

Planning and Amenity Delegated Committee Meeting

Council Chambers
Civic Centre – Boxshall Street Brighton

Tuesday 13 August 2024
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Mouallem

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
 Rachael Hudson – A/Manager Urban Strategy
 Scott Matheson – A/ Manager Development Services
 Michelle Tipton – Manager Governance
 Felicity Barclay – Statutory Planning Coordinator
 Michael Kelleher – Statutory Planning Coordinator
 Robert Lamb – Council Business Lead
 Lily Bowe – Administration Support Officer

Membership and Quorum of the Committee

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

A quorum for this meeting was reached with no less than 5 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 the Mayor, Cr Stiffold and Cr Samuel-King.

Moved: Cr del Porto

Seconded: Cr Evans

That the apologies from the Mayor, Cr Stiffold and Cr Samuel-King be noted for the 13 August 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 July 2024.

Moved: Cr Martin

Seconded: Cr Castelli

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 16 July 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 and Hanna El Moullem (5)
AGAINST: Nil (0)

CARRIED

4. Matters of Decision

4.1 SIGNIFICANT TREE NOMINATION CAMPAIGN REPORT

City Planning and Amenity - Urban Strategy
File No: PSF/24/96 – Doc No: DOC/24/316002

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. grants significant tree status, and includes on the significant tree register the following trees:
 - a) 11-13 Lang Street, Beaumaris – Monterey Cypress (*Hesperocyparis macrocarpa*)
 - b) 26 Surf Avenue, Beaumaris – Coastal banksia (*Banksia integrifolia*)
 - c) 8 Deauville Street, Beaumaris – Sweet gum or Liquidamber (*Liquidamber stryaciflua*)
 - d) 84 Oak Street, Beaumaris – Bull Bay Magnolia (*Magnolia grandiflora*)
 - e) 32 Iona Street, Black Rock – Sweet gum or Liquidamber (*Liquidamber stryaciflua*)
 - f) 15 Potter Street Black Rock – Algerian Oak (*Quercus canariensis*)
 - g) 42 First Street, Black Rock – Flowering Gum (*Corymbia ficafolia*)
 - h) 68 Asling Street, Brighton – Maidenhair tree (*Ginkgo bioloba*)
 - i) 49 Linacre Road, Hampton – Sweet gum or Liquidamber (*Liquidamber stryaciflua*)
 - j) 2 Bayside Crescent, Hampton – Silky oak (*Grevillea robusta*)
 - k) 90 Highett Road, Hampton – Sweet gum or Liquidamber (*Liquidamber stryaciflua*)
 - l) 1B Thistle Grove, Highett – Sweet gum or Liquidamber (*Liquidamber stryaciflua*)
 - m) 140 Weatherall Road, Cheltenham – Sweet gum or Liquidamber (*Liquidamber stryaciflua*)
 - n) 13 Victory Street, Sandringham – English Oak (*Quercus robur*)
2. writes to all nominators 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 and Hanna El Mouallem (5)
AGAINST: Nil (0)

CARRIED

**4.2 16–22 SANDRINGHAM ROAD, 17–25 TRENTHAM STREET & 14–22
FERNHILL ROAD, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/254/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/206044

It is recorded that Ms Ekaterina Travkina submitted a written statement in relation to this item.

It is recorded that Mrs Carly Roper, Mrs Sarah Henry, Mr Andrew Piddington, Mr Rick Loder, and Mr Paul Little (on behalf of Mercy Health Property Ltd) each spoke for 2 minutes in relation to this item.

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

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 2023/254/1 for the land known and described as 16-22 Sandringham Road, 17-25 Trentham Street & 14-22 Fernhill Road, Sandringham for buildings and works comprising a retirement village as an extension to an existing residential aged care facility, and removal of an easement 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 CHT Architects, referenced TP1.00 – TP3.80, dated 15/08/2023, but modified to show:
 - a) the removal of all details of the proposed development on the adjoining land at 37 Bay Road. The existing building should be introduced in its place
 - b) the northern setback of the second-floor façade of Building A to be increased to 10.5m from the northern boundary (equal with the floor above) and to be absorbed within the building footprint / envelope with no other changes. The roof of the podium may form a terrace or balcony
 - c) the northern setback of the second-floor façade of Building B to be increased to 10.05m from the northern boundary (equal with the floor above) and to be absorbed within the building footprint / envelope with no other changes. The roof of the podium may form a terrace or balcony
 - d) the northern setback of the second-floor façade of Building C to be increased to 10.48m (equal with the floor above) and to be absorbed within the building footprint / envelope with no other changes. The roof of the podium may form a terrace or balcony
 - e) the western setback of the second-floor façade of Building C opposite the rear boundaries of 13 & 15 Trentham Street to be increased to 12.82m from the boundary (equal with the floor above) and to be absorbed within

the building footprint / envelope with no other changes. The roof of the podium may form a terrace or balcony

- f) the western setback of the second-floor façade of Building D to be increased to 9.52m from the boundary (equal with the floor above) and to be absorbed within the building footprint / envelope with no other changes. The roof of the podium may form a terrace or balcony
- g) the west-facing windows, balconies and terraces of Building C within 9 metres of the western property boundary to be screened or designed to have no direct views to the adjoining residential properties
- h) all planting spaces for canopy trees suspended above the basement footprint shown to demonstrate appropriate minimum soil depth and volume in accordance with the *Bayside Landscape Guidelines (2023)*
- i) a Plan of Removal of Easement prepared by a suitably qualified land surveyor to the satisfaction of the Responsible Authority
- j) a detailed schedule of construction materials, external finishes and colours
- k) a Sustainable Management Plan in accordance with Condition 12
- l) a Landscaping Plan in accordance with Condition 15
- m) a Tree Management and Protection Plan in accordance with Condition 18
- n) Waste Management Plan in accordance with Condition 25
- o) provision of the development contributions fee in accordance with Condition 38

all to the satisfaction of the Responsible Authority.

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

pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.

9. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
10. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
11. 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.

Environmental Sustainable Design

12. 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 ESD Report prepared by Bestec and include, but not be limited to the following:
 - a) Any adjustments resulting from built form changes required under Condition 1.
 - b) 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.
 - c) A STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority.
 - d) Complete BESS report demonstrating the initiatives selected to achieve the 60% or greater standard committed to in the summary report.
 - e) Complete NatHERS certificates for the development confirming that the development achieves.
 - f) Preliminary building energy ratings to align with plans, including provision of representative preliminary energy assessments in the SMP to demonstrate achievement of a 7-star average NatHERS rating. Each new dwelling unit must meet a minimum 6.5-star NatHERS rating, and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin.
 - 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.

- i) Endorsed SMP Report initiatives to be fully integrated with architectural and building services plans and specifications for building approval including the following annotations on Basement Plans:
- j) Electric vehicle charging infrastructure for 10% of car-parking spaces and remaining spaces with EV ready infrastructure installed.

All to the satisfaction of the Responsible Authority.

- 13. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.
- 14. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.

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 advertised landscape plans drawn by Jack Merlo Design & Landscape, project 18/067, TP01 – TP12 Rev.E, dated 11/05/2023, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) any built form changes required under Condition 1
 - b) all planting spaces for canopy trees above the basement footprint shown to demonstrate appropriate minimum soil depth and volume in accordance with the Bayside Landscape Guidelines
 - 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 which includes the majority of species to be planted at semi-maturity
 - 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.

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, removal of vegetation, or removal of on-site assets, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

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

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

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

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

The TPP must:

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

21. Any pruning that is required to be done to the canopy of any tree to be retained 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

22. 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

23. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The 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.
24. 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 metres of any retained street tree asset measured from the edge of the trunk. Any installation of services and drainage within the tree protection zone must be undertaken using root-sensitive, non-destructive techniques.

Waste Management Plan

25. Before the endorsement of plans, an updated Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan be generally in accordance with the Waste Management Plan prepared by SALT Consultants dated 11 May 2023, but modified to reflect the built form changes required under Condition 1.
26. 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.

Car Parking Management Plan

27. Prior to the endorsement of plans pursuant to Condition 1, a car 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 car parking operations on and adjacent to the site must conform to this endorsed plan. An electronic copy of the plan must be submitted. The plan must include (but not limited to):
 - a) allocation of car parking spaces to employees, residents and visitors, as required
 - b) signage of all car parking spaces

- c) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.
 - d) line marking of car parking spaces and details of any proposed access controls (i.e. intercoms, garage doors/gates, boom gates), if any, securing access to the basement car park
 - e) any visitor car parking space to be clearly signed
 - f) details of the process and management of waste collection from the basement
 - g) servicing of the drainage and maintenance of the basement car parking areas.
28. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.
29. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.

Construction Management Plan

30. 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 to be encouraged on the subject site where practicable
- 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

31. 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.

Use Conditions

32. The communal facilities associated with the retirement village must not be open to the general public, other than guests of residents.

Drainage

33. 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.
34. 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.
35. 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.
36. The permit holder must obtain approval from the relevant authorities to build over the easement(s).
37. Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

Removal of Easement

38. Prior to commencement of construction, the owner/applicant must submit to Council a new copy of the Certificate of Title to the land demonstrating that the easement coloured blue for drainage and sewerage on the title has been varied

and registered with Land Victoria in accordance with the endorsed Plan of Variation of Easement.

39. The plan of variation of easement must not be altered without the written consent of the responsible authority.
40. This permit will expire if:
 - a) the plan of variation of easement is not certified within two (2) years of the date of this permit
 - b) the registration of the plan of variation of easement is not completed within five (5) years of the date of certification of the plan.

Development Contribution

41. 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

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

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 addressing is to occur as follows:

North East Building (A) – 24 Sandringham Road, Sandringham 3191

- Ground Floor units 1-8/24 Sandringham Road, Sandringham 3191 Anti-clockwise with units 1 & 8 alongside the entry door
- Level 1 units 101-108/24 Sandringham Road, Sandringham 3191
- Level 2 units 201-208/24 Sandringham Road, Sandringham 3191

- Level 3 units 301-306/24 Sandringham Road, Sandringham 3191
- Level 4 units 401-406/24 Sandringham Road, Sandringham 3191
- All units on level 1 and above are numbered anti-clockwise from the lift (i.e. unit 101 201 etc in the southwest corner)

North Central Building (B) – 20-22 Sandringham Road, Sandringham 3191

- Lower Ground units 1-3/20 Sandringham Road, Sandringham 3191 running sequentially from north to south
- Ground Floor units 1-3/20 Sandringham Road, Sandringham 3191 running sequentially from front to rear in the western hallway
- Ground Floor units 4-6/22 Sandringham Road, Sandringham 3191 running sequentially from front to rear in the eastern hallway
- Level 1 units 101-108/20 Sandringham Road, Sandringham 3191
- Level 2 units 201-208/20 Sandringham Road, Sandringham 3191
- Level 3 units 301-307/20 Sandringham Road, Sandringham 3191
- Level 4 units 401-407/20 Sandringham Road, Sandringham 3191
- All units on level 1 and above are numbered anti-clockwise from the lift (i.e. unit 101 201 etc in the southwest corner)

North West Building (C) – 16 Sandringham Road, Sandringham 3191

- Ground Floor units 1-9/16 Sandringham Road, Sandringham 3191 Anti-clockwise with units 1 & 9 alongside the entry door
- Level 1 units 101-112/16 Sandringham Road, Sandringham 3191
- Level 2 units 201-212/16 Sandringham Road, Sandringham 3191
- Level 3 units 301-310/16 Sandringham Road, Sandringham 3191
- Level 4 units 401-410/16 Sandringham Road, Sandringham 3191
- All units on level 1 and above are numbered anti-clockwise from the lift (i.e. unit 101 201 etc are to the immediate south of the lift)

South East Building (D) – 23 Trentham Street, Sandringham 3191

- Ground Floor units 1-4/23 Trentham Street, Sandringham 3191 Anti-clockwise with unit 1 being the north west unit
- Level 1 units 101-108/23 Trentham Street, Sandringham 3191
- Level 2 units 201-208/23 Trentham Street, Sandringham 3191
- Level 3 units 301-305/23 Trentham Street, Sandringham 3191
- Level 4 units 401-403/23 Trentham Street, Sandringham 3191
- All units on level 1 and above are numbered anti-clockwise from the lift (i.e. unit 101 201 401 are the north western unit and 301 is the north eastern unit)

The Uniting Church to remain as 17 Trentham Street, Sandringham 3191

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$2,465.95 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils 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.

Part B:

That Council's Traffic Engineers undertake a review of the current on street parking restrictions proximate to the site with a focus to minimise the traffic and parking related issues associated with the development at 16-22 Sandringham Road, 17-25 Trentham Street, & 14-22 Fernhill Road, Sandringham so to protect the amenity of the existing residents and implement the associated temporary changes during the construction activity on the site.

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

**4.3 116-120 MARTIN STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2013/296/7 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/220787

It is recorded that Mr James Merrill, Mr Michael Budge (on behalf of Owners Committee, 116 Martin Street Brighton), and Mr Don Robertson each 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 an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2013/296/7 for the land known and described as 116-120 Martin Street, Brighton for the construction of buildings and works associated with a mixed use building, reduction of the standard car parking requirement, waiver of the loading bay requirement and consumption and sale of liquor in the café 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 plans submitted with the application but modified to show:
 - a. provision of a 3.0 metre setback from the southern boundary of the review site to the second floor
 - b. inset the southern wall of the internal corridors of levels 2 & 3 so that it is setback a further 1.8 metres each, compared to the relative setback of the remainder of the southern walls at these levels (as has occurred on the first floor)
 - c. if required by the relevant authority, the plans may be amended to provide for the ground floor substation doors to open along its northern wall, rather than along the wall facing the laneway. If this is to occur, then the visitor bicycle racks may be moved to another location on the ground floor where they are visible from the Martin Street footpath for visitors to the site
 - d. deletion of the 'sleeve' providing direct daylight to each of the bedrooms to apartments 206-211 inclusive, which will allow an increase in the size of the living area to each of these apartments, and necessitate the provision of a glass panel providing borrowed daylight to each of these bedrooms, at least part of which must be clear glass, or the provision of an openable panel wall/door that faces the source of daylight
 - e. the locations of all plant and equipment including air conditioning units and condensers, substantially screened from public view to the satisfaction of the

Responsible Authority, including design details, materials colours and finishes of screening devices

- f. the disabled space and 'shared zone' need to be installed as per AS/NZS 2890.6:2009 requirements
- g. column setbacks (to each side of the columns) should be dimensioned on the plans
- h. the roller or panel lift door securing the basement car park must have a minimum opening width of 5.81 metres
- i. basement height clearances must be specified on the plans, taking into account any overhead obstructions that may exist e.g. lights, pipes, ducts etc. The relevant requirements are, unless otherwise agreed by the Responsible Authority:
 - i. general traffic – 2.1m
 - ii. path to/from disabled spaces – 2.2m
 - iii. above disabled spaces – 2.5m or otherwise in accordance with AS/NZS 2890.6:2009 requirements.
 - iv. path to/from bicycle spaces – 2.2m.

A cross section must be provided to demonstrate the height clearance above the ramp between the lower and upper basement levels.

- j. signage to be provided which directs visitors to the designated parking spaces
 - k. a Car Parking Management Plan in accordance with Condition 10
 - l. deleted
 - m. a Waste Management Plan in accordance with Condition 14
 - n. a schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
 - o. a landscape plan in accordance with Condition 12 of this planning permit
 - p. Water Sensitive Urban Design measures as required by Condition 20.
- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3 Before the occupation of the building commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
- 4 Deleted.**
- 5 Deleted.**

- 6 The predominant activity carried out in the café/restaurant during all trading hours must be the preparation and serving of meals for consumption on the premises.**
- 7 All pipes, fixtures, fittings and vents (excluding downpipes and residential extractor grills) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 8 No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
- 9 The vehicular crossing leading into the site must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority.
- 10 A car parking management plan must be prepared to the satisfaction of the Responsible Authority. When approved, the car parking management plan will become part of this permit. The use and development of the land must comply with the approved car parking management plan. The car parking management plan must show or include:
 - a. the location, designation and reservation of any staff, resident and visitor car parking spaces in the basement car park for that purpose
 - b. the location and provision of bicycle parking facilities
 - c. the provision of any statutory control signage and line-marking at the basement car park entrance and within the ROW at Martin Street required to ensure there is adequate and appropriate traffic delineation
 - d. the adoption of measures considered adequate and necessary to encourage visitors of the development associated with residents and offices to fully utilise the car facilities and to discourage and prevent commuters or staff from other land uses in the area from using the basement car park as a source of all day car parking. These measures may include:
 - i. a security gate and associated intercom facilities
 - ii. line marking
 - iii. signage
 - iv. time limitation.
- 11 Prior to the commencement of works the applicant must submit to the Responsible Authority, a Construction Management Plan (CMP) for approval. Once approved, this plan will form part of the permit. This CMP must state that, unless otherwise agreed by the Responsible Authority:
 - a. pedestrian access will be maintained at all times along the Martin Street footpath adjacent to the site
 - b. the Martin Street footpath will not be obstructed during construction works
 - c. all site facilities will be located on site during the construction period

- d. all waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority
- e. all roads/storage areas/external stockpiles/vacant or grazed areas must be (covered and) maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority
- f. a truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the Responsible Authority.

The CMP must be implemented to the satisfaction of the Responsible Authority.

- 12 Before the developments starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must show:
- a. a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b. buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c. details of surface finishes of pathways and driveways
 - d. details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - f. landscaping and planting within all open areas of the site
 - g. provision of an in-ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the Responsible Authority.

- 13 Before the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 14 A Waste Management Plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit. The Waste Management Plan must include (but is not limited to), the following items:
- a. Responsibility for collection by a private contractor and how collection of refuse and recycling materials will be managed.

- b. Use of the western ramp/corridor to the ROW for bins in the commercial refuse room, including that no bins are to be taken outside through the northern and eastern corridors to Martin and Asling Street respectively.
 - c. The size and details of the waste collection vehicle to service the site.
 - d. The frequency and hours for the collection of all waste and recyclables.
 - e. The type of waste and recycling bins to be used.
 - f. Collection of waste to occur from within the site boundaries and that no bins will be left on the nature strip for collection unless alternative arrangements are made to the satisfaction of the Responsible Authority.
 - g. Collection measures to minimise disruption to traffic flows within the site and on the surrounding road network.
 - h. Waste management arrangements for the restaurant/café including the location of bins.
 - i. Any other relevant matter.
- 15 The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.
- 16 Waste storage areas must be kept in a clean and tidy condition and free from offensive odours, to the satisfaction of the Responsible Authority.
- 17 Before the development begins, three copies of detailed plans indicating the method of stormwater discharge to the nominated point of discharge must be lodged with Council's Asset Management Department for approval. Connection of the drainage system to the development must be to an existing legal point(s) of discharge. If the point of discharge cannot be located then the applicant may apply for a legal point of discharge and local drain information, if available, otherwise on site verification should be undertaken by the applicant.
- 18 Stormwater discharge from the site is not to exceed the pre-development level of peak stormwater discharge. If the development is to have a 'Stormwater Detention System' installed to achieve this outcome, the design capacity is to be approved by Council.
- 19 All on-site stormwater is to be collected from the hard surfaces and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:
- a. a trench grate (150mm minimum internal width) located within the property; and/or
 - b. shaping the driveway so that water is collected in a grated pit on the property; and/or
 - c. another Council approved structure, layout or equipment.
- 20 Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and 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 landscaping 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. The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

21. This permit will expire if one of the following circumstances applies:
 - a. the development is not started within three years of the date of this permit
 - b. the development is not completed within five years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards, or within 12 months afterwards if the development commenced lawfully before the permit expired.
22. The licenced area as shown on the endorsed plans must not be altered with the written consent of the Responsible Authority.
23. The sale and consumption of alcohol may only occur within the licensed area as shown on the endorsed plan.
24. **The sale of liquor may only occur in conjunction with the café/restaurant use during the following times:**
 - **Good Friday and ANZAC Day – 12.00 noon to 10.00 pm**
 - **Thursday to Sunday – 10.00 am to 10.00 pm**
 - **any other day – 10.00 am to 6.00 pm**
25. **No more than 75 seats may be available for the consumption of liquor, unless with the prior written consent of the Responsible Authority.**
26. The service and consumption of liquor must remain ancillary to the primary purpose of the premises being the service and consumption of food.
27. 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 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.

Permit Note:

- **The owner / operator of the commercial tenancy is strongly encouraged to enter into agreement with the relevant owner’s corporation (or equivalent management authority) to minimise the amenity impact of its operations. Such an agreement should include (but not limited to) measures to address matters relating to waste disposal / collection and any other general noise matters that can be improved in the interests of all owners and occupiers of the building.**

Date of Amendment	Details
11 December 2014	Amendment to Plan under Section 72 of the <i>Planning and Environment Act 1987</i> to include: <ul style="list-style-type: none"> • Amendments to conditions 1(h), 7 & 11. • Deletion of conditions 1(l). • Internal rearrangement of all floors; • Minor changes to façade including the provision of down pipes etc.
10 May 2016	<u>Secondary Consent Amended Plans</u> <ul style="list-style-type: none"> • Increase the thickness of the retaining walls to all boundaries of both basements; • Alterations to the size and location of residential storage cages at both basement levels to maintain a minimum of 6 cubic metre per cage; • Additions of storage cages for office tenancies at lower basement level; • Relocation of the fan room beneath the access ramp and addition of a break tank room at the upper basement level; • Alterations to the locations of the refuse and hard waste room and addition of a cleaner’s cupboard at upper basement level; • Relocation of the south facing bedroom window of Dwelling 111 1.5 metres west from its approved location; • Reduction in the width of the south facing bedroom window of Dwelling 211 from 2.0 metres to 1.25 metres; • Addition of a perforated mesh (charcoal colour) material to be used in the bulkhead over the basement entry and on the ground floor of the front façade.
23 March 2017	Amended permit under S72 of the Planning and Environment Act 1987: Amendment to the permit preamble to read: <ul style="list-style-type: none"> • The construction of buildings and works associated with a mixed use building, reduction of the standard car parking requirement, waiver of the loading bay requirement and consumption and sale of liquor in the café

	<p>Additional conditions 22 to 27 to be included as follows:</p> <ul style="list-style-type: none"> • Condition 22 - The licenced area as shown on the endorsed plans must not be altered with the written consent of the Responsible Authority. • Condition 23 - The sale and consumption of alcohol may only occur within the licensed area as shown on the endorsed plan. • Condition 24 - The sale of alcohol may only occur in conjunction with the cafe use between 10am and 6pm, Monday to Sunday. • Condition 25 - No more than 60 seats may be available for the consumption of liquor, unless with the prior written consent of the Responsible Authority. • Condition 26 - The service and consumption of liquor must remain ancillary to the primary purpose of the premises being the service and consumption of food. • Condition 27- 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 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.
<p>13 August 2024</p>	<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"> • Deletion of Conditions 4 and 5. • Amendment of Conditions 6, 24 and 25 as follows: <p>6) <i>The predominant activity carried out in the café/restaurant during all trading hours must be the preparation and serving of meals for consumption on the premises.</i></p> <p>24) the sale of liquor may occur in conjunction with the café/restaurant use during the following times:</p> <ul style="list-style-type: none"> • Good Friday and ANZAC Day – 12 noon to 10pm • Thursday to Sunday - 10am to 10pm • Any other day – 10am to 6pm <p>25) <i>No more than 75 seat may be available for the consumption of liquor, unless with the prior written consent of the Responsible Authority.</i></p>

	<p>Additional Permit Note as follows:</p> <ul style="list-style-type: none">• The owner / operator of the commercial tenancy is strongly encouraged to enter into agreement with the relevant owner’s corporation (or equivalent management authority) to minimise the amenity impact of its operations. Such an agreement should include (but not limited to) measures to address matters relating to waste disposal / collection and any other general noise matters that can be improved in the interests of all owners and occupiers of the building.
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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

**4.4 24 WATTLE STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2023/468/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/183662

It is recorded that Miss Alexandra Wright & Mr Jamie Anderton submitted a written statement in relation to this item.

It is recorded that Mr Bane Suboticki, and Mr Chris Pippo each spoke for 2 minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/468/1 for the land known and described as 24 Wattle Avenue, Beaumaris for the construction of two dwellings and a front fence exceeding 1.5 metres in height on a lot in a Neighbourhood Residential Zone Schedule 3 (NRZ3), and current and retrospective removal of 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 Rose design Studio referenced TP12 sheets 2-8 dated 26.04.2024 but modified to show:
 - a) front fence to have a maximum height of 1.5 metres
 - b) rear ground floor setbacks of dwellings 1 and 2 to be increased by 1.2 metres with no changes to any other building setbacks
 - c) driveway to dwelling 2 to be re-aligned 0.5 metres to the south at the intersection with Wattle Avenue to ensure the crossover is offset a minimum of 2.5 metres from the stem of the *Callistemon viminalis* street tree
 - d) relocation of water tanks to side setbacks
 - 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 contributions fee in accordance with Condition 27
 - i) pool equipment to be enclosed and located away from neighbouring habitable room windows to the satisfaction of the Responsible Authority
 - j) condenser units located away from neighbouring habitable room windows or alternatively on the roof and appropriately screenedall to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. 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 Design, reference B dated 7/5/2024 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:

- a) built form changes required by condition 1
 - b) 1x large indigenous canopy tree (15m H x 10m W) centrally located in the front setback between the driveways
 - c) 2 x small indigenous canopy trees (8m H x 4 m W) within the front setback, min. 1.5 m from boundaries and other building elements
 - d) 2 x medium indigenous canopy trees (10m H x 8m W) within the rear setback (1 backyard each) and located approximately 3 m away from the ground floor building edges
 - e) both driveways be permeable
 - f) relocate the water tanks to the side setbacks of the dwellings
 - 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. Plantings must be 80% indigenous by species type and count
 - 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.
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:

- 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.
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.

Street tree protection

19. Before the development starts, and prior to demolition, tree protection fencing is to be established around the street trees marked for retention and this must be maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
20. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There must be no soil excavation within 2.5 meters adjacent to street tree *Callistemon viminalis*, asset Id 430503 in line with the council guidelines for working near council trees.
21. Removal of existing infrastructure, any excavation, installation of services and drainage within the TPZ must be undertaken by hand or by approved root sensitive non-destructive techniques only.
22. Root pruning within the TPZ (Tree Protection Zone):
 - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All roots that will be affected must be correctly pruned in accordance with AS4373-2007 'Pruning of Amenity Trees'.

- c) Roots greater than 50mm must not be cut unless authorised by Bayside's Open Space Arborist in writing.

Drainage

23. Before the development, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
24. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
25. Council records indicate that there is a 1.84 m wide drainage and sewerage easement along the south 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.
26. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Development Contribution

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

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

Permit Expiry

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

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

Permit Notes:

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

the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Western Dwelling – 24A Wattle Avenue BEAUMARIS 3193

Eastern Dwelling – 24B Wattle Avenue 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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

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

CARRIED

**4.5 71–73 BAY STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/440/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/261218

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Martin

That Standing Orders be suspended to allow for the Applicant, Mr Tim Ryder to be heard for 2 minutes in relation to Item 4.5: 71–73 Bay Street, Brighton.

CARRIED

It is recorded that Mr Tim Ryder spoke for 2 minutes in relation to this item.

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Evans

That Standing Orders be resumed.

CARRIED

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Martin

Part A

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2016/440/2, so that the development must now commence no later than 12 May 2026 and be completed no later than 12 May 2028.

Part B

That the property owner must ensure that the site is maintained in a proper and orderly manner, including the 30-day rubbish collection, hoarding of the site and installation of closed-circuit tv (cctv) within 30 days at the expense of the permit holder.

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

**4.6 UNIT 1/120 ESPLANADE, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2015/827/3 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/261054

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

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2015/827/3, so that the development must now be completed no later than 2 May 2025.

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

**4.7 737–743 HAWTHORN ROAD, BRIGHTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION: 2014/514/5 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/220852

It is recorded that Mr Gintaras Simkus spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Evans OAM

That Council resolves:

1. to Approve the amended plans in accordance with secondary consent provisions of planning permit 2014/514/5 in respect of the land known and described as 737–743 Hawthorn Road, Brighton East
2. that plans identified as proposed site plan and proposed greenhouse, prepared dated 13 May 2024 be endorsed. These plans are to be read in conjunction with plans 1-5 and 7-17 endorsed on 17 December 2019 and Sheet 1 endorsed on 16 December 2020
3. that plans Sheet 1 of 12 endorsed on 17 December 2019 be superseded.

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

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

CARRIED

**4.8 427–455 HAMPTON STREET, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2013/500/4 WARD: CASTLEFILED**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/380911

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves:

- 1. to Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2013/500/4 in respect of the land known and described as 427–455 Hampton Street, Hampton
- 2. that plans identified as Reference 427 Hampton St Hampton, prepared by Davey Architecture Studio and dated 4/7/2024 be endorsed. These plans are to be read in conjunction with plans 1-14 of 14 endorsed on 2/2/2024
- 3. that plans identified as Reference 180712, prepared by Davidson Design Studio and dated 05.06.2027 be endorsed
- 4. that plans 1, 2, 9, 12 and 13 endorsed on 2/2/24 be superseded.

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

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

CARRIED

4.9 STATUTORY PLANNING - MONTHLY REPORT (JUNE 2024)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/24/219783

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Castelli

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during June 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 and Hanna El Mouallem (5)
AGAINST: Nil (0)

CARRIED

The Chairperson declared the meeting closed at 8.40pm.