

# Planning and Amenity Delegated Committee Meeting

held remotely and live-streamed  
via Council's website

Tuesday 14 December 2021  
at 6:30pm



## Minutes

**PRESENT:**

**Chair:** Cr Hanna El Mouallem (Deputy Mayor)

**Councillors:** Cr Alex del Porto (Mayor)  
Cr Clarke Martin  
Cr Fiona Stitfold

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

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Prayer

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5. Confidential Business

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 The Mayor, Cr del Porto 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 Cr Martin 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

Apologies were received from Cr Castelli, Cr Evans and Cr Samuel-King.

**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Martin**

That the apologies received from Cr Castelli, Cr Evans and Samuel-King be received and leave of absence granted for the 14 December 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 del Porto (Mayor)**

**Seconded: Cr Stitfold**

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 15 December 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 16 November 2021.

**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Martin**

That the minutes of the Planning and Amenity Delegated Committee held on 16 November 2021, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 GREEN POINT - BRIGHTON BEACH GARDENS, ESPLANADE, BRIGHTON GRANT A PERMIT APPLICATION: 2021/580/1 WARD: DENDY

City Planning and Amenity - Amenity Protection  
File No: PSF/21/28 – Doc No: DOC/21/352783

**Moved: Cr Stitfold**

**Seconded: Cr del Porto (Mayor)**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/580/1 for the land known and described as Green Point, Brighton Beach Gardens, Esplanade, Brighton for the removal of native vegetation in Vegetation Protection Overlay Schedule 1 and removal of a tree in Heritage Overlay 730, in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, 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 show:
  - a) a Tree Protection Plan in accordance with Condition 4
  - b) item 6 (Banksia integrifolia - Coast banksia tree) to be appropriately relocated and replanted on the site to the satisfaction of the Responsible Authority.

#### Landscaping

2. 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.
3. 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.

#### Tree Management and Protection Plan

4. 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:

- 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

- protection measures to be utilised and at what stage of the development they will be implemented
- appointment of a project arborist detailing their role and responsibilities
- stages of development at which the project arborist will inspect tree protection measures
- 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:

- be legible, accurate and drawn to scale
- indicate the location of all tree protection measures to be utilised
- include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised
- include a key describing all tree protection measures to be utilised.

#### Permit Expiry

5. 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.

**CARRIED**

**4.2 495 HIGHETT ROAD, HIGHETT  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2021/482/1 WARD: IVISON**

City Planning and Amenity - Development Services  
File No: DD005.2021.00000482.001 – Doc No: DOC/21/356670

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*It is recorded that Mr Steve Mastrapas submitted a written statement in relation to this item.*

**Moved: Cr Martin**

**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 2021/482/1 for the land known and described as 495 Highett Road, Highett to use the land for animal husbandry (doggy day care) within a Commercial 1 Zone (C1Z) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the use on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. Not more than thirteen (13) dogs on site at any one time without the prior written consent of the Responsible Authority.
3. The use (animal husbandry) allowed under this permit must operate only during the following hours, except with the further written consent of the Responsible Authority:
  - Monday to Friday 7am to 6.30pm
  - Saturday 12pm to 5pm
  - No animals to be kept on the premises overnight.
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. Animal wastes on the property must be treated or dispersed in such a manner to ensure that:
  - a) offensive odours are reduced to a minimum
  - b) the wastes are not a nuisance as described in the Public Health and Wellbeing Act 2008 and are contained within the boundaries of the site to the satisfaction of the Responsible Authority.
6. The permit holder must remain a member of any applicable organisation (required by legislation) as well as remain compliant with all other relevant legislation and codes of practice at all times.
7. Customers are only permitted to enter the site via the entrance from Highett Street.
8. 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, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**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**

**4.3 98 ASLING STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT  
APPLICATION: 2014/181/3 WARD: DENDY**

City Planning and Amenity - Development Services  
File No: DD005.2014.00000181.003 – Doc No: DOC/21/361690

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*It is recorded that Mrs Christina Rearick, Mr Leo Gagic, and Mr Darek Petryshyn (for Corona Homes/Agart Studio) each submitted a written statement in relation to this item.*

**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Martin**

Part A.

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 2014/181/3 for the land known and described as 98 Asling Street, Brighton, for the construction of three storey building containing seven dwellings plus basement car parking and a reduction in the required carparking in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development commences, amended plans 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 minimum 1m long by 1.35m wide canopy provided over the entry point to the dwellings located off Asling Street
  - b) visibility splays in accordance with Design Standard 1 of Clause 52.06-8
  - c) an external schedule of materials and finishes in accordance with Condition 5 of this permit
  - d) a construction Management Plan in accordance with Condition 6 of this permit
  - e) a Waste Management Plan in accordance with Condition 6 of this permit
  - f) all plant and equipment (including air-conditioning units, heating units, hot water systems and electrical substation etc.) which is proposed to be located externally. Any such equipment should be located away from the bedrooms of adjoining properties
  - g) swept path diagrams to demonstrate that vehicles in car spaces 1, 2 and 5 can exit the site in a forward direction in accordance with Clause 52.06-9 of the Bayside Planning Scheme
  - h) all car spaces to have a minimum length of 4.9 metres in accordance with Clause 52.06-9 of the Bayside Planning Scheme.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. All pipes (excluding downpipes), fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view 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 without the written consent of the Responsible Authority.

5. Before the development starts, a schedule (including printed samples) of all external materials and colours for all walls, roofs, and doors including hard surface areas to be used for the construction of the proposed dwellings, including access ways must be submitted to and approved by the Responsible Authority. Any proposed access way must be constructed from coloured concrete, bricks, pavers and not from plain concrete.
6. Prior to the commencement of the development hereby approved, the applicant must submit to the Responsible Authority, a Construction Management Plan (CMP). This CMP must state that:
  - (a) pedestrian access will be maintained at all times along the Asling Street footpath adjacent to the site
  - (b) all site facilities will be located on site during the construction period.
7. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority.
8. 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.
9. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed
  - (b) properly formed to such levels that they can be used in accordance with the plans
  - (c) surfaced with an all-weather-seal coat
  - (d) drained
  - (e) line marked to indicate each car space and all access lanes
  - (f) clearly marked to show the direction of traffic along access lanes and driveways
  - (g) to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purpose at all times.
10. All car parking spaces must be designed to allow vehicles to drive forwards both when entering and leaving the property.
11. The vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.
12. All costs associated with the removal and relocation of Council or other service authority assets adjacent to the site to accommodate the development must be borne by the property owner and any relocated assets must be provided in accordance with Council or other service authority specifications as relevant.
13. Before the occupation of the development starts, a Waste 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. Three copies of the plan must be submitted. The plan must include, but is not limited to:

- (a) provision 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
- (b) all waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority
- (c) the waste collection service must be carried out within the property by a private contractor at no expense to the Responsible Authority.

The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. The Waste Management Plan must not be modified unless with the written consent of the Responsible Authority.

14. Before the commencement of the building works, detailed plans must be submitted to and be approved by the Responsible Authority. When approved, these plans will form part of the permit. These 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 in accordance with an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

15. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council's standards.
16. Stormwater discharge must be retained for the portion above the discharge calculated using the Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity of which is to be to the satisfaction of the Responsible Authority.
17. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basement or Below Ground Structures".
18. All on-site stormwater is to be collected from the hard surface areas must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:
  - (a) a trench grate (150mm minimum internal width) located within the property; and/or
  - (b) shaping the driveway so that water is collected in a grated pit on the

property: and/or

- (c) another Council approved equivalent.
19. Any seepage/agricultural drainage water must be filtered to rainwater clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
  20. The driveway/parking areas/paved courtyards/paths and 'previous' pavements must be graded/drainage to prevent stormwater discharge onto the front footpath and into adjacent properties.
  21. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
  22. This permit will expire if one of the following circumstances applies:
    - (a) the development is not started within two years of the issued date of this permit
    - (b) the development is not completed within four years of the issued 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.

#### Permit Notes

Date of Amendment	Details
12 October 2015	<p><i>S72 Amendment to include the following:</i></p> <p><i>Drawing No. 001:</i></p> <ul style="list-style-type: none"> <li>• Provision of an additional single car space within the south western corner of the basement, associated with Dwelling 5.</li> <li>• Subsequent alterations to the storage, bicycle and bin storage areas including a reduction in the total number of bicycle spaces from 7 to 5. All changes are confined within the approved basement plan.</li> <li>• Addition of ensuite to Dwellings 1, 2 and 3, and subsequent internal alterations.</li> <li>• Internal alterations to Dwelling 4, including the replacement of the study nook with a bedroom. Minor alterations to north facing windows are also featured.</li> </ul> <p><i>Drawing No. 002:</i></p> <ul style="list-style-type: none"> <li>• Alterations to study/laundry to Dwelling 5.</li> <li>• Alterations to first floor level bedroom and provision of study to second floor level of Dwelling 7.</li> </ul> <p><i>Drawing No. 003:</i></p> <ul style="list-style-type: none"> <li>• Alterations to second floor south facing windows associated with Dwelling 7.</li> <li>• Alteration to ground floor northern walls associated with</li> </ul>

	<p>Dwelling 4.</p> <ul style="list-style-type: none"> <li>Alteration to ground floor west facing window associated with ensuite to Dwelling 1.</li> </ul> <p><i>Drawing No. 004:</i></p> <ul style="list-style-type: none"> <li>Provision of additional car space associated with Dwelling 5 shown on Section A_A.</li> </ul>
14 December 2021	<p>Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> <li>Front fence setback reduced from 3m to 1.5m to Asling Street.</li> <li>Front setback to the basement, ground floor and first floor reduced by 1 metre.</li> <li>Site coverage increase from 52.1% to 53.5%.</li> <li>Street setback second floor reduced by 1.5m.</li> <li>Inclusion of an alfresco to the front setback.</li> <li>Internal layout changes to the basement.</li> <li>First Floor level lowered by 100mm as the result ground floor ceiling height being reduced.</li> <li>Basement ramp altered.</li> <li>Internal layout changes to basement, ground floor, first floor and second floor.</li> <li>First floor walkway enclosed on the southern elevation.</li> <li>Windows/doors – top of all windows/doors to have a height of 2.8m from floor level.</li> <li>Revised window sizes.</li> </ul> <p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> <li>Inclusion of conditions 1(g) and 1(h).</li> </ul>
<p>Part B.</p> <p>That any applications to extend the permit must be reported to the Planning and Amenity Delegated Committee.</p>	

**CARRIED**

**4.4 382–384 HAMPTON STREET, HAMPTON  
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT  
APPLICATION: 2000/6117/2 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/21/28 – Doc No: DOC/21/358234

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*It is recorded that Mr Matt Smith submitted a written statement in relation to this item.*

**Moved: Cr Stitfold**

**Seconded: Cr Martin**

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 2000/6117/2 for the land known and described as 382–384 Hampton Street, Hampton, for the use of land to sell and consume liquor; and waiver of car parking 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) the internal layout of the restaurant to the satisfaction of the Council Health Department
  - b) the deletion of the rear courtyard
  - c) installation of double glaze or laminated glass to all south and east facing windows and glass doors to the satisfaction of the Responsible Authority.
2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. This permit will expire if the use is not started within two years of the date of this permit. The Responsible Authority may extend this period if a request is made in writing before the permit expires or within three months afterwards.
4. Unless the Responsible Authority gives prior written consent the use may operate only between the hours of:

Monday to Wednesday	8am to 11pm
Thursday to Saturday	8am to 1am (of the following day)
Sunday	9am to 10pm
5. Unless the Responsible Authority gives prior written consent the maximum number of patrons allowed at the premises at any one time is 200.
6. The amenity of the area must not be detrimentally affected by the use or development 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, small, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) presence of vermin.
7. Music emanating from the premises must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.
  8. Any live entertainment, amplified equipment, public address system or loud speakers must not be audible from outside the building, to the satisfaction of the Responsible Authority.
  9. All noise emanating from any mechanical plant (air conditioners etc.) on the site must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) N-1, to the satisfaction of the Responsible Authority.
  10. Signs must be erected near all entrances and exits to the premises requesting that patrons depart the premises in a quiet and orderly manner so as not to cause disturbance to nearby residents.
  11. Between the months of December and February inclusive, from 9pm on a Thursday, Friday and Saturday evening until one hour after the sale of liquor ceases at the premises that evening or the following morning, a security person must be engaged to control the behaviours of patrons arriving and departing the premises.
  12. Bottles and other waste materials must not be removed from the site between the hours of 10pm on any day and 7am on the following day.
  13. Deleted

Permit Notes:

- The applicant is advised that consideration may need to be given to other amenity requirements, e.g. provision of additional toilets, that are outside the scope of this planning permit.

Date of Amendment	Details
14 December 2021	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> : <ul style="list-style-type: none"> <li>• amendment to condition 5</li> <li>• deletion of condition 13</li> <li>• preamble amended to use of land to sell and consume liquor; and waiver of car parking</li> <li>• changes allowed to increase patron number and vary licence type to an on premises licence.</li> </ul>

**CARRIED**

**4.5 120 BLUFF ROAD, BLACK ROCK  
GRANT A PERMIT  
APPLICATION 2021/515/1 WARD: EBDEN**

City Planning and Amenity - Development Services  
File No: PSF/21/28 – Doc No: DOC/21/359851

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**Moved: Cr Martin**

**Seconded: Cr del Porto (Mayor)**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2021/515/1 for the land known and described as 120 Bluff Road, Black Rock, for the construction of a dwelling on a site less than 500sqm and the removal of native vegetation in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject conditions from the standard conditions:

1. Before the use and/or development start/s, 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. the site plan amended to show:
    - i. trees to be retained and removed
    - ii. notation that 'no changes to the existing crossover proposed'
  - b. plans amended to show the north facing first floor bedroom 3 to demonstrate compliance with Standard A15 (Overlooking). The overlooking measures are required to prevent overlooking into the habitable room windows at 1/122 Bluff Road
  - c. the landscape plan amended to show:
    - i. the proposed removal of 2 (two) Tree Fern *Dicksonia antarctica*
  - d. Tree Protection Management Plan (TPMP) in accordance with condition 9
  - e. retention of Tree 1.
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. All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms.
5. All pipes (except downpipes and spouting), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

#### Water Sensitive Urban Design

8. 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.

#### Provision of Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees

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

The TPMP must include:

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

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
  - b) indicate the location of all tree protection measures to be utilised
  - c) include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised
  - d) include a key describing all tree protection measures to be utilised.
10. Any modification to the Tree Management Report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority

within seven days.

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

#### Landscaping

12. Before the occupation of the development the landscaping on the endorsed plans must be completed to the satisfaction of the Responsible Authority.
13. The landscaping on the endorsed plans must be maintained. Landscaping that is dead, diseased or damaged must be replaced to the satisfaction of the Responsible Authority.

#### Permit Expiry

14. 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.
- 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**

**4.6 58 BEACH ROAD, HAMPTON  
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)  
APPLICATION: 2021/5/1 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/21/28 – Doc No: DOC/21/353180

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**Moved: Cr Stitfold**

**Seconded: Cr del Porto (Mayor)**

That Council resolves, subject to all other parties to the proceedings consenting, to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2021/5/1 for the land known and described as 58 Beach Road, Hampton, for the construction of a three-storey building containing multi dwellings over two levels of basement, a front fence in excess of 1.5m and alteration access to a road in a Road Zone Category 1 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (amended) prepared by Ewert Leaf architects referenced TP-020.F, TP-023.E, TP-025.C, TP-100.G, TP-101.G, TP-102.F, TP-150.G, TP-151.E, TP-400.F, TP-401.E and dated 5 November 2021 but modified to show:
  - a) the “Services plant screen” above attic level (and plant and services therein) shown not to exceed a height of AHD 23.3
  - b) screens of fluted glass in accordance with Standard B22 be incorporated into the northern edge of the balconies of Apartments 1.02 and 1.03 facing 57A Beach Road
  - c) an acoustic report to confirm the proposed lift location will not cause any unreasonable noise to the Master bedrooms of 2.01 within the development in accordance with the standard B40. Storage areas to be provide to each dwelling in accordance with Standard B44 of the Bayside Planning Scheme
  - d) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
  - e) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit
  - f) a Landscaping Plan in accordance with Condition 10 of this permit
  - g) a Tree Management and Protection Plan (TMPP) and Tree Protection Plan (TPP) in accordance with Condition 13 of this permit
  - h) a Waste Management Plan in accordance with Condition 14 of this permit
  - i) a Sustainability Report in accordance with Condition 16all 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 approved building 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.

#### 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.

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 Jon Patrick Landscape Architects, job number 21-542-L, dated Oct 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) development Changes as required by Condition 1
  - c) replacement of the proposed palm within the front yard of G.01 with a canopy tree which can reach 8m in size when maturity.
  - d) a survey including botanical names of any existing trees to be retained on the site, including Tree Protection Zones calculated in accordance with AS4970-2009. A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
  - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - g) details of surface finishes of pathways and driveways.
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. Before the development starts, including any related demolition or removal of vegetation, a TMPP, 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 TMPP 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 TMPP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP Must:

- (i) be legible, accurate and drawn to scale
- (ii) show the location of all tree protection measures to be utilised
- (iii) include a key describing all tree protection measures to be utilised.

### Waste Management

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

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

### Construction Management Plan

15. Prior to commencement of any building works (including demolition works) and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but is not limited to):
- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure

- b) works necessary to protect road and other infrastructure
- c) remediation of any damage to road and other infrastructure
- d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
- e) facilities for vehicle washing, which must be located on the land
- f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
- g) site security
- h) management of any environmental hazards including, but not limited to:
  - (i) contaminated soil and ground water
  - (ii) materials and waste
  - (iii) dust
  - (iv) stormwater contamination from run-off and wash-waters
  - (v) sediment from the land on roads
  - (vi) washing of concrete trucks and other vehicles and machinery
  - (vii) spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k) parking facilities for construction workers
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p) include details of bus movements throughout the precinct during the construction period.
- q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment

- (ii) the suitability of the land for the use of an electric crane
- (iii) silencing all mechanical plant by the best practical means using current technology
- (iv) fitting pneumatic tools with an effective silencer
- (v) other relevant considerations
- (vi) any site-specific requirements.

During the construction:

- r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines
- s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system
- t) vehicle borne material must not accumulate on the roads abutting the land
- u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads
- v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

#### Sustainability

- 16. Prior to the endorsement of plans, an updated Sustainability Report including any amendments included in Condition 1 to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by Sustainable Development Consultants dated December 2020, S4293 SDA.V1 but modified to show:
  - (a) any amendment as per condition 1.
- 17. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

#### 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 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.

20. 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.

#### VicRoads Conditions

21. Vehicles must enter and exit the site 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.

#### 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.

**CARRIED**

**4.7 STATUTORY PLANNING - MONTHLY REPORT (OCTOBER 2021)**

City Planning and Amenity - Development Services  
File No: PSF/15/8764 – Doc No: DOC/21/367050

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**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Martin**

That Council resolves to:

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

**CARRIED**

## **5. Confidential Business**

There was no Confidential Business submitted to the meeting.

*The Chairperson declared the meeting closed at 6:56pm.*