

Planning and Amenity Delegated Committee Meeting

held remotely and live-streamed
via Council's website

Tuesday 7 September 2021
at 6:30pm



Minutes

PRESENT:

Chair: Cr Alex del Porto

Councillors: Cr Laurence Evans OAM (Mayor)
Cr Hanna El Mouallem
Cr Clarke Martin
Cr Jo Samuel-King
Cr Fiona Stitfold

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance and Corporate Reporting
Fiona Farrand – Acting Manager Development Services
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Rosie Nolan – Acting Statutory Planning Coordinator
Robert Lamb – Governance Officer

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The Chair declared the meeting open at 6:30pm and advised that the Planning and Amenity Delegated Committee meeting is being streamed live on the internet.

The Chair noted that temporary changes to the Planning and Amenity Delegated Committee meeting procedures are in place with regard to Chapter 2, Division 10 of Council's Governance Rules 2020 (Individual Presentations), whereby:

- *in place of speaking in-person at a Council / Delegated Committee meeting, members of the public may submit a written statement which must be sent electronically, or delivered to Council's Corporate Centre, by 9:00am on the day of the meeting*
- *written statements received after 9:00am on the day of the meeting will not be considered by the meeting*
- *a person may only make a written statement to a Council / Delegated Committee Meeting in relation to an item listed in the agenda under Reports by the Organisation, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract*
- *in accordance with Chapter 2, Section 83(1) of Council's Governance Rules 2020, any statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community may not be accepted*
- *where a person has formally made a written statement in relation to an item on the agenda, the statement will be provided to all councillors in advance of the meeting*
- *written statements are not confidential and, following the closure for receipt of statements, will be published (including first and last names only) on Council's website as an attachment to the Agenda for the relevant meeting*
- *written statements will not be read out at the meeting; however, the Chairperson will advise the meeting of the number of statements received to each item.*

1. Apologies

It is recorded that an apology was received from Cr Sonia Castelli.

Moved: Cr Evans (Mayor)

Seconded: Cr Samuel-King

That the apology of Cr Sonia Castelli be received and leave of absence be granted.

CARRIED

2. Disclosure of any Conflict of Interest of any Councillor

It is recorded that Cr del Porto declared a general conflict of interest in Item 4.3 (51 Burrows Street, Brighton) given the subject site is in close proximity to a property he owns.

Procedural Motion**Moved: Cr Evans (Mayor)****Seconded: Cr Martin**

That the Planning and Amenity Delegated Committee:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting
2. adjourns the meeting to be reconvened on Wednesday 8 September 2021 at 6:30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.

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

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee held on 10 August 2021.

Moved: Cr Martin**Seconded: Cr Stitfold**

That the minutes of the Planning and Amenity Delegated Committee held on 10 August 2021, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

The Chairperson advised the meeting that given items 4.1 and 4.2 on the agenda both concern applications within Bleazby Ward, where he is the ward Councillor, that he would like to debate these matters from the floor, and further given the Chairperson's conflict on interest in item 4.3, the Chairperson sought a motion from the meeting that the Mayor take the Chair at this stage of the meeting, for the consideration of items 4.1, 4.2 and 4.3, noting the Chairperson (Cr del Porto) will remove himself from the meeting for consideration of item 4.3.

Procedural Motion**Moved: Cr Martin****Seconded: Cr El Moullem**

That the Mayor, Cr Evans take the chair at this stage of the meeting for the consideration of items 4.12., 4.2 and 4.3.

CARRIED

It is recorded that the Mayor, Cr Evans took the chair at this stage of the meeting.

4. Matters of Decision

4.1 2 ENFIELD ROAD, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2021/128/1 WARD: BLEAZBY

City Planning and Amenity - Statutory Planner
File No: PSF/21/28 – Doc No: DOC/21/258383

It is recorded that Mr Lou Bozancic, Mr Joseph Lenczner (on behalf of Mrs Frances Lenczner), Mr William Mcmeel, and Mrs Amanda Millis each submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr El Mouallem

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 2021/128/1 for the land known and described as 2 Enfield Road, Brighton, for the construction of two dwellings on a lot including a front fence in excess of 1.5 metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Wald Architects referenced TP01–09, date 15/02/2021, but modified to show:
 - a) the addition of a hipped roof form to the development
 - b) the garage of the eastern dwelling to be set back from the side boundary 2 metres and reduced to a single garage
 - c) the wall on boundary associated with the kitchen of one of the dwellings to be setback at least 1 metre
 - d) the front en-suites associated with Bedroom 4 of both dwellings revised to comply with Standard B17 of the Bayside Planning Scheme
 - e) the front fence lowered to a maximum of 1.5m in height
 - f) annotation of the height of the internal fence separating the rear secluded private open space of each dwelling
 - g) a detailed schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - h) Water Sensitive Urban Design measures in accordance with Condition 9
 - i) an amended Landscaping Plan in accordance with Condition 11
 - j) an Arboricultural Impact Assessment in accordance with Condition 14
 - k) a Tree Protection Management Plan in accordance with Condition 17
 - l) provision of the Development Contributions fee in accordance with Condition 22

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. 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.

Water Sensitive Urban Design

9. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) the type of water sensitive urban design stormwater treatment measures to be used
 - b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas
 - c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

10. 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

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Faulkner & Chapman, reference 2EnfieldLP, dated 30/04/2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) any built form changes as required by Condition 1
 - b) an additional canopy tree capable of reaching 8 metres in height at maturity in the rear setback of each dwelling
 - c) the deletion of one of the Jacaranda trees from the front setback
 - d) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - e) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - f) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - g) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - h) details of surface finishes of pathways and driveways.
12. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Arboricultural Impact Assessment

14. Prior to the endorsement of plans pursuant to Condition 1, an Arboricultural Impact Assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, must be provided to the satisfaction of the Responsible Authority. The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

The report must:

 - a) identify impacts that may be detrimental to trees to be retained within the subject site and in neighbouring properties where TPZ extend within the subject site
 - b) include design responses required to reduce any identified negative impact and ensure trees to be retained will remain viable post development.
15. All plans associated with the development must be modified to include any recommendations made in the Arboricultural Impact Assessment Report.

Tree Protection Management Plan

16. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Protection Management Plan (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.
17. 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.

18. 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) show the location of all tree protection measures to be utilised
 - c) include a key describing all tree protection measures to be utilised.
19. 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.

Street tree protection

20. 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 Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. The fencing is to encompass the entire nature strip and must extend 1.5 metres either side of the tree.
21. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil

excavation within 2 metres of the street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Development Contribution

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

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

S173 Agreement

23. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
- a) at any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
24. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987 and the Section 173 agreement must be registered on the certificate of title of the land.
25. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

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 starts, 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
28. 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.

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 is the responsible authority for the allocation 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 - 2A Enfield Road BRIGHTON 3186

- Eastern Dwelling - 2B Enfield Road BRIGHTON 3186

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.

CARRIED

**4.2 17 HALL STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/48/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/263077

It is recorded that Mr Rayyan Jafari & Mrs Brittany Rusciano, Mr Alan & Mrs Jennifer Rogers, Mr Craig & Mrs Alicia Tiley, Mr Larry Picker, Mr Trevor Gange, Mr Leigh Hallamore, Mr Peter & Mrs Maryse Gibson, Mr Graeme Croft, and Mr Michael Korfiatis (Human Habitats) each submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr El Mouallem

That Council resolves to issue a Notice of Decision to Refuse a Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/48/1 for the land known and described as 17 Hall Street, Brighton, for the construction of three (3) dwellings on a lot and a front fence exceeding 1.2 metres for the following reasons:

- 1) The proposal fails to respect the existing neighbourhood character of the area and fails to respond to the objectives of Clause 15.01-5L (Neighbourhood Character, Precinct B2) of Bayside Planning Scheme, on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) The development fails to minimise the loss of front garden space.
- 2) The proposed development fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 – Neighbourhood Character
 - b) Standard B6 – Street Setback
 - c) Standard B17 – Side and Rear Setbacks
 - d) Standard B32 – Front Fences
 - e) Standard B28 – Private Open Space (dwelling 2 fails to provide adequate space at ground level).

CARRIED

**4.3 51 BURROWS STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/207/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/263080

It is recorded that Cr del Porto declared a general conflict of interest in this matter. Cr del Porto left the meeting at 7:06pm.

It is recorded that Mr Roman & Mrs Raya Bocian, Ms Lucina Bocian, and Mr Jason Barnfather (Squareback) each submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr Samuel-King MBBS

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 2021/207/1 for the land known and described as 51 Burrows Street, Brighton, for the construction of two (2) dwellings on a lot within Design Development Overlay Schedule 11 and Special Building Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans amended prepared by JKBD Design and Property Development referenced 20 033, date 06/007/2021 and revision G but modified to show:
 - a) the bin store of Dwelling 2 to be relocated outside of the carport
 - b) amended floor plans and elevations that show compliance with Clause 52.06-9 (pedestrian sight lines)
 - c) water Sensitive Urban Design measures in accordance with Condition 9
 - d) an amended Landscaping Plan in accordance with Condition 11
 - e) the provision of a Tree Management and Protection Plan in accordance with Condition 14
 - f) the provision of the development contributions fee in accordance with Condition 20
 - g) any changes required by Melbourne Water Conditions 21 – 31
 - h) the western party wall is to be acoustically treated
 - i) an increase to the north-west side setback of the first floor living room of Dwelling 1 by 800 millimetres, from 1.0 metre to 1.8 metres
 - j) an increase to the north-west side setback of the second floor retreat of Dwelling 1 by 800 millimetres, from 2.2 metres to 3.0 metres
 - k) reduction of the wall height associated with the staircase of Dwelling 1 by 1.2 metres from 10.11 metres to 8.91 metres by chamfering the roof over the stairs

- l) reduction of the wall height associated with the ensuite associated with bedroom 3 of Dwelling 1 by 700 millimetres from 10.09 metres to 9.39 metres by chamfering the roof

all to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. 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.

Water Sensitive Urban Design

9. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) the type of water sensitive urban design stormwater treatment measures to be used
 - b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas
 - c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

10. 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

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by JKBD Design and Property Development, dated August 2021, revision B and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) the proposed Mandarin tree within the front setback (Well Street) of Dwelling 2 to be replaced with a species that is capable of reaching a minimum height of 8 metres at maturity
 - b) 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
 - c) 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
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways.
12. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

14. Prior to the endorsement of plans pursuant to Condition 1, 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.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) the Tree Protection Zone and Structural Root Zone 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

- b) the location of tree protection measures to be utilised.
15. 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.
 16. 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.

Street tree protection

17. 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.
18. 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 under the supervision of Council's Open Space Arborist. All roots that will be affected by must be correctly pruned.
19. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Development Contribution

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

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

Melbourne Water

21. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
 - a) Finished floor levels of the dwellings must be set no lower than 9.5 metres to AHD.

- b) Plans must include an annotation indicating that the decking is open and unenclosed.
22. Finished floor levels of the dwelling must be constructed no lower than 9.5 metres to Australian Height Datum (AHD).
 23. Finished floor levels of the garage must be constructed no lower than 9.2 metres to AHD.
 24. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and driveway ramps.
 25. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
 26. Any new front fence and internal fencing must be 'open style' a minimum of 50% of construction and any new side boundary fencing must be timber paling to allow for the conveyance of overland flow.
 27. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
 28. A legal Build Over Agreement for any structures and works including demolition works and landscaping over Melbourne Water's drain and within five (5) metres of the Melbourne Water asset must be entered into and approved with Melbourne Water prior to the start of construction.
 29. Prior to a building permit being issued, a separate Build Over application must be made directly to Melbourne Water's Asset Service Team for approval of works/structure over or near Melbourne Water's assets. Design plans must be submitted to include the following:
 - a) exact location of the Melbourne Water asset and associated manhole
 - b) the manhole/junction pits must not be covered over by the works;
 - c) cross over details
 - d) driveway type, thickness etc.
 - e) demolition works including tree removal
 - f) landscaping and paving
 - g) Works Method Statements for tree removal and demolition works including details of machinery access
 - h) new fences to include footing's locations being internal and along boundary. (No fence post to be located directly above the main drain)
 - i) a loading (including construction) an vibration assessment may be undertaken by a qualified structural and geotechnical engineer, where +/- 500mm or greater is proposed in existing levels. The assessment must factor in current condition of the drain and include any recommendations for limiting loading or vibration caused in the short (during construction) and long term (post construction), where a proposed change in landscape is evident (e.g. non-traffic to trafficable).
 30. No services are permitted to be installed within any Melbourne Water easement or cross the asset unless prior written approval has been granted by Melbourne Water.

31. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

S173 Agreement

32. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
 - a) at any time, a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
33. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the *Planning and Environment Act 1987* and the Section 173 agreement must be registered on the certificate of title of the land.
34. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

35. 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.
36. 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 Presentation Department.
37. 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.

Permit Expiry

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

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

Permit Notes:

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

- North-Western Dwelling – 46A Well Street BRIGHTON 3186
- South-Eastern Dwelling – 46B Well Street BRIGHTON 3186

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Council records indicate that there is no easement within the property.

CARRIED

It is recorded that Cr del Porto was not present in the meeting during consideration of the above item and when the vote was taken.

It is recorded that Cr del Porto returned to the meeting at 7:19pm.

Procedural Motion

Moved: Cr Martin

Seconded: Cr El Moullem

That Cr del Porto resume the chair for the remainder of the meeting.

CARRIED

It is recorded that Cr del Porto resumed the chair for the remainder of the meeting.

4.4 2/124 ESPLANADE, BRIGHTON NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT APPLICATION: 2017/204/3 WARD: DENDY

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/267983

It is recorded that Mr Dan Langer, Mrs Barbara Layther, and Mr Jason Barnfather (Squareback) each submitted a written statement in relation to this item.

Moved: Cr El Moullem

Seconded: Cr Martin

That application 2017/204/3 for the land known and described as 2/124 Esplanade, Brighton be deferred (as requested by the applicant) to the 19 October 2021 Planning and Amenity Delegated Committee meeting to enable the applicant to give notice with a complete copy of the application to the owners corporation (or owners of common property area as otherwise applicable) that an application has been lodged for works in the common property at the site. The applicant has noted that no VCAT appeal on grounds of failure to determine within the statutory timeframe will be lodged during this period.

CARRIED

**4.5 137B WEATHERALL ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/4/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/227436

It is recorded that Mr Brian Hardy, and Mr Chris Graham (on behalf of Cheltenham Football Netball Club) each submitted a written statement in relation to this item.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Martin

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 2021/4/1 for the land known and described as 137b Weatherall Road, Cheltenham for buildings and works in a Public Park and Recreation Zone associated with the construction of a netball court and associated lighting, and removal of one (1) native tree in a Vegetation Protection Overlay Schedule 3 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 advertised, prepared by GC Nixon and associates, Genus landscape architects, and Webb Australia, referenced as Site plan, Lighting Plan, and Landscape plan but modified to show:
 - a) site plan to detail the colour and materials for the court and location of existing light pole
 - b) lighting plan and maximum brightness to be in accordance with the Australian standards (series 2560.4) for Outdoor Netball lighting (100lux for a single outdoor training netball court)
 - c) a Landscaping Plan in accordance with Condition 4 of this permit
 - d) a Tree Management and Tree Protection Plan in accordance with Condition 7 of this permit
 - e) water sensitive urban design measures in accordance with Condition 13 of this permitall 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 use 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.

Landscaping

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

accordance with the landscape concept plan drawn by Genus Landscape Architects, reference 21-2211, dated 04/2021 and be drawn to scale with dimensions. The plan must show:

- a) the provision of 1 replacement tree of the same species as the tree to be removed (Tree 3: *Eucalyptus camaldulensis*, River red gum)
 - b) 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
 - c) 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
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways.
5. 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.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

7. Prior to the endorsement of plans pursuant to Condition 1, 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.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) the Tree Protection Zone and Structural Root Zone 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
 - b) the location of tree protection measures to be utilised.
8. 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.
9. 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.

10. 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.

Lighting

11. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
12. External lighting may only be illuminated between 7am and 8:30pm.

Water Sensitive Urban Design

13. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) the type of water sensitive urban design stormwater treatment measures to be used
 - b) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas
 - c) design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

14. 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.

Drainage

15. 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.
16. 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 Presentation Department.
17. Access from the site to Cheltenham Golf Course must be maintained at all times.

Permit Expiry

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

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

**4.6 341 BEACH ROAD, BLACK ROCK
SUPPORT THE GRANT OF A PERMIT
APPLICATION: 2020/332/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/257875

It is recorded that Ms Leanne Scott, Mr Stephen O'Brien (Universal Planning), and Dr Anna Kucminska each submitted a written statement in relation to this item.

Recommendation

That Council resolves to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/332/1 for the land known and described as 341 Beach Road, Black Rock, for the construction of four dwellings on a lot, removal of native vegetation and alteration of access to 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 and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by DO Architects referenced TP-01, TP-02, TP-03, TP-04, TP-05, TP-06, TP-07, TP-08, TP-09, TP-10, TP-11, TP-12, TP-13, TP-16 dated July 2020 and revision A but modified to show:
 - a) additional 200mm setback of rear portion of basement from the northern boundary in accordance with informally amended plan TP-07 revision C dated January 2021
 - b) screening to 1.7 metres above finished floor level to the eastern edge of the rear first floor balconies at dwellings 3 and 4
 - c) screening to 1.7 metres above finished floor level to the ground floor rear windows at dwellings 3 and 4
 - d) deletion of the roof terraces and associated access structures at dwellings 3 and 4
 - e) provision of lighting along the pedestrian access along the southern boundary
 - f) a minimum 5.2 metre wide garage door to each garage within the basement level
 - g) pedestrian sightlines where the basement ramp intersects with Beach Road in accordance with Design standard 1-Accessways within Clause 52.06-9 of the Bayside Planning Scheme
 - h) the location of mailboxes for each dwelling adjacent to the footpath
 - i) a Sustainable Design Assessment with Condition 10 of this permit
 - j) a Landscaping Plan in accordance with Condition 11 of this permit
 - k) a Tree Management Report in accordance with Condition 14 of this permit
 - l) a Waste Management Plan in accordance with Condition 20 of this permit

- m) provision of the development contribution levy in accordance with Condition 22 of this permit
- all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 8. 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.
 9. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage areas are not visible.

Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a sustainable design assessment (SDA) must be to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The plan must be generally in accordance with the SDA (advertised) by Ecoresults dated 25 June 2020 but modified to show:
 - a) development changes required by Condition 1.

Landscaping

11. 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 John Patrick, reference L-TP01, dated June 2020 and be drawn to scale with dimensions. The plan must show:
 - a) plantings must be 80% indigenous by species type and count.
12. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

Tree Management and Protection Plan

14. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Report (TMR), 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 Tree Management Report must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

Both the TMR & TPP must be part of one document that must be named as the Tree Management Report (TMR):

The TMR 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.

The TPP must:

- f) be legible, accurate and drawn to scale
 - g) show the location of all tree protection measures to be utilised
 - h) include a key describing all tree protection measures to be utilised.
15. 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.
 16. 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. Any modification to the report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
 17. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Drainage

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

Waste Management Plan

20. Prior to the endorsement of plans pursuant to Condition 1, A Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. The plan must be generally in accordance with the SDA (advertised) by Ecoresults dated 25 June 2020 but modified to show:
 - a) development changes required by Condition 1.

Department of Transport

21. Vehicles must enter and exit the land in a forward direction at all times.

Development Contribution

22. Prior to endorsement of the plans 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.

S173 Agreement

23. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide:
 - a) at any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
24. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987 and the Section 173 agreement must be registered on the certificate of title of the land.
25. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Permit Expiry

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

- b) the development is not completed within four years of the date of this permit.

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

Permit Notes:

- 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.
- Council records indicate that there is a 1.22m wide right of drainage easement along the East 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.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- 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.

North-Western Dwelling – 341A Beach Road BLACK ROCK 3193

South-Western Dwelling – 341B Beach Road BLACK ROCK 3193

North-Eastern Dwelling – 2/341C Beach Road BLACK ROCK 3193

South-Eastern Dwelling – 1/341C Beach Road BLACK ROCK 3193

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

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM (Mayor), Clarke Martin and Fiona Stiffold (4)

AGAINST: Crs Hanna El Mouallem and Jo Samuel-King MBBS (2)

CARRIED

**4.7 24 LINACRE ROAD, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2015/538/3 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/262357

Moved: Cr Stitfold

Seconded: Cr Evans OAM (Mayor)

Part A. That Council resolves:

1. to Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2015/538/3
2. that sheets 5 to 16 of the submitted development plans, prepared by Grove Architecture and dated 7 June 2021 be endorsed. These plans are to be read in conjunction with Sheets 13 to 20 previously endorsed on 2 June 2017
3. Sheets 1 to 12 endorsed on 11 March 2021 be superseded.

Part B. That any further application for an extension of time be referred to the Planning and Amenity Delegated Committee for decision.

CARRIED

4.8 STATUTORY PLANNING - MONTHLY REPORT (JULY 2021)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/21/253458

Moved: Cr Martin

Seconded: Cr Evans OAM (Mayor)

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during July 2021.

CARRIED

5. Confidential Business

There was no confidential business submitted to the meeting.

The Chairperson declared the meeting closed at 8:06pm.