

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 14 May 2024  
at 6.30pm



## Minutes

**PRESENT:**

**Chairperson:** Cr Hanna El Moullem

**Councillors:** Cr Sonia Castelli  
Cr Alex del Porto (Deputy Mayor)  
Cr Laurence Evans OAM  
Cr Clarke Martin

**Officers:** Matthew Cripps – Director City Planning and Amenity  
Kelly Archibald – Manager Urban Strategy  
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 – Council Business Lead

**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 no less than 4 Councillors present at any given time.

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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**

*It is recorded that apologies were received from Cr Samuel-King and the Mayor, Cr Fiona Stiffold.*

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That the apologies from Cr Samuel-King and the Mayor, Cr Fiona Stiffold be noted for the 14 May 2024 Planning and Amenity Delegated Committee meeting.

**CARRIED**

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

There were no conflicts of interest submitted to the meeting.

## **3. Adoption and Confirmation of the minutes of previous meeting**

3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 16 April 2024.

**Moved: Cr Martin**

**Seconded: Cr Castelli**

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 16 April 2024, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 2-4 POTTER STREET, BLACK ROCK LOCAL LAW TREE REMOVAL APPLICATION: 2024/35

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/101755

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**Moved: Cr Martin**

**Seconded: Cr Castelli**

That Council resolves to Issue a Local Law Tree Removal Permit for removal of one (1) (English Holly) Ilex aquifolium at 2-4 Potter Street, Black Rock subject to the planting of three (3) Banksia integrifolia (Coastal Banksia) within the rear of 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 and Hanna El Mouallem (5)  
**AGAINST:** Nil (0)

**CARRIED**

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

**4.2 61 SCOTT STREET, BEAUMARIS  
LOCAL LAW TREE REMOVAL  
APPLICATION: 2024/59**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/109123

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*It is recorded that Mrs Lorraine Borneman submitted a written statement in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Castelli**

That Council resolves to Issue a Local Law Tree Removal Permit for removal of one (1) Liquidambar styraciflua (Sweet gum) at 61 Scott Street, Beaumaris subject to replacement replanting in accordance with Council's Urban Forest Strategy.

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

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

**CARRIED**

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



**4.3 12 SARAH STREET BLACK ROCK  
LOCAL LAW TREE REMOVAL  
APPLICATION: 2024/62**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/120586

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**Moved: Cr Martin**

**Seconded: Cr Castelli**

That Council resolves to Issue a Local Law Tree Removal Permit for removal of one (1) Italian Cypress (*Cupressus sempervirens*) at 12 Sarah Street, Black Rock subject to the planting of midstory and/ or groundcover within the front and/or back setback of the site which can reach a total mature canopy spread of 6 metres.

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

**DIVISION:**   **FOR:**       Crs Alex del Porto (Deputy Mayor), Laurence Evans OAM,  
Clarke Martin, Sonia Castelli and Hanna El Moullem (5)

**AGAINST:** Nil (0)

**CARRIED**

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





**4.6 303–307 RESERVE ROAD, CHELTENHAM  
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT  
APPLICATION: 2018/454/2 WARD: EBDEN**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/114737

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*It is recorded that Mr Warwick Hill-Rennie, Mr David Pontifex (on behalf of Atkinson Pontifex), Mr Andrew Murray (on behalf of Moull Murray Architects), and Mr Jason Barnfather (on behalf of Squareback) each spoke for 2 minutes in relation to this item.*

**Moved: Cr Evans OAM**

**Seconded: Cr Martin**

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 2018/454/2 for the land known and described as 303-307 Reserve Road, Cheltenham:

- for buildings and works associated with eight storey Residential Hotel over basement parking in a Commercial 2 Zone (C2Z)
- to use the land for a Residential Hotel and food and drink premises (café and restaurant) in a Commercial 2 Zone (C2Z)
- to erect and display business identification and internally illuminated signage.
- to serve and consume liquor

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 and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
  - a) **deleted**
  - b) **deleted**
  - c) **deleted**
  - d) **deleted**
  - e) Water Sensitive Urban Design measures in accordance with Condition 8
  - f) a Landscaping Plan in accordance with Condition 10
  - g) a Car Parking Management Plan in accordance with Condition 15
  - h) a Waste Management Plan in accordance with Condition 16
  - i) a Sustainability Management Plan in accordance with Condition 19
  - j) **deleted**
  - k) **the provision of a “keep clear” area, line marked on Tulip Street, to ensure vehicle access to the site is available at all times**
  - l) **allocation of parking to be shown on the plans in accordance with Condition 15**

- m) **modifications to basement carparks to provide a minimum of 89 car spaces on site as shown on drawing numbers TP.04.2 (Revision A) and TP.04.3 (Revision A), prepared by Moull Murray, dated 6 March 2024**
  - n) **visibility corner splays to be provided on both sides of each crossover in accordance with Clause 52.06-9 of the Bayside Planning Scheme**
  - o) **the existing crossing points which are to be removed must be reinstated to kerb and channel to the satisfaction of Council**
  - p) **the left turn exit only crossing to be shaped to discourage right turn exit movements**
  - q) **notation that the corner splay at the intersection of Tulip Street and Reserve Road must be maintained**
  - r) **details of all external lighting proposed throughout the development, including details / specifications as to how such lighting would be designed and baffled to ensure that it would be wildlife friendly**
- all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
  4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### Car Parking

6. Prior to the occupation of the buildings hereby permitted, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must to the satisfaction of the Responsible Authority be:
  - a) constructed
  - b) properly formed to such levels that they can be used in accordance with the plans
  - c) surfaced with an all-weather seal coat
  - d) drained and maintained.
7. Parking areas and access lanes must be kept available for these purposes at all times.

#### Water Sensitive Urban Design

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) the type of water sensitive urban design stormwater treatment measures to be used

- b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas
- c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, 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 Wallbrink Landscape Architecture, reference Drawing Number 2260TP1, Revision B, dated 12 December 2023.**
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.

#### Street tree protection

13. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
14. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 3.0 metres of the street tree assets measured from the edge of their trunks. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

#### Car Parking Management Plan

15. **Before the endorsement of plans, a traffic and parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:**
  - a) **the location of all areas on-and/or off-site to be used for staff and visitor parking**
  - b) **all car parking space and aisles designed in accordance with Design**

**Standard 2: Car Parking Spaces of Clause 52.06-9 of the Bayside Planning Scheme**

- c) **car parking allocated to uses and sign posted/marked as follows:**
  - i. **Hotel: 76 basement spaces**
  - ii. **Café and Restaurant: 13 at grade spaces**
- d) **gradients of basement ramps**
- e) **column locations within each basement**
- f) **provision of directional signage within the site.**

**Waste Management Plan**

- 16. **Prior to the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the one submitted with the application prepared by Eco Results, dated 26 June 2023 but amended to reflect any alterations to refuse areas as a result of basement alterations.**
- 17. When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

**Construction Management Plan**

- 18. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
  - a) a detailed schedule of works including a full project timing
  - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
  - c) the location for the parking of all construction vehicles and construction worker vehicles during construction.
  - d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
  - e) proposed traffic management signage indicating any inconvenience generated by construction
  - f) detailed plan indicating where construction hoardings would be located
  - g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
  - h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
  - i) site security
  - j) public safety measures

- k) construction times, noise and vibration controls
- l) restoration of any Council assets removed and/or damaged during construction
- m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
- n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
- o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience
- p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads
- q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
- r) details of crane activities, if any.

### **Sustainability Management Plan**

19. **Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan submitted with the application (identified as ecoresults, referenced 2023-3370-SMP and dated 26 June 2023) and include, but not be limited to the following:**
- a) **Water Sensitive Urban Design (WSUD) initiatives to comply with the best practice performance objective set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999**
  - b) **a STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority**
  - c) **complete Green Star self-assessment demonstrating the initiatives selected to achieve best practice**
  - d) **complete BESS report demonstrating the initiatives selected to achieve best practice or greater standard committed to in the summary report**
  - e) **address commercial areas through the provision of a Sustainable Design Scorecard report or equivalent**
  - f) **preliminary building energy ratings to align with plans**
  - g) **demonstration that stormwater detention volume requirements are in addition to stormwater retention**
  - h) **clearly state that in addition to producing a Building User's Guide that it will be provided to occupants.**

### **Hours of Operation (Cafe)**

20. The use (food and drink premises cafe) allowed under this permit must operate only during the following hours, except with the further written consent of the Responsible Authority:
- All days – 7:00am to 5:00pm



**Hotel use**

21. The residential hotel use as permitted by this permit must not contain more than 90 rooms without the prior written consent of the Responsible Authority.
22. Concurrent with the endorsement of plans under Condition 1, an Operational Management Plan (OMP) must be submitted to and approved by the Responsible Authority. When approved, the OMP will be endorsed and will then form part of the permit. The OMP must not be altered or modified unless with the prior written consent of the Responsible Authority. The OMP must detail the following:
  - a) a detailed description of the use and the owner / occupier's commitment to reducing and managing amenity impacts to the surrounding area
  - b) a manager, responsible for the good conduct of patrons, must be present on the premises at all times. The manager of the premises must at all times be authorised by the owner/occupier of the premises to make statements and admissions on their behalf to any officer of the Council or any member of the Police Force concerning the conduct of the premises for the use hereby permitted. Contact details for the premises/manager must be available and be visible from the primary pedestrian entrance
  - c) a complaint log to be kept and made available to the Responsible Authority on request
  - d) emergency management and safety procedures
  - e) drop off/pick up arrangements.
23. The use must be managed in accordance with the endorsed OMP to the satisfaction of the Responsible Authority.

**Signage**

24. Except with the written consent of the Responsible Authority, the approved signage must not:
  - a) be altered in any way (including the location, size, and structure)
  - b) be animated
  - c) contain intermittent or flashing light
  - d) contain a degree of illumination/lighting that causes glare/distraction to motorists or an unreasonable loss of residential amenity.
25. The signage shall be maintained to the satisfaction of the Responsible Authority.

**Liquor**

26. The sale and consumption of liquor may occur only between the following hours:
  - Monday to Sunday: 10am to 11pm
  - Good Friday and ANZAC Day 12:00pm to 11:00pmNo amendment to these hours is to occur without the prior written consent of the Responsible Authority.
27. The licensed premises may operate with a maximum of 56 patrons at any one time, without the prior written consent of the Responsible Authority.
28. Tables and chairs associated with the Restaurant must be placed in position so

as to be available for at least 75 per cent of patrons attending the premises at any time.

#### Amenity

29. **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.**
30. **External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.**

#### Drainage

31. 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.
32. 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.
33. Council records indicate that there is a council stormwater drain running parallel to the western property boundary. Council considers this asset to be protected by an implied easement, minimum distance of 1m from the asset. 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.
34. Council records indicate that there is a 3.05m wide drainage and sewerage easement along the western property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities. Minimum easement width must be the greater of; 2m from the boundary or 0.5m from the asset.

#### Drainage Contributions Levy

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

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

#### Permit Expiry

36. This permit will expire if one of the following circumstances applies:
  - a) the development is not started within two years of the date of this permit
  - b) the development is not completed within four years of the date of this permit
  - c) the use is not started within five years of the date of this permit**
  - d) the use is discontinued for a period of two years or more**

- e) **the signage component of this permit expires 15 years from the date of issue.**

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.

- 37. **Within 30 days of expiration of the planning permit, the sign and structure built specifically to support and illuminate the sign must be removed.**

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.
- 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.

Date of Amendment	Details
01 November 2019	As per Victorian Civil Administrative Tribunal Order P1139/2019, dated 1st November 2019
14 May 2024	<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"> <li>• Altering the approved built form to increase the maximum height from 21.7 metres (6 levels) to 26.78 metres (8 levels).</li> <li>• Altering the use of the building from offices and café to a residential hotel and associated food and drink premises.</li> <li>• Alterations to the built form associated with the above alterations.</li> <li>• To sell and consume liquor.</li> <li>• To display internally illuminated business identification signage.</li> </ul> <p>Deletion of conditions 1a, 1c and 1d</p> <p>Inclusion of Conditions 1k, l, m, n, o, p, q, r, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 36c, d, e, 37 and subsequent renumbering.</p> <p>Amendments to Conditions 10, 15, 16 and 19.</p>



**4.7 14–16 MALE STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/465/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/121887

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*It is recorded that Mr Anthony Johnson submitted a written statement in relation to this item.*

*It is recorded that Mr Henry Johnstone (on behalf of Ratio) 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 2023/465/1 for the land known and described as 14-16 Male Street, Brighton for the construction of a three (3) storey apartment building and a front fence exceeding 1.5 metres within a Design and Development Overlay Schedule 11 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans amended, prepared by Page Stewart, dated 04/03/2024 and revision number C but modified to show:
  - a) amended ground floor plan and elevations that demonstrate compliance with Clause 52.06-9 (pedestrian sightlines) of the Bayside Planning Scheme
  - b) tree 10 the *Melia azedarach* (White Cedar) to be detailed as removed
  - c) the height of the internal fencing at ground level between areas of SPOS to be nominated on the Ground Floor Plan
  - d) a Sustainable Design Assessment in accordance with Condition 14
  - e) a Landscaping Plan in accordance with Condition 15
  - f) a Tree Management and Protection Plan in accordance with Condition 18
  - g) an Arboricultural Impact Assessment in accordance with Condition 22
  - h) provision of the development contributions fee in accordance with Condition 33all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown

on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
11. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
12. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard B44 of Clause 55 of the Bayside Planning Scheme.
13. During construction of the permitted buildings & works, the subject site and adjacent nature strip must be maintained in an orderly manner to the satisfaction of the Responsible Authority. This includes maintaining the nature strip grass, rubbish to be stored on-site in covered waste receptacles and construction materials being managed to reduce adverse visual amenity impacts.

#### Sustainable Design Assessment

14. Prior to the endorsement of plans pursuant to Condition 1, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the SDA Report prepared by Building Thermal Performance Assessors, dated 26 August 2023 and include, but not limited to the following:

- a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
  - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
  - o) provisions for renewable energy systems such as Solar PV
  - p) commitment to recycle at least 70% of construction and demolition waste
  - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
  - r) use of sustainable materials such as low VOC paints for the internal walls
  - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
  - t) provision of green walls / vertical gardens where practicable
- all to the satisfaction of the Responsible Authority.

#### Landscaping

15. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and

be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Kevin McCullagh, dated 2023 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:

- a) the proposed Pear Cultivar (PCB) trees located within the front setback to be replaced with a species that is capable of reaching a minimum height of 10 metres at maturity
  - b) the proposed Silver Banksia (BM) located within the SPOS area of Apartment G01 to be replaced with a species that is capable of reaching a minimum height of 8 metres at maturity
  - c) the proposed Amur Maple (AG) located within the northern rear corner of the site to be replaced with a species that is capable of reaching a minimum height of 8 metres at maturity
  - d) compliance with the requirements of Standard B38 (Clause 55) of the Bayside Planning Scheme
  - e) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - f) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - g) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - h) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - i) details of surface finishes of pathways and driveways
  - j) where practicable, the inclusion of green walls at appropriate locations
  - k) planting schedule to be a minimum of 80% indigenous species.
16. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
17. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Protection Management Plan

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

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site



- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

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

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

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

The TPP must:

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

#### Arboricultural Impact Assessment

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

The report must:

- a) explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ
- b) include measures necessary to protect the trees throughout all demolition and construction stages

- c) review architectural, services and landscape plans to provide an accurate impact assessment. If these plans are not available for review this is to be clearly started in the report.

#### Protection of trees for services

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

#### Street tree protection

24. 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.
25. 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.
26. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Construction Management Plan

27. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit, a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):
  - a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
  - b) works necessary to protect road and other infrastructure
  - c) remediation of any damage to road and other infrastructure
  - d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land

- e) facilities for vehicle washing, which must be located on the land
- f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
- g) site security
- h) management of any environmental hazards including, but not limited to:
  - i) contaminated soil and ground water
  - ii) materials and waste
  - iii) dust
  - iv) stormwater contamination from run-off and wash-waters
  - v) sediment from the land on roads
  - vi) washing of concrete trucks and other vehicles and machinery
  - vii) spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k) parking facilities for construction workers
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p) include details of bus movements throughout the precinct during the construction period
- q) where multiple development sites may occur in proximity to one another on the same street, a cumulative impact assessment must be submitted to and approved by the Responsible Authority
- r) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to

the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:

- i using lower noise work practice and equipment
- ii the suitability of the land for the use of an electric crane
- iii silencing all mechanical plant by the best practical means using current technology
- iv fitting pneumatic tools with an effective silencer
- v other relevant considerations
- vi any site-specific requirements.

During the construction:

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

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority

28. Prior to the commencement of construction, a "SiteHive" or similar device must be installed and maintained to the satisfaction of the Responsible Authority. This device must remain operational throughout construction to monitor noise, dust and similar construction activity.

#### Drainage

29. 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.
30. 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.
31. Council records indicate that there is a council stormwater drain running parallel to the southeast 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.

32. 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

33. 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

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

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

#### Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.
  - Ground Floor – 1-8/14 Male Street BRIGHTON 3186
  - Level 1 – 101-108/14 Male Street BRIGHTON 3186
  - Level 2 – 201-203/14 Male Street BRIGHTON 3186

(All numbering is clockwise to align with numbering shown on Town Planning drawings)

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.
- Before the development starts the applicant must pay \$6,309.96 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 and Hanna El Mouallem (5)  
**AGAINST:** Nil (0)

**CARRIED**



prior written consent of the Responsible Authority.

3. The licensed area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. The sale and consumption of liquor may only occur within the licensed area as shown on the endorsed plan.
5. The use of the land for production/industry may only occur between:
  - a) Monday to Thursday: 9.00 to 5.00pm.No amendment to these hours is to occur without the prior written consent of the Responsible Authority.
6. The food and drink premises and sale and consumption of liquor may only occur between:
  - a) Thursday: 4.00pm to 9.00pm
  - b) Friday to Saturday: 12.00pm to 9.00pm
  - c) Sunday: 12.00pm to 6.00pmThe rear outdoor area is not to be accessed by patrons after:
  - d) 7.30pm, Thursday to Saturday.No amendment to these hours is to occur without the prior written consent of the Responsible Authority.
7. No more than 72 patrons may be present on the premises at any one time, without the prior written consent of the Responsible Authority.
8. No more than 30 patrons may be present in the rear outdoor area at any one time, without the prior written consent of the Responsible Authority.
9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
10. Deliveries to and from the site (including waste collection) must only take place between:
  - 9am and 5pm Monday to Sunday.
11. Bottles and rubbish must not be removed from within the premises between the hours of 7pm and 8am the following day.
12. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N 1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels (from the plant and equipment area) must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
13. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N 2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
14. 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.

15. 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.
16. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
17. 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.
18. 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.

#### Management of Premises

19. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the Manager').

The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officers of the Responsible Authority and of the Victorian Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.

#### Noise and Amenity Plan

20. Before the use starts, a Noise and Amenity Plan must be submitted to and approved by the Responsible Authority and contain the following information:
  - a) the identification of all noise sources associated with the licensed premises (including, but not limited to, music noise, external areas allocated for smokers, queuing lines, entries and exits to the premises and courtyards)
  - b) hours of operation for all parts of the premises
  - c) the identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premises
  - d) measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures
  - e) details of staffing arrangements including numbers and working hours of all security staff
  - f) standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority
  - g) location of lighting within the boundaries of the site, security lighting outside the licensed premises and any overspill of lighting
  - h) details of waste management plan including storage and hours of collection for general rubbish and bottles, and delivery times associated with the licensed premises

- i) details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues
- j) any other measures to be undertaken to ensure minimal impacts from the licensed premises
- k) location and operation of air-conditioning, exhaust fan systems and security alarms.

The approved Noise and Amenity Action Plan will form part of the permit and the use must operate in accordance with it to the satisfaction of the Responsible Authority.

#### Waste Management Plan

21. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

- a) dimensions of storage waste areas
- b) storm water drains in storage areas should be fitted with a litter trap
- c) the number and size of bins to be provided
- d) facilities for bin cleaning
- e) method of waste and recyclables collection
- f) types of waste for collection, including colour coding and labelling of bins
- g) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
- h) method of hard waste collection
- i) method of presentation of bins for waste collection
- j) sufficient headroom within the basement to accommodate waste collection vehicles
- k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
- l) strategies for how the generation of waste and recyclables will be minimised
- m) compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

#### Permit Expiry

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

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

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.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

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

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

**CARRIED**

**4.9 172 BLUFF ROAD, BLACK ROCK  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/455/1 WARD: EBDEN**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/126339

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*It is recorded that Mr Luke and Mrs Colleen Adamson submitted a written statement in relation to this item.*

*It is recorded that Mr Luke Adamson and Mrs Colleen Adamson each spoke for 2 minutes in relation to this item.*

*Cr del Porto (Deputy Mayor) left the Meeting at 8.23pm and returned to the meeting at 8.25pm.*

**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 2023/455/1 for the land known and described as 172 Bluff Road, Black Rock for the removal of native vegetation in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the vegetation is removed, 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 show:
  - a) a Landscaping plan in accordance with Condition 3  
all to the satisfaction of the Responsible Authority.
2. 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.

Landscaping

3. 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 submitted to Council dated 19 April 2024 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
  - a) replacement planting associated only with 172 Bluff Road, Black Rock.
  - b) replacement planting required under planning permit 2022/122/1
  - c) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
  - d) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site

- e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
- 4. The replacement planting must be planted within 6 months of the removal of vegetation and must be carried out and completed to the satisfaction of the Responsible Authority.
- 5. 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**

- 6. 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 Laurence Evans OAM, Clarke Martin, Sonia Castelli, Alex del Porto, and Hanna El Mouallem (5)  
**AGAINST:** Nil (0)

**CARRIED**

**4.10 7 LANSDOWN STREET, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2022/320/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/102835

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*It is recorded that Ms Karen Kimber 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 2022/320/1 for the land known and described as 7 Lansdown Street, Brighton East for the construction of three 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 advertised plans prepared by Design Subdivide & Build, identified as A01-10 dated 27/09/2023, but modified to show:
  - a) plans to clearly specify that the all driveway surfacing is to be a permeable material
  - b) the built form of Dwelling 2 amended to present no additional overshadowing with respect to 2/9 Lansdown St between 9am and 3pm, to be absorbed within the proposed footprint
  - c) the first floor north-facing windows of Dwelling 3 to be screened or treated to comply with Standard B22 of the Bayside Planning Scheme
  - d) a comprehensive schedule of construction materials, external finishes and colours, including all surface finishes, pathways and driveways
  - e) a Sustainable Design Assessment in accordance with Condition 11
  - f) a Landscaping Plan in accordance with Condition 12
  - g) a Tree Management and Protection Plan in accordance with Condition 15
  - h) provision of the development fee in accordance with Condition 25
  - i) plans modified to show full compliance with standard B17 of ResCode (side and rear setbacks) with no reductions to any other setbacksall to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
10. During construction of the permitted buildings & works, the subject site and adjacent nature strip must be maintained in an orderly manner to the satisfaction of the Responsible Authority. This includes maintaining the nature strip grass, rubbish to be stored on-site in covered waste receptacles and construction materials being managed to reduce adverse visual amenity impacts.

#### Sustainable Design Assessment

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

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

#### Landscaping

12. 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 Sun 'n' Shade Pty Ltd dated 20/10/2022, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) the proposed Acer X Fremanii in the front setback removed, and Trees 1 and 2 shown to be retained, consistent with the development plans
  - b) the existing retaining wall surrounding Trees 1 and 2 shown to be retained/rebuilt in place, consistent with the development 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, pot sizes, sizes at maturity, and quantities of each plant. This schedule must comprise a minimum of 80% indigenous species
  - 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.
13. 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.
  14. 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

15. 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.
16. All actions and measures identified in the Tree Management Report must be implemented.
  17. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

Protection of trees for services

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.

Drainage

19. 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.
20. 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.
21. Council records indicate that there is a 1.83 m wide drainage and sewerage easement along the east property boundary as indicated on the drawings provided. The plans indicate that a driveway shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the responsible Authority/Authorities.
22. 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.
23. The permit holder must obtain approval from the relevant authorities to build over the easement(s).
24. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

Development Contribution

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

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

Permit Expiry

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

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

Permit Notes:

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

The addresses are as follows:

- Front dwelling - 7A Lansdown Street BRIGHTON EAST 3187
- Centre dwelling - 1/7B Lansdown Street BRIGHTON EAST 3187
- Rear dwelling - 2/7B Lansdown Street 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.
- Before the vehicle crossing application will be approved, the applicant must pay \$6,145.05 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 741554). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

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

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

**CARRIED**

**4.11 423–424 BEACH ROAD, BEAUMARIS  
GRANT A PERMIT  
APPLICATION: 2023/414/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/111592

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*It is recorded that Mr Hugh Feggans (on behalf of Aych Architecture) spoke for 2 minutes 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 2023/414/1 for the land known and described as 423–424 Beach Road, Beaumaris for:

- Neighbourhood Residential Zone: Construction of two or more dwellings on a lot and a three lot subdivision
- Vegetation Protection Overlay: Removal of native vegetation
- Design and Development Overlay: Buildings and works including roof decks, and subdivision
- Clause 52.29: Create access to, and subdivide land adjacent to a Road in a Transport Zone 2

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 Aych Architecture referenced A01.02 Rev.A dated 18/12/2023, and A02.01 – A07.07, Rev.B dated 20/12/2023, but modified to show:
  - a) the entire site cut and retaining wall to the rear of Dwelling 1 amended to be no less than 2.83m from the northern boundary
  - b) the site cut and retaining wall to the rear of Dwelling 2 increased to be no less than 2.83m from the northern boundary, for a minimum span of 2.7m measured from the western party wall between Dwellings 1 and 2
  - c) a minimum 2.5m-circumference cutout around the proposed tree planting location to be shown to the rear decking of each dwelling
  - d) a minimum 2.5m-circumference opening around the proposed tree planting location to be shown in the pergola structures in the rear decking of each dwelling
  - e) the east and west sides of each roof deck to include screening or balustrades up to 1.7m above floor level to restrict views between the decks
  - f) annotation of the setback dimension for the front fencing and forward landscaping space from the front boundary
  - g) a complete schedule of construction materials, external finishes and colours (incorporating for example paint samples)

- h) a Sustainable Design Assessment in accordance with Condition 13
- i) a Landscaping Plan in accordance with Condition 14
- j) a Tree Management and Protection Plan in accordance with Condition 17
- k) provision of the development contributions fee in accordance with Condition 48

all to the satisfaction of the Responsible Authority.

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

and the Responsible Authority.

12. During construction of the permitted buildings & works, the subject site and adjacent nature strip must be maintained in an orderly manner to the satisfaction of the Responsible Authority. This includes maintaining the nature strip grass, rubbish to be stored on-site in covered waste receptacles and construction materials being managed to reduce adverse visual amenity impacts.

#### Sustainable Design Assessment

13. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
  - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
  - o) provisions for renewable energy systems such as Solar PV
  - p) commitment to recycle at least 70% of construction and demolition waste

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

all to the satisfaction of the Responsible Authority.

#### Landscaping

14. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Wallbrink, reference 2281 TP1-TP2, dated 27/11/2023, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
  - a) all built form changes required under Condition 1
  - b) the entire site cut and retaining wall to the rear of Dwelling 1 increased to be no less than 2.83m from the northern boundary
  - c) the site cut and retaining wall to the rear of Dwelling 2 increased to be no less than 2.83m from the northern boundary, for a minimum span of 2.7m from the western party wall between Dwellings 1 and 2
  - d) a minimum 2.5m-circumference cutout around the proposed tree planting location, and annotation of appropriate root-sensitive footing design to be shown to the rear decking of each dwelling
  - e) annotation confirming that a minimum 36m<sup>2</sup> of deep soil area is provided around each proposed Coast Banksia
  - f) 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
  - g) 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
  - h) a planting schedule of all proposed trees and shrubs, including botanical names, common names, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
  - i) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - j) details of surface finishes of pathways and driveways
  - k) where practicable, the inclusion of green walls at appropriate locations
15. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

#### Tree Protection Management Plan

17. 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
18. All actions and measures identified in the Tree Management Report must be implemented.
  19. 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.
  20. 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

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

#### Street tree protection

22. Before the development starts, tree protection fencing is to be established around the street tree marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
23. Any proposed encroachment within the TPZ must not exceed the acceptable range of impact in accordance with AS 4970-2007, Protection of trees on development sites.
24. Council 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 3.0 metres of the street tree *Lophostemon confertus* (Asset ID 434045) measured from the edge of the trunk.
25. Any excavation, removal of existing infrastructure and installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
26. 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 must be correctly pruned in accordance with AS4373-2007 'Pruning of Amenity Trees'. Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

#### Department of Transport and Planning Conditions

27. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
28. Prior to the commencement of use, the crossovers and driveways are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
29. Vehicles must always enter and exit the site in a forward direction.
30. Turntables must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a forward direction.

#### Drainage

31. 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.

32. 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.
33. 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.

#### Subdivision

34. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.
35. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay a Public Open Space Contribution to the Responsible Authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision, pursuant to Section 18 of the Subdivision Act 1988.
36. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
37. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
38. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
39. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:
  - a) The development of the land indicated on the plan of subdivision shall be in accordance with the approved plans forming part of this Planning Permit (5/2023/414/1) or any amendment to the plans approved by the Responsible Authority.
  - b) The agreement shall be prepared and executed at the owner's cost.

#### Telecommunications Conditions

40. The owner of the land must enter into an agreement with:
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

41. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### United Energy Conditions

42. The plan of subdivision submitted for certification must be referred to United Energy Distribution Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.
43. The applicant must –
- a) Enter into an agreement with United Energy Distribution Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
  - b) Provide electricity easements internal and external to the subdivision in favour of United Energy Distribution Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by United Energy Distribution Pty Ltd. The provision of reserves for electricity substations may also be required.

#### Comdain Multinet Gas Conditions

44. A Statement of Compliance must be obtained from Multinet Gas prior to the plan of subdivision being released from the Titles Office.

#### South East Water Conditions

45. The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.
46. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
47. The Plan of Subdivision must be accompanied by an Owners Corporation Schedule. All lots shown on the Plan of Subdivision must be included in the Owners Corporation Schedule, or;
- The owner of the subject land can enter into an agreement with South East Water for the provision of separate services to each individual lot.

#### Development Contribution

48. 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

49. 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.

50. This permit will expire if:

- a) the plan of subdivision is not certified within two years of the date of this permit; or
- b) the registration of the subdivision is not completed within five years of the date of this permit.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.

51. The Statement of Compliance must be lodged with the Titles Office within five years of the date of issue of this permit.

#### 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 - 423 Beach Road BEAUMARIS 3193

Central Dwelling - 424A Beach Road BEAUMARIS 3193

Eastern Dwelling - 424B Beach Road BEAUMARIS 3193

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The proposed development requires reinstatement of disused crossovers to kerb and channel and the construction of new crossovers. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DTP (Roads) prior to commencing any works.
- When sourcing indigenous planting stock for landscaping, it is recommended the permit holder contact the Bayside Community Nursery for advice on locally sourced species.

#### Compliance with Development Permit

- The land may be inspected by Council to ensure compliance with this planning permit and any plans and documents endorsed to this permit. Investigations and possible prosecutions may apply if you fail to accord with all requirements of this Planning Permit and any relevant Building Regulation, Local Law or other legislation. This includes the need for the retention and maintenance of any building, hard and soft landscaping assets and all building services.

#### Telecommunications infrastructure in new developments

- Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, you must contract a carrier to install and operate a telecommunications network. As the Infrastructure Provider of Last Resort (IPOLR) for your area, you should be able to have the NBN™ broadband access network connected to your development - but you need to apply.
- Telstra is the Infrastructure Provider of Last Resort (IPOLR) supporting voice services for developments with less than 100 lots in areas where the NBN has not established its network.
- Developers are asked to apply six months before the required service date to ensure a connection is ready when residents move in.

#### South East Water – Agreement Options

- The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

The following South East Water agreement options are available:

- 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
- 2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is



**4.12 47 SOUTH ROAD, BRIGHTON  
SUPPORT THE GRANT OF A PERMIT (VCAT POSITION)  
APPLICATION: 2023/522/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/112868

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*It is recorded that Dr Georges Fast, Mr Ian McKay, and Mr Grant Bennett each spoke for 2 minutes in relation to this item.*

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

**Seconded: Cr Martin**

That Council resolves, to advise the Tribunal and all parties that it Supports the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2023/522/1 for the land known and described as 47 South Road, Brighton:

- to use the land for a temporary display suite and associated buildings and works within a Neighbourhood Residential Zone Schedule 3 (NRZ3)
- for Partial demolition and buildings and works in a Heritage Overlay (HO342)
- to erect and display temporary property sales signage pursuant to Clause 52.05 (signs) and within a Heritage Overlay (HO342)

in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

Use

4. The use (temporary display suite) allowed under this permit must operate only during the following hours, except with the further written consent of the Responsible Authority:
  - Monday to Friday 8am to 6pm
  - Saturday and Sunday 8am to 6pm
5. A maximum of 3 staff members associated with the temporary display centre are permitted to be on site at any one time without the prior written consent of the Responsible Authority.
6. A maximum of 10 customers are permitted to be on site at any one time without the prior written consent of the Responsible Authority.

Signage

7. Except with the written consent of the Responsible Authority, the approved signage must not:
  - a) be altered in any way (including the location, size, and structure)
  - b) be animated
  - c) contain intermittent or flashing light
  - d) contain a degree of illumination/lighting that causes glare/distraction to motorists or an unreasonable loss of residential amenity.
8. External lighting to illuminate signage is only permitted to be operate between the hours of 5.30pm and 10.30pm.
9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
10. The signage shall be maintained to the satisfaction of the Responsible Authority.
11. The signage must not be displayed longer than 7 days after the sale date of the associated land without the prior written consent of the Responsible Authority.

Permit commencement

12. The use and signage permitted under this permit must not commence unless there is a relevant and active development permit for the construction of dwellings on the subject site.

Permit Expiry

13. This permit will expire if one of the following circumstances applies:
  - a) the use is not commenced within two (2) years of the date of this permit
  - c) the use of the temporary display suite will expire once the sale of the last associated lot has occurred.

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 and Hanna El Mouallem (5)  
**AGAINST:** Nil (0)

**CARRIED**





*It is recorded that the Chair noted the inclusion of a late agenda item in relation to 47 South Rd, Brighton which is a separate matter to the item considered earlier in the Agenda for this site. The item relates to the planning applications currently under the consideration of the Minister for Planning.*

*The Chair called for a motion that the remainder of the meeting be dealt with in-camera, given the item for consideration relates to a confidential matter in accordance with Section 66(2)(a) of the Local Government Act 2020, and pursuant to sections 3(1) (a) of this Act, as the matter concerns: (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

## **5. Confidential Business**

**Moved: Cr del Porto**

**Seconded: Cr Martin**

*That pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 3(1) (confidential information) of such Act:*

- (a) Council business information*
- (b) security information*
- (c) land use planning information*
- (d) law enforcement information*
- (e) legal privileged information*
- (f) personal information*
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—*
  - (i) relates to trade secrets; or*
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*
- (h) confidential meeting information*
- (i) internal arbitration information*
- (j) Councillor Conduct Panel confidential information*
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition*
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

**CARRIED**

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#### **5.1 47 SOUTH ROAD, BRIGHTON**

**RESPONSIBLE AUTHORITY: MINISTER FOR PLANNING**

**APPLICATIONS: 2023/335/1 AND 2023/425/1 WARD: CASTLEFIELD**

*(LGA 2020 Section 3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.)*

*It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business. Following consideration of Confidential Business, the Chair declared the meeting closed at 9.33pm.*