Design and Development Overlay Schedule 8) for the following reasons:
  - a) The proposal fails to recess second floor which should be set back a minimum of 4 metres behind the front wall of the floor immediately below.
  - b) The preferred scale of development exceeds the scale of development expected on the fringe of a Major Activity Centre that adjoins Neighbourhood Residential Zoned land.
3. The proposal fails to respect the existing/preferred neighbourhood character of the area and fails to respond to the preferred character strategies as well as the general strategies and objectives of Clause 15.01-5L (Neighbourhood Character, Precinct F1) of Bayside Planning Scheme, on the following grounds:
  - a) The proposal fails to site buildings to create the appearance of space between buildings and accommodate substantial vegetation.
  - b) The proposal fails to provide low, open style front fence.
4. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
  - a) Standard B6 – Street setback
  - b) Standard B8 – Site coverage



**4.6 2 BURGESS STREET, BEAUMARIS  
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT  
APPLICATION: 2017/509/5 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/23/3624 – Doc No: DOC/23/280973

*It is recorded that Mr Dean Petracca submitted a Written Statement in relation to this item.*

*It is recorded that Mr Tom Buchan (via proxy - for SongBowden Planning Pty Ltd) 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 an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2017/509/5 for the land known and described as 2 Burgess Street, Beaumaris for the removal of four (4) native trees, the construction, use and illumination of a private tennis court and the construction of a roof deck on land within the Design and Development Overlay Schedule 1 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and 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 and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
  - a) the retention of Trees 7, 8, 9 and B (as shown on the plan tabled at the VCAT compulsory conference on 24 October 2018)
  - b) the setback of the edge of the tennis court fencing increased to a minimum of 3 metres from the street frontage to accord with performance requirement E1.3.1 of the Code of Practice – Private Tennis Court Developments Revision 1
  - c) full details of the lighting poles and fencing, including elevation drawings in the context of the overall site. These must comply with performance requirement E5 of the Code of Practice – Private Tennis Court Developments Revision 1
  - d) demonstration of full compliance with performance requirements E3.3.1, E3.3.2 and E3.3.3 of the Code of Practice – Private Tennis Court Developments Revision 1
  - e) an updated Landscaping Plan in accordance with Condition 4 of this permit
  - f) a Construction Impact Report in accordance with Condition 7 of this permit
  - g) a Tree Management Plan and Protection Plan in accordance with Condition 8 of this permit
  - h) the dwelling, inclusive of the approved roof deck, must not exceed the maximum height allowable under Clause 32.09-10 of the Bayside Planning Scheme. This must be clearly demonstrated on the plansall 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.

#### Landscaping

4. 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 CX Landscape, dated 24/11/2017 and be drawn to scale with dimensions and three copies must be provided. 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. Plantings must be 80% indigenous by species type and count
  - d) the provision of three (3) *Red flowering gums (Corymbia ficifolia)* with a minimum height of 1.8 metres at planting
  - e) the provision of three (3) replacement canopy trees of indigenous origin with a mature height equal or greater than 10 metres and with a minimum height of 1.8 metres at planting
  - f) the provision of three (3) replacement canopy trees of native or indigenous origin with a mature height equal or greater than 8m and with a minimum height of 1.8 metres at planting
  - 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) the provision of three (3) replacement trees of indigenous origin, to be located in front setback of the subject site, each reaching a minimum height of 12m.
5. 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.
6. 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.

#### Construction Impact Report

7. Prior to the endorsement of plans pursuant to Condition 1, a Construction Impact Report prepared by a suitably qualified arborist in accordance with AS4970 *Protection of Trees on Development Sites* (2009) for all retained trees on site and on neighbouring which properties which have TPZs which extend into the subject site, to the satisfaction of the Responsible Authority shall be submitted to and be endorsed by the Responsible Authority.

The report should demonstrate the construction methods and materials proposed to ensure trees to be retained will remain viable post development and include the extent of pruning proposed to facilitate works around trees retained on site.

#### Tree Management and Protection Plan

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

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

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

- a) the Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site
  - b) the location of tree protection measures to be utilised.
9. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
10. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

#### Tennis court

11. The following must be complied with at all times:
- a) Drainage resulting from the court must be intercepted to avoid any overflow and must be connected to an approved point of discharge.
  - b) Any lighting system must not exceed an illumination level of 12 lux and an average illumination of 10 lux when measured at the nearest habitable room window of an adjoining dwelling or at a point 3 metres outside the property boundary, whichever is the nearest to the light source.
  - c) Any lighting system must:
    - comply with the 'Residential Tennis Court Lighting Code' produced by the Tennis Court Builders Association of Australia
    - be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling
    - use light poles which are not more than 8 metres above the court surface
    - be certified after installation by a qualified lighting engineer.
  - d) The court must not be used for commercial purposes such as professional tennis coaching or court hire.
  - e) The court must not be used between 10.30pm and 7.30am.

- f) No mechanical equipment such as ball-throwing machines may be operated between 7pm and 8am.
- g) The method of construction must comply with the 'Guide Specifications for Tennis Court Construction' produced by the Tennis Court builders Association of Australia.

Permit Expiry

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

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

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

Permit Notes:

Date of Amendment	Details
29 April 2020	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none"> <li>• increase of setbacks to north, south and eastern boundaries. (subsequent increase to the setbacks of VPO3 protected trees 7,8 and B.)</li> <li>• reduction of overall building height</li> <li>• modification to basement ramp entry.</li> </ul>
2 December 2020	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none"> <li>• ground Floor Level addition: Addition of a single storey guest bedroom pavilion in the front setback</li> <li>• redesign to the Basement Level layout, including:               <ul style="list-style-type: none"> <li>- relocation of bin storage area</li> <li>- relocation of Maid's room towards the eastern boundary</li> <li>- guest bedroom reduced in size</li> </ul> </li> <li>• reduction in size of courtyard Private Open Space</li> </ul>
17 March 2023	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none"> <li>• Condition 1.a) amended to read:               <ul style="list-style-type: none"> <li>- the retention of Trees 7, 8, 9 and B (as shown on the plan tabled at the VCAT compulsory conference on 24 October 2018)</li> </ul> </li> <li>• inclusion of Condition 4.i), which is to read:               <ul style="list-style-type: none"> <li>- the provision of three (3) replacement trees of indigenous origin, to be located in front setback of the subject site, each reaching a minimum height of 12m.</li> </ul> </li> </ul>



**4.7 176 ESPLANADE, BRIGHTON  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2016/257/1 WARD: DENDY**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/330087

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*It is recorded that Mr Garry Williams spoke for 2 minutes in relation to this item.*

**Moved: Cr del Porto (Deputy Mayor)                      Seconded: Cr Evans OAM**

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2016/257/1, so that the development must now commence no later than 1 December 2025 and be completed no later than 1 December 2027.

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

**DIVISION:**    **FOR:**        Crs Alex del Porto (Deputy Mayor), Laurence Evans OAM,  
   Clarke Martin, Fiona Stitfold (Mayor) and Hanna El Mouallem (5)  
**AGAINST:** Nil (0)

**CARRIED**

#### 4.8 STATUTORY PLANNING - MONTHLY REPORT (SEPTEMBER 2023)

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/23/320892

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**Moved: Cr del Porto (Deputy Mayor)**

**Seconded: Cr Martin**

That Council resolves to:

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

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

**DIVISION:**    **FOR:**        Crs Alex del Porto (Deputy Mayor), Laurence Evans OAM,  
   Clarke Martin, Fiona Stitfold (Mayor) and Hanna El Mouallem (5)  
**AGAINST:** Nil (0)

**CARRIED**

*The Chair declared the meeting closed at 8.29pm.*