

Planning and Amenity Delegated Committee Meeting

Council Chambers
Civic Centre – Boxshall Street Brighton

Tuesday 10 September 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
Cr Jo Samuel-King
Cr Fiona Stitfold (Mayor)

Officers: Matthew Cripps – Director City Planning and Amenity
Fiona Farrand – Manager Development Services
Felicity Barclay – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Scott Matheson – 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 7 Councillors present at any given time.

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Prayer

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The Chair, Cr El Mouallem declared the Planning and Amenity Delegated Committee Meeting open at 6:30pm and advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Chair invited Cr 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

There were no apologies submitted to the meeting.

2. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 13 August 2024.

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

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 13 August 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, Fiona
Stitfold (Mayor) and Hanna El Mouallem (7)
AGAINST: Nil (0)

CARRIED

4. Matters of Decision

4.1 1 HEATHER GROVE, BLACK ROCK NOMINATION FOR SIGNIFICANT TREE REGISTER

City Planning and Amenity - Amenity Protection
File No: PSF/24/78 – Doc No: DOC/24/417294

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council:

1. grants significant tree status for a Lemon Scented Gum (*Corymbia citriodora*), located in the rear setback approximately at 1 Heather Grove, Black Rock
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and owner of the tree to inform them of Council's decision.

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

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

CARRIED

**4.3 24 BEACH ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/654/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/491451

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

Moved: Cr Martin

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/654/1 for the land known and described as 24 Beach Road, Beaumaris for the construction of two dwellings on a lot, roof decks above the second floor of a building and alteration of access to a road in a Transport Zone 2 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (amended) prepared by Lowe Design and Build referenced 655BEA, date 13/11/2023 and revision A but modified to show:
 - a) the kitchen window on the south western elevation (for Dwelling 24 as shown on the floor plans) redesigned to comply with the requirements of Standard B22
 - b) the maximum building height reduced to be no more than 10.0m at any point
 - c) a schedule of construction materials, external finishes and colours
 - d) a Sustainable Design Assessment in accordance with Condition 13
 - e) an updated Landscaping Plan in accordance with Condition 14
 - f) a Tree Management and Protection Plan in accordance with Condition 17
 - g) provision of the development contributions fee in accordance with Condition 28all 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.

Department of Transport and Planning

10. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
11. Prior to the commencement of use, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
12. All vehicles associated with the proposed development must be able to conveniently enter and exit the subject land in a forward direction to the satisfaction of the Responsible Authority and the Department of Transport and Planning.

Sustainable Design Assessment

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

14. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the advertised landscape plan drawn by Faulkner and Chapman Landscape Design, reference 24BeachLP, dated 26/5/2023 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) an updated building layout to match the amended plans submitted to Council on 21 November 2023
 - b) the planting of two 2 small indigenous canopy trees (capable of reaching a mature height of at least 8 metres and spread of at least 4 metres) or one large indigenous canopy tree (capable of reaching a mature height of at least 12 metres and spread of at least 6 metres) within the front setback of each dwelling

- c) the planting of two 2 small indigenous canopy trees (capable of reaching a mature height of at least 8 metres and spread of at least 4 metres) or one large indigenous canopy tree (capable of reaching a mature height of at least 12 metres and spread of at least 6 metres) within the rear setback of each dwelling
 - 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. Plantings must be 80% indigenous by species type and count
 - g) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - h) details of surface finishes of pathways and driveways
 - i) where practicable, the inclusion of green walls at appropriate locations
 - j) planting schedule to be a minimum of 80% indigenous species.
15. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

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

The TPMP must include:

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

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist

responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

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

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

The TPP must:

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

Protection of trees for services

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

Street tree protection

22. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
23. 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.
24. 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.
25. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

26. 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.
27. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Development Contribution

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

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

Permit Expiry

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

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

Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.
 - Western Dwelling – 24A Beach Road BEAUMARIS 3193
 - Eastern Dwelling – 24B Beach Road BEAUMARIS 3193

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DTP (Roads) prior to commencing any works
- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport and Planning prior to commencing any works.

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

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

CARRIED

**4.4 695-707 HAWTHORN ROAD, BRIGHTON EAST
SUPPORT THE GRANT OF AN AMENDMENT TO A PERMIT (S 87A)
APPLICATION: 2017/523/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/497859

It is recorded that Mr Bret Fleming (on behalf of Levande) spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Samuel-King

That Council resolves to Support the Grant of an Amendment to a Permit in respect of the Section 87A application lodged with the Victorian Civil and Administrative Tribunal under the provisions of the Bayside Planning Scheme and pertaining to planning permit 2017/523/1 for the land known and described as 695-707 Hawthorn Road, Brighton East for use and development of land for a retirement village, buildings and works in the Design and Development Overlay Schedule 3 and the Special Building Overlay and alteration to an access in a Road Zone Category 1 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 generally be in accordance with the plans prepared by Plus Architecture submitted with the S87A amendment application, project number 20731, Drawing No. A01_000 to A40.001 but modified to show:
 - a) **retention of Street Tree 62 (Quercus robur) and Street Tree 67 (Quercus robur) and no soil excavation within 4m of the trunk of the street trees**
 - b) **an updated Landscape Plan in accordance with Condition 8 of this permit**
 - c) **no increase of 510mm to the height of building A.**

Layout not altered

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.

Completion before occupation

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.

Plant etc above roof level

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.

Pipes etc must be concealed

5. All pipes, 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.

Water Sensitive Urban Design

6. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) the type of water sensitive urban design stormwater treatment measures to be used.
 - b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the *Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999*, to the satisfaction of the Responsible Authority.

Landscaping

8. Before the development starts, 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 Arcadoa, drawing nos. L0000 to L6052. The plan must show that at least 50% of tree species selection are to be indigenous to the satisfaction of the Responsible Authority.

The plan must also include:

- a) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
- b) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the land.
- c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Planting should meet the requirements of Standard D10 of the Bayside Planning Scheme in relation to deep soil areas.
- d) the landscaping and/or planting that is proposed within the areas of the site not covered by buildings or hard surfaces.
- e) details of surface finishes of pathways and driveways.
- f) any increase or change to landscaping areas resulting from condition 1 changes.
- g) an irrigation management plan in accordance with condition 9.

9. An updated Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
 - a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan
 - b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings
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 management and protection

12. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
13. The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:
 - details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site, including all Bayside City Council street trees to be retained
 - comment on methods to be utilised and instruction on how to deploy them
 - comment on when the protection measures are to be deployed
 - comment on when the protection measures can be modified
 - process that will be followed if any damage occurs to a tree
 - process that will be followed if construction works require alteration to protection measures outlined in report
 - stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The Tree Protection Plan must be drawn to scale and show the location of all tree protection measures to be utilised.

If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Tree AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
17. Before the development starts, including any related demolition or removal of vegetation, a Tree Impact Assessment Report must be submitted to and be endorsed by the Responsible Authority.

The report will be in accordance with part 2.3.5 of Australian Standard Protection of Trees on Development Sites 4970 and will identify impacts that may be detrimental to the tree. The report will include design responses required to reduce any identified negative impact. The proposal will be modified to include any recommendations made in the report.

Street trees

18. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the crossover approved by Bayside City Council to facilitate the construction of the crossover.
19. Unless otherwise agreed by Bayside City Council, there is to be no soil excavation within 3 metres of any street tree asset measured from the edge of the trunk.

Sustainability

20. Before development starts, an updated Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The plan must demonstrate that the development will achieve a Green Building Council Australia 4 Star Green Star *Design and As-Built* rating to the satisfaction of the Responsible Authority.

Drainage

21. Before the development starts, the permit holder must apply to Bayside City Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Bayside City Council network.
22. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-

Site Detention System where applicable) must be submitted to and approved by Bayside City Council.

23. Unless otherwise agreed by Bayside City Council, there is to be no encroachment into the 1.2 metres wide drainage and sewerage easement in the north-west corner of the land with any buildings or structures of note.

Wastes

24. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Bayside City Council, and include:
- a) dimensions of storage waste areas.
 - b) storm water drains in storage areas should be fitted with a litter trap.
 - c) the number and size of bins to be provided.
 - d) facilities for bin cleaning.
 - e) method of waste and recyclables collection.
 - f) types of waste for collection, including colour coding and labelling of bins.
 - g) hours of waste and recyclables collection (to correspond with Bayside City Council Local Laws and EPA Noise Guidelines).
 - h) method of hard waste collection.
 - i) method of presentation of bins for waste collection.
 - j) sufficient headroom within the basement to accommodate waste collection vehicles
 - k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
 - l) strategies for how the generation of waste and recyclables will be minimised
 - m) compliance with relevant policy, legislation and guidelines.

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

Construction management

25. Before the commencement of works for each stage of development, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
- a) a detailed schedule of works
 - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
 - c) the location for the parking of all construction vehicles and construction worker vehicles during construction

- d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed
- e) proposed traffic management signage indicating any inconvenience generated by construction
- f) fully detailed plan indicating where construction hoardings would be located
- g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
- h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
- i) site security
- j) public safety measures.
- k) construction times, noise and vibration controls
- l) restoration of any Bayside City Council assets removed and/or damaged during construction
- m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
- n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
- o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience
- p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads
- q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
- r) details of crane activities, if any.

Porte-cochere

26. Before the development starts, a Functional Layout Plan (FLP) for the porte-cochere must be submitted to and approved by the Roads Corporation (VicRoads). When approved by VicRoads, the FLP may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the submitted plans and annotated as but modified to show:
- a) the ingress and egress points for the porte-cochere increased in width to accommodate the turning path of an ambulance vehicle as it enters and exits the site to and from the kerbside southbound lane without interfering with the path of a tram. This is to be justified with the appropriate swept path diagrams
 - b) additional swept path analysis to demonstrate that an ambulance vehicle can achieve a safe and efficient right turn into the porte-cochere
 - c) details of appropriate signage/line marking etc reinforcing the oneway operation of the porte-cochere.

27. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, any required access crossovers and any associated works must be constructed and available for use in accordance with the approved Functional Layout Plans, to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.
28. Vehicles must enter and exit the land in a forwards direction at all times.

Vehicle access off Cheeseman Avenue

29. By no later than the date the Responsible Authority is satisfied that the development is complete, vehicle egress from the basement to Cheeseman Avenue must be left turn only into Cheeseman Avenue, to the satisfaction of the Responsible Authority.

Flooding protection

30. Finished floor level of the proposed development must be set no lower than 300mm above the applicable flood level at the location.
31. Setbacks shown from all property boundaries must be maintained as per plans submitted.
32. Entry apex to the basement must be set no lower than 300mm above the applicable flood level at the location.
33. Proposed basement must be tanked.
34. All open spaces must be set at natural surface level except minimal ramping to the basement and main entrance which is on the western property boundary (on Hawthorn Road).
35. Any proposed fencing within the property must be paling or of a 50% open style design.

Public transport

36. No track, tram and overhead infrastructure must be damaged during the construction of the development. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the owner.
37. All reasonable steps must be taken to ensure that disruption to tram operation Long Hawthorn Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria no less than eight (8) weeks prior.
38. All reasonable steps must be taken to ensure that disruption to bus operation along both Hawthorn Road and Union Street are kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria no less than eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.
39. The existing tram and bus stops, and associated infrastructure, on Union Street and Hawthorn Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the owner.

Permit expiry

40. This permit will expire if any 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 six years of the date of this permit
 - c) the use does not commence within six 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.

Drainage Contribution

41. Prior to the occupation of the development, the permit holder must pay the levy imposed on the development by Clause 45.06 of the Bayside Planning Scheme and the Bayside Drainage Development Contributions Plan (December 2014).

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

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

CARRIED

**4.5 37 NORMANBY STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/310/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/500187

It is recorded that Mrs Rosalind Gordon spoke for 2 minutes in relation to this item.

Moved: Cr del Porto (Deputy Mayor) Seconded: Cr Castelli

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2017/310/1, so that the development must now commence no later than 08 June 2026 and be completed no later than 08 July 2028.

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

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

CARRIED

**4.6 76 SANDRINGHAM ROAD, SANDRINGHAM
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/663/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/491216

Moved: Cr Stitfold (Mayor)

Seconded: Cr Evans OAM

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2017/156/1, so that the development must now commence no later than 18 October 2026 and be completed no later than 18 October 2028.

A note is to be added to the approval stating that no further extensions of time will be granted for this permit.

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

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

CARRIED

**4.7 31 WARLAND ROAD, HAMPTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/376/2 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/495017

Moved: Cr Castelli

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2017/376/2, so that the development must now commence no later than 1 June 2026 and be completed no later than 1 June 2028.

A note is to be added to the approval stating that no further extensions of time will be granted for this permit.

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

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

CARRIED

4.8 STATUTORY PLANNING - MONTHLY REPORT (JULY 2024)

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/502331

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Stitfold (Mayor)

The Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during July 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, Fiona Stitfold
(Mayor) and Hanna El Mouallem (7)

AGAINST: Nil (0)

CARRIED

The Chair declared the meeting closed at 7.35pm.