

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Monday 11 December 2023
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem

Councillors: Cr Sonia Castelli
Cr Alex del Porto
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King
Cr Fiona Stitfold (Mayor)

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance
John Coates – Manager Amenity Protection
Fiona Farrand – Manager Development Services
Michael Kelleher – Statutory Planning Coordinator
Scott Matheson – Statutory Planning Coordinator
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 all Councillors present.

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Prayer

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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 Castelli to read the prayer.

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

Cr Martin read the acknowledgement of Country

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 14 November 2023.

Moved: Cr Martin

Seconded: Cr del Porto (Deputy Mayor)

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 14 November 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, Sonia Castelli, Jo Samuel-King, Fiona
Stitfold (Mayor) and Hanna El Mouallem (7)

AGAINST: Nil (0)

CARRIED

4. Matters of Decision

4.1 77 HIGHETT ROAD, HAMPTON NOMINATION FOR SIGNIFICANT TREE REGISTER

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/341085

Moved: Cr Castelli

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. grants significant tree status for an Angophora costata (Smooth Bark Apple Myrtle), located in the front setback at 77 Highett Road, Hampton
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

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

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

CARRIED

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

**4.2 10 VALMONT AVENUE, BEAUMARIS
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/341091

Moved: Cr Castelli

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. grants significant tree status for a *Corymbia citriodora* (Lemon Scented Gum), located approximately 11m from the north boundary and approximately 1 from the west boundary at 10 Valmont Avenue, Beaumaris
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

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

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

CARRIED

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

**4.3 7 WAVE STREET, HAMPTON
NOMINATION FOR SIGNIFICANT TREE REGSITER**

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/341117

It is recorded that Ms Melany Antcliffe submitted a written statement in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. grants significant tree status for a Chinese Elm (*Ulmus parvifolia*), located in the rear setback approximately at 7 Wave Street, Hampton
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

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

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

CARRIED

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

**4.4 LANDCOX PARK, BRIGHTON
NOMINATION FOR SIGNIFICANT TREE REGSITER**

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/341129

Moved: Cr Castelli

Seconded: Cr del Porto (Deputy Mayor)

That Council:

1. grants significant tree status for a Ficus Macrophylla (Moreton Bay Fig), Council tree asset ID 460329 located at 2A Mavis Ave (Landcox Park), Brighton East
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator to inform them of Council's decision.

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

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

CARRIED

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

**4.5 64B CHURCH STREET, BEAUMARIS
GRANT A PERMIT
2023/404/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/338254

It is recorded that Mr Craig Rowlands submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/404/1 for the land known and described as 64B Church 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:

Landscaping

1. 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 Murley design, reference 2013/244/3, dated 29 January 2014 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 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.

The plant schedule is to include the following:

 - I. one (1) indigenous tree that will each reach a mature height of 9m and canopy width of 6m with pot size for each tree to be a minimum 100L advanced stock when planted
 - II. one (1) indigenous tree that will each reach a mature height of 8m and canopy width of 4m. pot size for each tree to be a minimum 50L advanced stock when planted
 - c) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - d) details of surface finishes of pathways and driveways
 - e) where practicable, the inclusion of green walls at appropriate locations
 - f) planting schedule to be a minimum of 80% indigenous species.
2. 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.
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.

Permit Expiry

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

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

Permit Notes:

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

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

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

CARRIED

**4.6 47 SOUTH ROAD, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/335/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/339683

It is recorded that Dr Georges Fast, and Mrs Kate Henderson each submitted a written statement in relation to this item.

It is recorded that Mr Simon Greenwood (for Simon Greenwood Architects), Mr Grant Bennett, Mr Tony Willems, Mrs Kate Anderson, Mr Jon Bjarnason, Mr James Mackie, and Mr Chris McCue (for Carr) each spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King

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 2023/335/1 for the land known and described as 47 South Road, Brighton:

- to construct two or more dwellings and a front fence that exceeds 1.2 metres in a Neighbourhood Residential Zone Schedule 3 (NRZ3)
- to construct and carry out works associated including storey heights that are 3.5 metres or greater and to construct roof top decks within a Design and Development Overlay Schedule 1 (DDO1)
- for partial demolition and buildings and works within a Heritage Overlay (HO342)
- to create/alter access to a road in a Transport Zone 2

for the following reasons:

1. The proposal fails to successfully implement the Municipal Planning Strategy and the Planning Policy Framework which require an increase in density to be balanced with considerations regarding neighbourhood character, heritage, be site responsive and achieve high quality urban design.
2. The proposal fails to respect the existing/preferred neighbourhood character of the area and fails to respond to the preferred character strategies as well as the general strategies and objectives of Clause 15.01-5L (Neighbourhood Character, Precinct E2) of Bayside Planning Scheme, on the following grounds:
 - a) The proposal fails to incorporate pitched roof forms with eaves as encouraged by this strategy.
 - b) The proposal does not reflect the lightness of the streetscape through a lack in diversity and combination of materials.
 - c) The proposal fails to respect the dominant building forms and scale of buildings within the surrounding precinct.
 - d) The proposal fails to provide articulated and interesting façades to streetscapes.

- e) The proposal fails to improve the openness of streetscapes and the visual connection between buildings and the street by proposing high front fences.
3. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 – Neighbourhood character
 - b) Standard B3 – Dwelling diversity
 - c) Standard B5 – Integration with the street
 - d) Standard B32 – Front fence
4. The proposal fails to provide an acceptable traffic outcome through the proposed access arrangements.
5. The proposal provides an unacceptable urban design outcome which is inconsistent with the objectives and decision guidelines of Clause 15.01-S and Clause 15.01-1R. This is predominately due to the proposed continuous built form that adjoins neighbouring properties.
6. The proposal fails to comply with the objectives and decision guidelines of Clause 43.02 (Design and Development Overlay Schedule 1) due to the scale of built form, lack of diversity between built forms which results in an unacceptable outcome to the coastal environment.
7. The application fails to provide for public open space in accordance with Clause 53.01.

PART B

That Council engages appropriate legal representation and expert evidence including but not limited to traffic engineering should the matter proceed to the Victorian Civil and Administrative Tribunal.

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

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

CARRIED

**4.7 47 SOUTH ROAD, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/425/1 WARD: CASTLEIFLED**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/356884

It is recorded that Dr Georges Fast, Ms Liz Devlin, and Mr Marcus Brylski each submitted a written statement in relation to this item.

It is recorded that Mr Simon Greenwood (for Simon Greenwood Architects), Mr Tony Willems, Mr Jon Bjarnason, Mr James Mackie, Mr Grant Bennett, Mr Maugan Bastone (for Urbis) each spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King

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 2023/425/1 for the land known and described as 47 South Road, Brighton to subdivide the Land into Fourteen (14) lots, Removal of Easements E1, E2 and E3 on PC372351F and Creation of Drainage Easement E1 for the following reasons:

1. The proposal fails to successfully implement the Municipal Planning Strategy and the Planning Policy Framework which seeks to encourage an increase in housing diversity and appropriate subdivision design, balanced with considerations regarding neighbourhood character, heritage, and transport.
2. The proposal fails to comply with the Objectives and Standards of Clause 56 of the Bayside Planning Scheme, in particular:
 - a) Standard C6 Neighbourhood Character: The proposed subdivision fails to respect the existing neighbourhood or achieve a preferred neighbourhood character for this precinct
 - b) Standard C7 Lot Diversity and Distribution: The proposal fails to incorporate a suitable range of lot sizes and housing mix
 - c) The application fails to provide land as public open space in accordance with Clause 53.01.

PART B

That Council engages appropriate legal representation and expert evidence including but not limited to traffic engineering should the matter proceed to the Victorian Civil and Administrative Tribunal.

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

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

CARRIED

It is recorded that the meeting was adjourned at 8.47pm.

Procedural Motion

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

CARRIED

It is recorded that the meeting was resumed at 8.52pm.

Procedural Motion

Moved: Cr Samuel-King **Seconded Cr Martin**
That the meeting be resumed.

CARRIED

4.8 12 BESANT STREET, HAMPTON EAST NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2022/517/1 WARD: IVISON

City Planning and Amenity - Development Services
File No: DD005.2022.00000517.001 – Doc No: DOC/23/339138

It is recorded that Mrs Julia Massarin, and Ms Emma Klein (for Urbis) each submitted a written statement in relation to this item.

It is recorded that Mrs Julia Massarin each spoke for 2 minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Samuel-King

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 2022/517/1 for the land known and described as 12 Besant Street, Hampton East 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 prepared by Dual Occ Advisors, Revision 'L', dated 20/09/2023 but modified to show:
 - a) the provision of mailboxes for both dwellings, which must be located for convenient access as required by Australia Post
 - b) the side setback figure for 'Bed 2' and 'Bath' of Unit 2 to be increased to match 'Bed 3' of Unit 2, without the reduction of any other setback
 - c) a schedule of construction materials, external finishes and colours

- d) a Sustainable Design Assessment in accordance with Condition 9
 - e) a Landscaping Plan in accordance with Condition 10
 - f) a Tree Management and Protection Plan in accordance with Condition 13
 - g) provision of the development contributions fee in accordance with Condition 20
 - h) the first floor setback of dwelling 1 to be compliant with Standard B17 all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

Sustainable Design Assessment

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan 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.

Drainage

18. 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.
19. 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

20. 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

21. 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 – 12A Besant Street HAMPTON EAST 3188

Eastern Dwelling – 12B Besant Street HAMPTON EAST 3188

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$8,184.78 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, Sonia Castelli, Jo Samuel-King, Fiona Stitfold
(Mayor) and Hanna El Mouallem (7)

AGAINST: Nil (0)

CARRIED

**4.9 12 GARDEN AVENUE, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/241/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/352433

It is recorded that Mr Tasman Jones (obo Little Fish Properties Pty Ltd) submitted a written statement in relation to this item.

It is recorded that Mr Martin Grant spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/241/1 for the land known and described as 12 Garden Avenue, Brighton East for the construction of two dwellings on a lot in a Special Building 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 advertised plans prepared by Design Subdivide & Build, referenced A102, A104-A114, A116 and dated 11/09/2023 but modified to show:
 - a) any changes required by Melbourne Water in accordance with Conditions 25 to 37
 - b) the distance between the two proposed crossovers increased to 7.2 metres, with the edge of each crossover offset at least 1 metre from the boundary
 - c) the eastern wall on boundary to demonstrate compliance with Standard B18 (Walls on Boundaries)
 - d) Unit 1 and Unit 2's Bedroom 3 windows to be screened in accordance with Standard B22
 - e) a Sustainable Design Assessment in accordance with Condition 9
 - f) a Landscaping Plan in accordance with Condition 10
 - g) a Tree Management and Protection Plan in accordance with Condition 13
 - h) provision of the development contributions fee in accordance with Condition 24
 - i) the first floor to be compliant with Standard B17 of the Bayside Planning Scheme and associated changes to first floor layoutall to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

Sustainable Design Assessment

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Tuckeroo Landscapes, referenced Page 2-16, dated 16/08/2023 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) Condition 1 changes
 - b) the location of the driveways to be the same as the architectural plans
 - c) all proposed plantings to reflect the concept landscape plans
 - d) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - e) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - f) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - g) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - h) details of surface finishes of pathways and driveways

- i) where practicable, the inclusion of green walls at appropriate locations
 - j) planting schedule to be a minimum of 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:

- 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.
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.

Street tree protection

17. Soil excavation must not occur within 3.5 metres from the edge of the *Lagunaria patersonii* street tree asset's stem at ground level.
18. 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.
19. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
20. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

21. 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.
22. 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.
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.

Melbourne Water

25. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD).
 - a) The dwellings must be constructed with finished floor levels set no lower than 18.71 metres to Australian Height Datum, which is 300mm above the applicable flood level of 18.41 metres to AHD.
 - b) The front fence/gate must be open style (minimum 50% open) of construction to allow for the conveyance of overland flow.
26. The dwellings must be constructed with finished floor levels set no lower than 18.71 metres to Australian Height Datum, which is 300mm above the applicable flood level of 18.41 metres to AHD.
27. The garages must be constructed with finished floor levels set no lower than 18.41 metres to AHD, which is at the applicable flood level.
28. The setbacks shown on the site boundaries, particularly the 4.6m setback to the northern (front) boundary, must not be reduced without prior written consent from Melbourne Water, in order to allow for the conveyance of overland flood flow.
29. No fill is permitted outside of the building footprint with the exception of achieving minimal ramping into the garages.
30. All open space at the front of the property must be set at existing natural surface level so as not to obstruct the passage of overland flows.
31. Any new porches/verandahs/decking must be constructed with unenclosed foundations to allow for the passage of overland flows.
32. Any new fence/gate, including internal fence, must be open style (minimum 50% open) of construction or timber paling to allow for the conveyance of overland flow.
33. The building/structure including footings, eaves etc. must be set outside any easement or a minimum 2 metres laterally clear of the outside edge of the Melbourne Water Asset, whichever is greater.
34. Prior to the commencement of works, formal Build Over approval from Melbourne Water's Asset Services Team must be obtained prior to any construction of permanent or temporary structures (e.g. crossovers and front fence), demolition of existing structures or tree removal within five metres of a Melbourne Water asset.
35. Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses.
36. Prior to the commencement of works, formal Utility Installation approval from Melbourne Water's Asset Services Team must be obtained for any services to be installed across Melbourne Water asset.
37. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be

submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Permit Expiry

38. 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 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 – 12A Garden Avenue BRIGHTON EAST 3187

Eastern Dwelling – 12B Garden Avenue BRIGHTON EAST 3187

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

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

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

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

AGAINST: Nil (0)

CARRIED

**4.10 176 ESPLANADE, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2016/257/3 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/355940

It is recorded that Mr Tim Wertheimer, Mrs Caroline Takac, and Mr Jason Barnfather (for Squareback) each spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves to issue a Notice of Decision to Refuse to Grant an Amendment to a Permit under the provisions of the bayside Planning Scheme in respect of planning application 2016/257/3 for the land known and described as 176 Esplanade, Brighton to allow the following works:

- to construct alterations and additions to a semi-attached existing double storey dwelling on a lot less than 500 square metres in the Neighbourhood Residential Zone Schedule 3
- to construct buildings and works including a building greater than 6 metres in height and a roof deck above the second floor level in the Design and Development Overlay Schedule 1

for the following reasons:

1. The proposed amendments to the roof deck fail to appropriately respond to the decision guidelines contained in Clause 43.02 of the Bayside Planning Scheme for the following reasons:
 - a) The amended access structure does not appropriately integrate with the building.
 - b) The amended roof deck introduces unreasonable amenity impacts.
2. The proposed amendments to the building fail to appropriately respond to the decision guidelines contained in Clause 43.02 of the Bayside Planning Scheme for the following reasons:
 - a) The proposed siting, height, design, building setbacks, and landscaping will not be in keeping with the character of the area.
 - b) The amendments will have an unreasonable impact on the coastal environment.
3. The proposed amendments fail to comply with the objectives and standards of Clause 54 of the Bayside Planning Scheme, in particular:
 - a) Standard A5 – Site Coverage.

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

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

CARRIED

**4.11 355 BLUFF ROAD, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/343/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/356556

It is recorded that Ms Shelley Brogden submitted a written statement in relation to this item.

It is recorded that Ms Shelley Brogden, and Mr Sukhdeep Sandhu each spoke for 2 minutes in relation to this item.

Moved: Cr Stitfold (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 2023/343/1 for the land known and described as 355 Bluff Road, Hampton for the use of the land to sell and consume liquor (Liquor licence) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use 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 Sketch referenced S-01 and dated March 2014 but modified to show:
 - a) the red line plan to accurately show the existing site conditions all to the satisfaction of the Responsible Authority.
2. The sale and consumption of liquor may only occur within the licensed area as shown on the endorsed plan and must not be altered without the written consent of the Responsible Authority.
3. The sale and consumption of liquor may occur only between the following hours:
5.00pm until 10.00pm Monday to Sunday.
No amendment to these hours is to occur without the prior written consent of the Responsible Authority.
4. The sale and consumption of alcohol may only occur with seated table service and only in conjunction with food service.
5. The licensed premises may operate with a maximum of 20 patrons at any one time.

Permit Expiry

6. This permit will expire if one of the following circumstances applies:
 - a) the use is not started within two years of the date of this permit.
 - b) the use is discontinued for a period of two years or more.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

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.
- It is noted that any proposed sale and consumption of liquor kerbside, requires a local law permit pursuant to Part 8, Section 81 of Council's Neighbourhood Amenity Local Law 2021.

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

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

CARRIED

**4.12 87 STANLEY STREET, BLACK ROCK
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/220/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/348487

It is recorded that Ms Annabel Paul (for AP Planning), and Mr Paul Little (for Planning and Property Partners) each spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/220/1 for the land known and described as 87 Stanley Street, Black Rock for the construction of two or more dwellings on a lot, and removal of native vegetation in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the amended plans prepared by IROAMD3 referenced TP001 – TP013 Revision F dated 3/10/2023, but modified to show:
 - a) the first floor of both dwellings to include an additional material in combination with the white render along the east and west sides
 - b) the first floor level of Dwelling 2 amended to fully comply with Standard B17
 - c) the built form of Dwelling 2 amended to present no additional overshadowing with respect to 6 Iluka Street between 9am and 3pm, in compliance with Standard B21 through either a reduction in the wall height or increased setbacks (to be absorbed within the proposed footprint)
 - d) the built form of Dwelling 2 amended to present no additional overshadowing with respect to 89 Stanley Street between 9am and 3pm, in compliance with Standard B21 through either a reduction in the wall height or increased setbacks (to be absorbed within the proposed footprint)
 - e) the driveway material for both dwellings to be a permeable paving
 - f) appropriate dimensions and footing design of the decking around Tree 30 and the proposed new tree to Dwelling 2 to be annotated on the plans
 - g) a schedule of construction materials, external finishes and colours including all external walls, roof, fascias, window frames, external doors and paving (including car park surfacing)
 - h) a Sustainable Design Assessment in accordance with Condition 9
 - i) a Landscaping Plan in accordance with Condition 10
 - j) a Tree Management and Protection Plan in accordance with Condition 13
 - k) provision of the Development Contributions fee in accordance with Condition 27

- l) the ground floor to be set 2m off the eastern boundary
 - m) retention of T23 and any subsequent changes to the built form to require the tree's retention
- all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

Sustainable Design Assessment

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts, Revision B dated 4/10/2023, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) the Japanese Maple to be replaced with an indigenous species capable of reaching at least 8 metres in height, with a 4m canopy
 - b) appropriate dimensions and root-sensitive footing design of the decking around Tree 30 and the proposed new tree to Dwelling 2 to be annotated on the plans
 - 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, sizes at maturity, and quantities of each plant. The planting schedule should not include pot sizes. Plantings must be 80% indigenous by species type and count
 - 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.
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:

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

Protection of trees for services

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

Street tree protection

18. 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 *Eucalyptus sideroxylon Rosea*, asset ID 943543 from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
19. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated by hand along the line of the crossover adjacent to the tree. All roots that will be affected by must 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 Council'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 Infrastructure Assets Department.
25. Council records indicate that there is a council stormwater drain running parallel to the North side of the property boundary. Council considers this asset to be protected by an implied easement. The plans indicate no proposals to encroach into the implied easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
26. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Development Contribution

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

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

Permit Expiry

28. 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 – 87A Stanley Street BLACK ROCK 3193

Eastern dwelling – 87B Stanley Street BLACK ROCK 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.
- When sourcing indigenous planting stock for landscaping, it is recommended the permit holder contact the Bayside Community Nursery for advice on locally sourced species.

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

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

CARRIED

**4.13 4 MATTHEWS COURT, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/142/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/23/2948 – Doc No: DOC/23/330422

It is recorded that Mr Chris Pippo (for The North Planning) spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Castelli

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/142/1 for the land known and described as 4 Matthews Court, Brighton East for the construction of two (2) double storey dwellings in a Neighbourhood Residential Zone Schedule 3 (NRZ3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans amended identified as Sheets 4, 5, 6 and 8 prepared by Roke Design Studios and dated 11 October 2023, but modified to show:
 - a) a Sustainable Design Assessment in accordance with Condition 9
 - b) an amended Landscaping Plan in accordance with Condition 10
 - c) an amended Arboricultural Impact Assessment in accordance with Condition 13 and any design alterations required by this report to be annotated on the development plans
 - d) a Tree Management and Protection Plan in accordance with Condition 14
 - e) provision of the development contributions fee in accordance with Condition 22all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including

fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

Sustainable Design Assessment

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

- o) provisions for renewable energy systems such as Solar PV
- p) commitment to recycle at least 70% of construction and demolition waste
- q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
- r) use of sustainable materials such as low VOC paints for the internal walls
- s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
- t) provision of green walls / vertical gardens

all to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Zenith Concepts, dated 22/5/2023 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) the Water Gum tree in the rear setback of Dwelling 1 either be amended to be a species that can be 10-15m high or an additional 8m tree be included to the rear of Dwelling 1 (western dwelling)
 - g) where practicable, the inclusion of green walls at appropriate locations
 - h) planting schedule to be a minimum of 80% indigenous species and any alterations to proposed canopy trees to facilitate this requirement
 - i) the proposed canopy tree within the Secluded Private Open Space of Dwelling 1 to be relocated to the southern side of the proposed swimming pool
 - j) the development layout to be consistent with the development plans.
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.

Arboricultural Impact Assessment

13. Prior to the endorsement of plans pursuant to Condition 1, the Arboricultural Impact Assessment prepared by TMC Reports, dated 13 September 2023, Version 3 be modified to include:
 - a) Details of tree root sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles within the Tree Protection Zone of Tree 15.

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
15. All actions and measures identified in the Tree Management Report must be implemented.

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

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 2.1 metres of the street tree *Callistemon viminalis*, asset Id 593901 measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Root pruning within the TPZ (Tree Protection Zone):

- Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
- All roots that will be affected must be correctly pruned 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.

Eastern Dwelling – 4A Matthews Court BRIGHTON EAST 3187

Western Dwelling – 4B Matthews Court BRIGHTON EAST 3187

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.

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

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

AGAINST: Nil (0)

CARRIED

It is recorded that the meeting was extended for a period of 30 minutes at 10.57pm.

Procedural Motion

Moved: Cr Martin

Seconded: Cr del Porto

That the meeting be extended by a period of 30 minutes..

CARRIED

4.14 64 BAY STREET, 329 NEW STREET, AND TOWER 1 / 329T NEW STREET, BRIGHTON NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT APPLICATION: 2013/731/2 WARD: DENDY

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/334153

It is recorded that Ms Julie Barker, and Mr Mark Taylor each submitted a written statement in relation to this item.

It is recorded that Mr Mark Taylor, Ms Julie Barker, and Mr Kel Twite (for Urban Planning Collective) each spoke for 2 minutes in relation to this item.

Moved: Cr Samuel-King

Seconded: Cr del Porto (Deputy Mayor)

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 2013/731/2 for the land known and described as 64 Bay Street, 329 New Street, and Tower 1 / 329T New Street, Brighton for the use and development of the land as a car park associated with the existing hotel, use of part of the land for the sale and consumption of liquor associated with a hotel, with an associated reduction in the car parking requirement in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans amended plans dated 24 February 2014 but modified to show:
 - a) a landscape plan in accordance with condition 4 of this permit
 - b) details of the proposed acoustic fence
 - c) all elevations of the air lock, including a schedule of materials and colours
 - d) the location of 4 bicycle spaces as required by Clause 52.34 of the Bayside Planning Scheme
 - e) a red line plan that clearly shows the extended red line plan is limited to the outdoor dining area approved as part of this permit
 - f) details of proposed acoustic fencing along the western and southern aspects and the ceiling including proposed materials and elevations to the

- satisfaction of the consultant acoustic engineer and the Responsible Authority.
2. The use of the site as a carpark cannot commence until Planning Permit No. 1998/3901 and Planning Permit No. 2009/427 are amended to reduce the maximum hotel patron numbers at any one time to 266.
 3. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
 4. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The Landscaping Plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) details of surface finishes of pathways and driveways
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) canopy trees planted within the front setback.
 5. Before the use commences or by such later date as approved by the Responsible Authority in writing, 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.
 7. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council's standards.
 8. Before the development begins, three sets of detailed plans including the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
 9. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto the footpath and adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:
 - a) a trench grate (150mm minimum internal width) located within the property and/or;
 - b) shaping the driveway so that water is collected in a grated pit on the property: and/or
 - c) another Council approved equivalent.
 10. Before the development (including demolition) starts, the applicant must submit to Council's satisfaction, and have endorsed by Council a report detailing tree protection measures to be employed on the land in accordance with Australian

Standard 4970: Protection of Trees on Development Sites, including trees on adjacent properties (within 3 metres of any common property boundary). The tree protection measures outlined in the report must be adhered to before, during and after construction.

Outdoor dining area

11. A maximum of 30 patrons are permitted within the outdoor dining area located within the approved carpark (western side of building) without the prior written consent of the Responsible Authority.
12. The outdoor dining area located within the approved carpark (western side of building) must only operate between the following hours without the prior written consent of the Responsible Authority:
 - Sunday – 10am to 10pm
 - Good Friday and Anzac Day – 12 noon to 10pm
 - Monday to Thursday – 10am to 9.30pm
 - Any other day – 7am to 10pm.
13. Concurrent with the endorsement of plans under Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority that is generally in accordance with the Acoustic Report prepared by Enfield Acoustics Noise Vibration, dated 13 September 2022. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must not be altered or modified unless with the prior written consent of the Responsible Authority.
14. Within a month of the installation of the acoustic fence to the outdoor dining area a statement prepared by a suitably qualified Acoustic Engineer to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority verifying the fence has been constructed in accordance with the endorsed acoustic report.
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
16. The noise generated by the premises must at all times comply with the requirements of the EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, to the satisfaction of the Responsible Authority.
17. No live or amplified music is permitted within the outdoor dining area located within the approved carpark (western side of building) without the prior written consent of the Responsible Authority.
18. 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 commenced within 4 years of the date of this permit.

The Responsible Authority may extend the periods referred to above if a request is made in writing:

- before the permit expires; or
- within 6 months afterwards if the development has not commenced; or
- within 12 months afterwards if the development has lawfully commenced.

Permit Notes

- Buildings approval must be obtained prior to the commencement of the above approved works.

Date of Amendment	Details
1 September 2014	<p>Amendment pursuant to Section 71 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> • Amended the permit preamble by replacing the text 329-331 Bay Street with 329-331 New Street • Amend condition 1(a) from 'A landscape plan in accordance with condition 5 of this permit' to 'A landscape plan in accordance with condition 4 of this permit'.
11 December 2023	<p>Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> • buildings and works associated with the inclusion of an outdoor dining area including a roof structure, acoustic fencing • an extension of an existing redline plan to the above outdoor dining area • addition of conditions 1d, 1e, 1f and 11-17 and subsequent renumbering of conditions • alteration to the preamble of what the permit allows to read: <p>“Use and development of the land as a car park associated with the existing hotel, use of part of the land for the sale and consumption of liquor associated with a hotel, with an associated reduction in the car parking requirement in accordance with the endorsed plans and subject to the following conditions.”</p>

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

DIVISION: **FOR:** Crs Alex del Porto (Deputy Mayor), Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King and Hanna El Moullem (6)
AGAINST: Cr Fiona Stiffold (Mayor) (1)

CARRIED

**4.15 76–78 BEACH ROAD, SANDRINGHAM
SECONDARY CONSENT - APPROVE
APPLICATION: 2020/660/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/356414

It is recorded that Mr William Bromhead (for Ratio) spoke for 2 minutes in relation to this item.

Moved: Cr Stitfold (Mayor)

Seconded: Cr Evans OAM

That Council resolves:

1. to Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2020/660/1.
2. that plans identified as TP01 – TP17, prepared by GKA Architects Pty Ltd and dated 19/9/23 be endorsed
3. that plans 1-15 of 15 endorsed on 30 May 2022 be superseded.

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

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

CARRIED

4.16 STATUTORY PLANNING - MONTHLY REPORT (OCTOBER 2023)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/357845

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Samuel-King

That Council resolves to:

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

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

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

AGAINST: Nil (0)

CARRIED

The Chair declared the meeting closed at 11.11pm