

Planning and Amenity Delegated Committee Meeting

held remotely and live-streamed
via Council's website

**Tuesday 16 November 2021
at 6:30pm**



Minutes

PRESENT:

Chair: Cr Hanna El Mouallem (Deputy Mayor)

Councillors: Cr Alex del Porto (Mayor)
Cr Sonia Castelli
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Fiona Stitfold

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

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5. Confidential Business

There was no Confidential Business submitted to the meeting.

The Chairperson 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 Chairperson 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 (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, 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.*

Prayer

The Chairperson invited Cr Castelli to read the 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

The Chairperson invited The Mayor, Cr del Porto to read the acknowledgement of the original inhabitants of this land.

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

An apology was received from Cr Jo Samuel-King

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans

That the apology from Cr Jo Samuel-King be received and leave of absence granted for the 16 November 2021 Planning and Amenity Delegated Committee meeting.

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 Castelli

Seconded: Cr Evans

That Council:

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 17 November 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 20 October 2021.

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

That the minutes of the Planning and Amenity Delegated Committee held on 20 October 2021, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 10 WICKHAM ROAD, HAMPTON EAST NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2021/40/1 WARD: IVISON

City Planning and Amenity - Development Services
File No: DD005.2021.00000040.001 – Doc No: DOC/21/322719

Moved: Cr Castelli

Seconded: Cr del Porto (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 2021/40/1 for the land known and described as 10 Wickham Road, Hampton East to construct two (2) double storey dwellings on a lot 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 Hartland Development Consultants referenced Project number 1975, TP04- TP08 date 1 October 2021 and revision number C but modified to show:
 - a) removal of the reference to balconies on the first-floor plan
 - b) heights of all internal fencing to restrict internal overlooking in accordance with Standard B23 (internal overlooking) of Clause 55.04-7 of the Bayside Planning Scheme
 - c) visibility corner splays to be noted on either side of both accessways in accordance with Clause 52.06-9 of the Bayside Planning Scheme
 - d) the removal of Tree 1 (street tree)
 - e) an amended colour schedule that includes a lighter colour on the upper storey
 - f) location of all plant and equipment, including hot water services and air conditioners etc.
 - g) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit.
 - h) an amended Landscape Plan in accordance with Condition 11 of this permit.
 - i) Tree Protection and Management Plan in accordance with Condition 14
 - j) evidence of payment of development contributions in accordance with condition 18all 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 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 plan drawn by Justin Hutchinson Landscape

Design, project number 2289, Revision B, dated 16 July 2021 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) an additional canopy tree capable of reaching a minimum mature height of 8 metres within the Secluded Private Open Space of each dwelling
 - b) alteration to the location of the proposed swimming pools in accordance with the development plans
 - c) tree numbering to be consistent with that of the submitted Arborist report (reference PSY/2021/07/01, prepared by PSY Inv Pty Ltd, dated 1 July 2021).
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.
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.

Development Contribution

18. 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

19. 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.
20. 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.
21. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

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

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Before the development starts the applicant must pay the Responsible Authority for the removal and replacement of an existing street tree in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

CARRIED

**4.2 10/10–14 ADVANTAGE ROAD HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/413/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/324353

It is recorded that Ms Gael O’Leary, and Miss Alice Walton & Ms Pippa Burfield (on behalf of Strong Women Can) each submitted a written statement in relation to this item.

Moved: Cr Castelli

Seconded: Cr Stitfold

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 2021/413/1 for the land known and described as 10/10–14 Advantage Road, Highett, for the use of land as a restricted recreation facility (fitness studio) and car parking to the satisfaction of the Responsible Authority in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use 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 but modified to show:
 - a) confirmation that the two allocated car spaces on site will be allocated for patrons to use during business hours
all to the satisfaction of the Responsible Authority.
2. The layout of the uses and development on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
4. Unless otherwise agreed by the Responsible Authority, the restricted recreation facility must only operate between the following hours:
 - a) Monday to Friday between 5:30am and 9:00pm
 - b) Saturday between 8:00am and 1:00pm
5. A 15-minute break must be provided between session times.
6. No more than 8 patrons and 2 staff may be present on the premises at any one time without the prior written consent of the Responsible Authority.
7. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

Permit Expiry:

8. This permit will expire if one of the following circumstances applies:
- a) The use is not started within two years of the date of this permit.
 - b) The use is discontinued for a period of two years or more.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

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.

CARRIED

**4.3 49 CHARMING STREET, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/600/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/325029

It is recorded that Mr Chris & Mrs Ann Bowring, and Mr Usman Mati (for Shangri-La Designs) each submitted a written statement in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/202/1 for the land known and described as 49 Charming Street, Hampton East, for the construction of six dwellings and a front fence exceeding a height of 1.5m on a lot for the following reasons:

- 1) The proposal fails to successfully implement the Municipal Planning Strategy and the Planning Policy Framework.
- 2) The design response is an overdevelopment of the land.
- 3) The proposal fails to successfully meet the following requirements Clause 55:
 - a) Side and Rear Setbacks (Standard B17)
 - b) Private Open Space (Standard B28)
 - c) Solar Access to Open Space (Standard B29)
 - d) Front Fences (Standard B32).

CARRIED

**4.4 6A WILLIS STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/469/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: DD005.2021.00000469.001 – Doc No: DOC/21/327038

Moved: Cr Evans OAM

Seconded: Cr Stitfold

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 2021/469/1 for the land known and described as 6A Willis Street, Hampton to use the land for an office in a Residential Growth Zone Schedule 1 (RGZ1) and to reduce the car parking requirements of Clause 52.06 of the Bayside Planning Scheme in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use 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 Place Development Group, date 17 August 2021 and revision number A but modified to show:
 - a) area of use to be amended to incorporate kitchen/toilet area whilst retaining a leasable floor area of less than 250 square metres by removing Room 1
 - b) the proposed car parking spaces modified to be parked behind one another parallel to the boundary with 8 Willis Street, Hampton Eastall to the satisfaction of the Responsible Authority.
2. The layout of the use on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The use (office) allowed under this permit must operate only during the following hours, except with the further written consent of the Responsible Authority:
 - Monday to Friday 6.30am to 6pm
 - Saturdays 8.30am to 3pm
 - No use on Sundays and Public Holidays.
4. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with Environment Protection Regulations 2021, for commercial premises to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
5. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour,

steam, soot, ash, dust, waste water, waste products, grit or oil.

6. The storage of building materials and equipment is not permitted on the subject site.
7. The extent of the variation in car spaces approved under this permit must not be increased without the written consent of the Responsible Authority.
8. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Permit Expiry

9. This permit will expire if one of the following circumstances applies:
 - a) the use is not started within two years of the date of this permit.
 - b) the use is discontinued for a period of two years or more.

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

Permit Notes

- 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.

CARRIED

**4.5 4 SEACOMBE GROVE, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/591/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/329285

It is recorded that Mr Yana Catanese, and Mr Peter Barber (for Urban Edge Consultants) each submitted a written statement in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/591/1 for the land known and described as 4 Seacombe Grove, Brighton for the construction of a roof deck in a Design and Development Overlay (Schedule 1) for the following reasons:

1. The proposed built form does not achieve the design objectives of Design and Development Overlay, Schedule 1 as the development:
 - a) fails to relate the scale and form of the new development to the landform of the coast
 - b) fails to maintain consistency with urban design and development objectives in the *Bayside Coastal Strategy 1997* and the *Victorian Coastal Strategy 2014*
 - c) fails to protect the amenity of residential properties
 - d) fails to demonstrate that the access structure does not exceed 2.4 metres in height.

CARRIED

**4.6 43 BLACK STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/434/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/330333

It is recorded that Miss Katie Zhang, and Ms Edelene Loke (for Ratio Consultants) each submitted a written statement in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

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 2020/434/1 for the land known and described as 43 Black Street, Brighton, for the construction of two triple storeys dwellings over a basement and a front fence over 1.5m in height 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 Papapetrou Rick Architecture referenced 21707, and revision number C but modified to show:
 - a) garden area plans with dimensions to confirm the proposed garden area meets the minimum requirement of 30%
 - b) details of car turntable specification to be provided on basement plans
 - c) ramp access gradients and sightlines to be provided in accordance with Clause 52.08 of the Bayside Planning Scheme
 - d) details of all ground floor internal fencing heights to comply with Standard B23 of the Bayside Planning Scheme
 - e) front fence to be reduced to 1.8m maximum height
 - f) site services including clotheslines are provided to each dwelling in accordance with Standard B34 of the Bayside Planning Scheme
 - g) location of all plant and equipment, including hot water services and air conditioners etc.
 - h) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - i) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - j) a Landscaping Plan in accordance with Condition 11 of this permit
 - k) provision of Arboricultural Impact Assessment Report in accordance with Condition 14 of this permit
 - l) provision of Tree Protection Management Plan in accordance with Condition 15 of this permit

- m) development Contribution in accordance with Condition 18 of this permit
- n) the first floor ensuites to both dwellings to be made compliant with Standard B17 of ResCode
- o) the second floor side setbacks to be made compliant with Standard B17 of Rescode

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

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 concept plan drawn by Zenith Concepts Landscape Design, dated February 2021 and be drawn to scale with dimensions. 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
 - 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) any updates as required by Condition 1.
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 and Protection Plan

13. Provision of Arboricultural Impact Assessment Report
Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. 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.
14. Provision of Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees
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 include:

- 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.

Street tree protection

15. 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 meters either side of the tree.
16. 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 1.5 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

17. 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

18. 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.
19. 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.
20. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

21. 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.
22. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

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.

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.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.
- Council records indicate that there is a 1.22m wide drainage and sewerage easement along the North 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.

CARRIED

**4.7 8 GLENDORA AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/564/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/333527

It is recorded that Mr Malcolm Richards & Ms Trish Carney, Mrs Maarit & Dr Peter Frith, Ms Rosemary Ross (for Rosstang Architects), and Mr Christian Wallis & Dr Christine Satchell each submitted a written statement in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/564/1 for the land known and described as 8 Glendora Avenue, Brighton for the construction of a building with a building height of more than 2 storeys and more than 9 metres in a Design and Development Overlay (Schedule 2) for the following reasons:

1. The proposed built form does not achieve the design objectives of Design and Development Overlay, Schedule 2 as the development:
 - a) fails to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties
 - b) fails to provide preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character
 - c) fails to maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods.
2. The proposal does not achieve the objectives and strategies of the A2 Neighbourhood Character Precinct of Clause 15.01-5L. in particular:
 - a) fails to design the extension to be complementary to the building era
 - b) fails to encourage contemporary architectural responses that respect surrounding dominant building style.

CARRIED

**4.8 5 ARRANMORE AVENUE, BLACK ROCK
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2016/225/2 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/333837

It is recorded that Mr Callum Knight submitted a written statement in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr del Porto (Mayor)

That Council resolves to issue a Notice of Decision to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2016/225/2 for the land known and described as 5 Arranmore Avenue, Black Rock for the construction of two, two-storey dwellings (plus basement); and the removal of native vegetation 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 identified as TP001, TP100, TP101, TP200 and TP300, dated 10 05 2017, prepared by Onoff Architecture, but modified to show:
 - (a) a minimum front setback of 6.8 metres for both dwellings, or alternatively, the setbacks of the two dwellings averaging 6.8 metres
 - (b) deleted
 - (c) a notation confirming that no site cut will occur within 7.0 metres of the rear property boundary of Dwelling 2
 - (d) the side (western) setback of the front component of Dwelling 2 increased by 200mm at first floor level
 - (e) the front footpath to Dwelling 1 shown constructed at-grade to the rear of the services enclosure
 - (f) the height of the fence dividing the rear private open space of each dwelling noted as being at least 1800mm high
 - (g) a clotheslines for each dwelling
 - (h) a landscape plan (refer to Condition No. 11 of this permit)
 - (i) location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment must be located away from habitable room windows of the dwellings and the adjoining properties' habitable rooms
 - (j) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - (k) consistency between the floor plans and elevations with respect to the location of windows
 - (l) screening in accordance with standard B22 of clause 55.04-6 of the Bayside Planning Scheme

- (m) Water Sensitive Urban Design measures (refer also to Condition No. 8 of this permit)
 - (n) a Tree Protection Plan (refer to Condition No. 14 of this permit)
 - (o) any modifications required by the approved Tree Management Plan (refer to Condition No. 14 of this permit).
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 without the prior written consent of the responsible authority.
 3. Before the development is occupied, 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 (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
 6. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.
 7. Before the development is occupied, screening of windows, including fixed privacy screens, must be in accordance with standard B22 of clause 55.04-6 of the Bayside Planning Scheme and must be installed and maintained to the satisfaction of the responsible authority.
 8. Before the plans required by Condition 1 of his permit are endorsed, detailed plans to the satisfaction of the responsible authority must be submitted to, and be endorsed by, the responsible authority. The plans 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.
- The 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.
 10. Before the development is occupied, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the responsible authority. Such areas must be kept available for these purposes at all times.
 11. Before the plans required by Condition 1 of this permit are endorsed, 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 Ben Scott Garden Design dated 19 June 2017, and 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 Australian Standard AS4970-2009 – *Protection of trees on development sites*
 - (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 Australian Standard AS4970-2009 – *Protection of trees on development sites* 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
 - (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.
12. Before the development is occupied, 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.
 14. Before the plans required by Condition 1 of this permit are endorsed, 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 Australian Standard AS4970-2009 – *Protection of trees on development sites*, 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 Australian Standard AS4970-2009 – *Protection of trees on development sites*, 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 Plan and Protection Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan and Tree Protection Plan, 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.
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 AS4373-1996 – *Pruning of Amenity Trees*. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
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 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.
20. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two (2) years of the issue date of this permit
 - (b) the development is not completed within four (4) years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Date of Amendment	Details
16 November 2021	Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i> : <ul style="list-style-type: none"> • addition of a pool and deck to Dwelling 2 • revised storage room within basement of Dwelling 2 to be used for pool equipment • addition of roof decks to both Dwelling 1 and Dwelling 2. Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> : <ul style="list-style-type: none"> • deletion of condition 1 b).

CARRIED

**4.9 261 HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2013/428/5 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/332216

It is recorded that Ms Michelle Williamson, and Mr Peter DeSanto each submitted a written statement in relation to this item.

Moved: Cr Stitfold

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2013/428/5 for the land known and described as 261 Hampton Street, Hampton for the partial demolition and buildings and works in a Heritage Overlay (HO748), reduction of car parking requirements associated with a bar and the serving and consumption of liquor on site on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the commencement of development and the serving of alcohol occurs onsite, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) a notation on the red line ground floor plan that no more than 50 patrons are to be on the premises at any one time
 - b) provision of noise attenuation measures including an acoustic roof/awning to be provided within the outdoor area, acoustic screening and a self-closing mechanism to the rear door of the premises, to reduce noise within the outdoor drinking area to the satisfaction of the Responsible Authority.
2. The licensed area and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Unless with the further consent of the Responsible Authority, alcohol may only be sold and consumed between the following hours:
 - Monday to Saturday 12noon – 12am
 - Sundays, ANZAC day and Good Friday 12 noon – 11pm
4. Not more than 50 patrons may be present on the premises at any one time without the written consent of the Responsible Authority.
5. The outdoor drinking area hereby approved shall only be used by patrons and staff between the hours of 12 noon and 9pm Sunday to Thursday and 12 noon to 10pm Friday and Saturday.
6. The outdoor drinking area hereby approved shall not be used unless the existing rear access door to the premises is made self-closing and all noise attenuation measures put in place, in accordance with details of them to be provided for the approval of the Responsible Authority prior to their installation.

7. Unless with the further consent of the Responsible Authority, all alcohol sold must be consumed on the premises with no packaged liquor sales permitted to the satisfaction of the Responsible Authority.
8. 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.
9. 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.
10. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.
11. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.
12. Before the commencement of the serving of alcohol on site, a noise and amenity/patron management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include:
 - a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons, including use of crowd controllers
 - b) signage to be used to encourage responsible off-site patron behaviour
 - c) the training of staff in the management of patron behaviour
 - d) staff communication arrangements
 - e) details of any management measures required to control noise emissions from the premises. (eg. operation of volume limiter if installed)
 - f) the nomination of the person responsible for the implementation of this management plan.The plan must be implemented to the satisfaction of the Responsible Authority.
13. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
14. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d) presence of vermin.
15. Deliveries to and from the site (including waste collection) must only take place as specified in the Environment Protection Authority's *Noise Control Guidelines Publication 1254 October 2008*.
16. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

17. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
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.The Responsible Authority may extend the periods referred to above if a request is made in writing:
 - before the permit expires; or
 - within 6 months afterwards if development has not commenced; or
 - within 12 months afterwards if the development has lawfully commenced.

Permit Notes

- Building approval must be obtained prior to the commencement of the above approved works.
- Premises used for the sale or storage of food in any manner whatsoever are to be registered under the *Food Act 1984* and require Council approval via the Environmental Health Officer before occupation.
- Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.
- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees.
- The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Monday–Friday 9:00am to 1:00pm on 9599 4638.

CARRIED

**4.10 1–3/429 & 429A BAY STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2019/348/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/323169

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

That Council resolves:

1. to approve the amended plans in accordance with secondary consent provisions of Planning Permit 2019/348/1
2. that plans identified as Ground Floor Plan TP.1002, Level 02 Plan TP.1004, Level 03 Plan TP.1005, Typology Plan TP.1500 - .1509, Elevations TP.2000, Elevations TP.2001 prepared by Cera Stribley Architects be endorsed. These plans are to be read in conjunction with plans Lower Basement Plan TP.1000, Upper Basement Plan TP.1001, Level 01 Plan TP.1003, Roof Plan TP.1006, Sections A&B TP.3000, Section C TP.3001, Section D TP.3002, Overlooking Diagrams TP.4000, Overlooking Diagrams TP.4001, Overlooking Diagrams TP.4002, Material Schedule endorsed on 19 October 2021
3. that plans Ground Floor Plan TP.1002, Level 02 Plan TP.1004, Level 03 Plan TP.1005, Typology Plan TP.1500 - .1509, Elevations TP.2000, Elevations TP.2001 endorsed on 19 October 2021, be superseded.

CARRIED

**4.11 15 ROODING STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION: 2017/565/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/331859

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council resolves:

1. to approve the amended plans in accordance with secondary consent provisions of Planning Permit 2017/565/2
2. that plans identified as TP04, TP05, TP06, TP07, TP09, TP13 prepared by Kavellaris Urban Design, dated 15.09.2021 and Revision B and the Landscape Plan prepared by John Patrick Landscape Architects, dated October 2021 and Revision C be endorsed. These plans are to be read in conjunction with plans endorsed on 22/01/2019
3. that plans Sheet 1-2 of 10 and Landscape Plan Sheet 1 of 2 endorsed on 14/07/2021 and plans Sheets 3, 4, 6 and 10 of 10 endorsed on 22/01/2019 be superseded.

CARRIED

4.12 STATUTORY PLANNING - MONTHLY REPORT (SEPTEMBER 2021)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/21/320841

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to:

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

CARRIED

5. Confidential Business

There was no Confidential Business submitted to the meeting.

The Chairperson declared the meeting closed at 7:32pm.