

Planning and Amenity Delegated Committee Meeting

Council Chambers
Civic Centre – Boxshall Street Brighton

Tuesday 16 July 2024
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Fiona Stitfold (Mayor)

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

Officers: Kelly Archibald – A/Director City Planning and Amenity
Scott Matheson – A/ Manager Development Services
Jason Stubbs – A/Manager Governance
Michael Kelleher – Statutory Planning Coordinator
Rosie Nolan – A/Statutory Planning Coordinator
Ziqi Xi – A/Statutory Planning Coordinator
Tom Corrie – A/Principal Statutory Planner
Peter Hampton – A/Principal Statutory Planner
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 6 Councillors present at any given time.

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In the absence of the Planning and Amenity Delegated Committee Chair, Cr El Moullem, the Council Business Lead opened the meeting and called for a motion that the Mayor, Cr Stiffold take the Chair for the duration of the meeting.

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Evans

That the Mayor, Cr Stiffold act as Chair for the duration of the 16 July 2024 Planning and Amenity Delegated Committee meeting.

CARRIED

The Mayor took the Chair for the 16 July 2024 Planning and Amenity Delegated Committee meeting.

The Mayor, Cr Stiffold welcomed Councillors, officers and members of the public gallery to the meeting and advised 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 Mayor invited Cr del Porto 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 Samuel-King 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 an apology was received from Cr El Mouallem.

Moved: Cr del Porto

Seconded: Cr Castelli

That the apology from Cr El Mouallem be noted for the 16 July 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 11 June 2024.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Martin

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 11 June 2024, as previously circulated, be confirmed as an accurate record of proceedings.

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

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

AGAINST: Nil (0)

CARRIED

**4.2 UNIT 2/23 VARDON AVENUE, BEAUMARIS
LOCAL LAW TREE REMOVAL
APPLICATION: 2024/66**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/185161

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to Refuse to Grant a Local Law Tree Removal Permit for the removal of one (1) Desert Ash (*Fraxinus angustifolia*) at Unit 2/23 Vardon Avenue, Beaumaris.

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

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

CARRIED

4.4 422A ST KILDA STREET, BRIGHTON REMOVAL FROM SIGNIFICANT TREE REGISTER

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/194399

It is recorded that Mrs Alexandra Arnhold submitted a written statement in relation to this item.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Castelli

That Council

1. grants the removal of significant tree status from Council's Significant Tree Register for the *Erythrina caffra* (South African Coral Tree) at 422A St Kilda Street, Brighton
2. writes to the tree owner to inform them of Council's decision.

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

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

CARRIED

**4.5 2 CAVE STREET, BEAUMARIS
GRANT A PERMIT
APPLICATION: 2024/103/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/183663

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 2024/103/1 for the land known and described as 2 Cave Street, Beaumaris for the removal of native vegetation in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions:

1. Before any tree removal, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and show:
 - a) a Landscaping Plan in accordance with Condition 2
 - b) a Tree Protection Management Plan in accordance with Condition 5all to the satisfaction of the Responsible Authority.

Landscaping

2. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the Bayside Landscape Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) Tree #1 (*Syzygium smithii*, Lilly Pilly) to be retained on the site including its Tree Protection Zone calculated in accordance with AS4970-2009
 - b) a planting schedule of all proposed trees and understorey planting, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The planting schedule is to include the following:
 - i. two (2) indigenous trees that will each reach a minimum mature height of 8m and canopy width of 4m. Pot size for each tree to be a minimum 50L advanced stock when planted
 - ii. a minimum of 80% indigenous by species type and count.
3. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
4. 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

5. Before the development begins, 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) tree protection measures to be utilised and at what stage they will be implemented for all trees to be retained
- c) tree health care measures, including any remedial works, to ensure the viability of Tree #1
- d) appointment of a project arborist detailing their role and responsibilities
- e) stages at which the project arborist will inspect tree protection and health care measures
- f) monitoring and certification by the project arborist of implemented protection and health care 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.
6. All actions and measures identified in the Tree Management Report must be implemented.
 7. Before any works associated with the development, the contact details of the project arborist responsible for implementing the endorsed Tree Protection Management Plan must be submitted to the Responsible Authority.
 8. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. Any pruning of the root system of any tree to be retained (Tree #1) is to be done by hand by a qualified Arborist.

Permit Expiry

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

**4.7 755 HAMPTON STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/362/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/190882

The Mayor noted the Council officers' advice that page 129 of the agenda erroneously refers to '3 objections' and that the number of outstanding objections is in fact 4.

It is recorded that Mr Daniel De Fazio spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Samuel-King

PART A

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/362/1 for the land known and described as 755 Hampton Street, Brighton for the use of land as a medical centre, buildings and works associated with a Section 2 use, reduction of car parking spaces and display of business identification signage in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the amended plans prepared by ProjectNow, reference TP-01 – TP-17, date 19/06/2024 and revision number 6 but modified to show:
 - a) car parking spaces to be line-marked in accordance with AS2890.1
 - b) provision of one bicycle space in accordance with Clause 52.34
 - c) a Sustainable Design Assessment in accordance with Condition 8
 - d) an amended Landscaping Plan in accordance with Condition 9
 - e) a Tree Management and Protection Plan in accordance with Condition 12
 - f) an amended Waste Management Plan in accordance with Condition 21
 - g) provision of the development contributions fee in accordance with Condition 27all 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 approved 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.

Use

6. Not more than three (3) practitioners may be present on the premises at any one time without the prior written consent of the Responsible Authority.
7. The use may operate only between the following hours:
 - Monday to Wednesday: 8.00am to 7.00pm
 - Thursday and Friday: 8.00am to 9.00pm
 - Saturday: 8.00am to 1.00pm
 - Sunday and public holidays: Closed

unless with the prior written consent of the Responsible Authority.

Sustainable Design Assessment

8. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) preliminary building energy rating certificates that align with plans
 - c) provision of double glazing to all new windows
 - d) appropriate shading to all north, east and west facing windows
 - e) maximum internal lighting density of 4W/m²
 - f) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - g) provision of bicycle parking
 - h) 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
 - i) 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
 - j) rainwater tank/s connected for WC flushing and irrigation that are accessible for maintenance
 - k) provisions for renewable energy systems such as Solar PV
 - l) commitment to recycle at least 70% of construction and demolition waste

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

all to the satisfaction of the Responsible Authority.

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by BT, reference LDD_001, dated 15/12/23 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) development changes as shown in the amended plans prepared by ProjectNow, reference TP-01 – TP-17, date 19/06/2024 and revision number 6
 - b) an additional large canopy tree (8m tall or greater at maturity) within the front setback with understorey planting. All canopy trees are to be planted at least 1 metre from the boundary
 - c) an accurate Tree Protection Zone for Tree 1
 - d) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - e) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - f) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - g) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - h) details of surface finishes of pathways and driveways
 - i) planting schedule to be a minimum of 80% indigenous species
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

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

Protection of trees for services

16. 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

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

Waste Management Plan

21. Before the commencement of works, an amended 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 within the property boundary. The plan must 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.

Drainage

- 22. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
- 23. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.
- 24. 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.
- 25. 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

- 26. 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

- 27. 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.

**4.8 32 HOTHAM STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/464/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/179736

Moved: Cr Martin

Seconded: Cr Samuel-King

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/464/1 for the land known and described as 32 Hotham Street, Beaumaris for to construct two (2) double storey dwellings in a Neighbourhood Residential Zone Schedule 3 (NRZ3) and to remove vegetation native to Australia within a Vegetation Protection Overlay Schedule 3 (VPO3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans amended prepared by Norton Builders referenced Sheet 2, Sheet 3, Sheet 4, Sheet 5, Sheet 6 and Sheet 7 date 28 May 2024 and revision number B but modified to show:
 - a) the laundry, kitchen, dining, living room and alfresco of each dwelling to be setback a minimum of 2 metres from each side boundary to be achieved through a reduction in floor area
 - b) the multipurpose room of each dwelling setback to comply with Standard B17 (side and rear setback) of Clause 55.04-1 of the Bayside Planning Scheme
 - c) removal of the internal dividing fence within the front setback within the Tree Protection Zones of Trees 1 and 2
 - d) a Sustainable Design Assessment in accordance with Condition 11
 - e) an amended Landscaping Plan in accordance with Condition 12
 - f) a Tree Management and Protection Plan in accordance with Condition 15
 - g) provision of the development contributions fee in accordance with Condition 24.all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
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/m²
 - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4-star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed

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

all to the satisfaction of the Responsible Authority.

Landscaping

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 plan drawn by Zenith Concepts Pty Ltd, dated 11 June 2024 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:

- a) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
- b) built form alterations as required by Condition 1a and 1c.

Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

Tree Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

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

Protection of trees for services

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

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. 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.
22. 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

23. 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

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

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

Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.

- Council is the responsible authority for the allocation of street addressing in accordance with the “Rural and Urban Addressing Standards (4819:2011)”. It is the applicant/property owner’s obligation to comply with the Street address allocations prior to the completion of construction.

Western Dwelling – 32A Hotham Street BEAUMARIS 3193

Eastern Dwelling – 32B Hotham Street BEAUMARIS 3193

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

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

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

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

CARRIED

4.11 STATUTORY PLANNING - MONTHLY REPORT (MAY 2024)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/24/179100

Moved: Cr Martin

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during May 2024.

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

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

AGAINST: Nil (0)

CARRIED

The Mayor declared the meeting closed at 7.21pm.