

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 9 February 2021  
at 6:30pm



## Minutes

**PRESENT:**

**Chair:** Cr Alex del Porto

**Councillors:** Cr Laurence Evans OAM (Mayor)  
Cr Sonia Castelli (Deputy Mayor)  
Cr Hanna El Mouallem  
Cr Clarke Martin  
Cr Fiona Stitfold

**Officers:** Mick Cummins – Chief Executive Officer  
Hamish Reid – Director City Planning and Amenity  
Terry Callant – Manager Governance and Corporate Reporting  
Matthew Cripps – Manager Development Services  
Sarah Collins – Statutory Planning Coordinator  
Robert Lamb – Acting Governance Coordinator

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- 5. Confidential Business

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 to ensure the community continues to have ongoing access to Council debate and the decision-making process.

The Chair noted that due to the ongoing COVID-19 pandemic, 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 / 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 an Ordinary Meeting/Special 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 at the 28 January 2021 Planning and Amenity Delegated Committee meeting, Council granted Councillor Samuel-King a leave of absence for the 9 February 2021 Planning and Amenity Delegated Committee meeting.

**Moved: Cr Castelli**

**Seconded: Cr Evans**

That the apology from Cr Samuel-King be received and leave of absence granted.

**CARRIED**

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

There were no conflicts of interest submitted to the meeting.

**Procedural Motion**

**Moved: Cr Evans**

**Seconded: Cr El Mouallem**

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; and
2. adjourns the meeting to be reconvened on Wednesday 10 February 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 28 January 2021.

**Moved: Cr Martin**

**Seconded: Cr Stitfold**

That the minutes of the Planning and Amenity Delegated Committee held on 28 January 2021, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 34 HARDINGE STREET, BEAUMARIS NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2020/496/1 WARD: BECKETT

City Planning and Amenity - Amenity Protection  
File No: PSF/21/28 – Doc No: DOC/20/332006

*It is recorded that Ms Annie Price, and Mr Jason Frost each submitted a written statement to the meeting.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM (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 2020/496/1 for the land known and described as 34 Hardinge Street, Beaumaris, to remove vegetation native to Australia in the 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 show:
  - a) a Landscaping Plan in accordance with Condition 2 of this permit all to the satisfaction of the Responsible Authority.

#### Landscaping

2. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - 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 subject site
  - 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. Including replacement planting of four (4) indigenous tree that will reach a minimum of 6 metres height at maturity as replacements for trees named in 1 f)
  - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - e) details of surface finishes of pathways and driveways

- f) removal of the following trees:
    - Tree 27 - Callistemon salignus (Willow bottlebrush)
    - Tree 28 - Photinia robusta (Photinia)
    - Tree 31 - Callistemon viminalis (Weeping bottlebrush)
  - g) retention of trees:
    - Trees 4 - Brachychiton acerifolius (Illawarra flame tree)
    - Tree 8 - Leptospermum laevigatum (Tea tree)
    - Tree 9 - Acacia mearnsii (Black wattle)
    - Tree 14 - Syzygium smithii (Lilli pilly)
    - Tree 26 - Leptospermum laevigatum (Tea tree)
3. 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.
  4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree protection

5. 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.

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.

All actions and measures identified in the Tree Management Report must be implemented.

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.

#### Permit Expiry

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

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

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

**DIVISION:**    **FOR:**        Crs Alex del Porto, Laurence Evans OAM (Mayor), Clarke Martin, Sonia Castelli (Deputy Mayor), Hanna El Mouallem and Fiona Stitfold (6)  
**AGAINST:** Nil (0)

**CARRIED**



**4.2 142 ESPLANADE, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2020/178/1 WARD: DENDY**

City Planning and Amenity - Development Services  
File No: PSF/21/28 – Doc No: DOC/21/13403

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*It is recorded that Mr Mena Fekry, Mr Kevin Riley, Mr John Battersby, and Mr Scott Chapman each submitted a written statement to the meeting.*

**Moved: Cr El Mouallem**

**Seconded: Cr Castelli (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 2020/178/1 for the land known and described as 142 Esplanade, Brighton, for the construction of a two-storey residential building containing two dwellings with a roof deck and basement parking 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 (amended) prepared by The Silver Arc Pty Ltd. referenced TP01, TP02, TP03, TP04, TP05, TP06, TP07, TP10, TP11, TP12, TP13, TP14, TP21, TP22, TP23, TP24, TP31, TP41, TP42, TP43, TP44 dated 17 November 2020 and Revision F but modified to show:
  - a) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit
  - b) a Landscaping Plan in accordance with Condition 10 of this permit
  - c) a Tree Management Report in accordance with Condition 13 of this permit
  - d) provision of the Development Contribution Levy in accordance with Condition 22 of this permit
  - e) fixed and obscured glass screening of the southern side of the first floor balcony associated with Bedroom 1 of Dwelling 2 to a height of 1.7 metres
  - f) the first floor north and south side setbacks designed to achieve compliance with Standard B17 (Side and Rear Setbacks) of Clause 55 of the Bayside Planning Scheme
  - g) the provision of a 1.7m high fixed obscured screen located on the west elevation of the rooftop deck, extending 600mm from the north and south perimeterall 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, balconies and terraces 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. 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

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by The Lonely Tree, reference TLT-72K, dated 24 November 2020 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) correct site address being '142 Esplanade, Brighton' listed in the legend

- b) details of the grades of the landscaping areas within the front setback including clarification as to whether this is a sunken garden or if this area is at one grade
  - c) the plant list updated to show corresponding species and number of canopy trees to include the following:
    - one (1) Coast Manna Gum Tree (*Eucalyptus viminalis*) in the front setback
    - three (3) canopy trees in the rear set back with the capacity to grow to mature heights of 8 metres or greater.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management Report

13. 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 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.
14. 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.

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

#### Drainage

17. 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.
18. 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.

For Subterranean and Basement Drainage

Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.

#### Department of Transport

19. Prior to the occupation of the development, 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.
20. Prior to the occupation of the development, the disused/redundant vehicle crossing must be removed, and the area reinstated to kerb and channel, to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
21. Vehicles must enter and exit the land in a forward direction at all times.

#### Development Contribution

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

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

#### Permit Expiry

23. 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.
- 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 records indicate that there is no easement within the property.
- The proposed development requires the construction of a crossover, and the removal/reinstatement of a redundant crossover. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria. Please contact the Department of Transport (Road) prior to commencing any works.

**CARRIED**

## **5. Confidential Business**

There was no confidential business submitted to the meeting.

*The Chair declared the meeting closed at 6:51pm.*