

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 9 August 2022
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Hanna El Moullem (Deputy Mayor)

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

Officers: Juliana Aya – Acting Director City Planning and Amenity
Terry Callant – Manager Governance
Fiona Farrand – Manager Development Services
Felicity Barclay – Statutory Planning Coordinator
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Ronan Hamill – Principal Statutory Planning Arborist
Robert Lamb – Governance Officer

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Prayer

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

The Chairperson invited Cr Martin to read the prayer.

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

Cr Evans 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 Samuel-King.

Moved: Cr del Porto

Seconded: Cr Castelli

That the apology of Cr Samuel-King be received for the 9 August 2022 Planning and Amenity Delegated Committee meeting.

CARRIED

2. Disclosure of Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 12 July 2022.

Moved: Cr Evans OAM

Seconded: Cr del Porto (Mayor)

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 12 July 2022, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 20 DUNCAN STREET, SANDRINGHAM NOMINATION FOR SIGNIFICANT TREE REGISTER

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/134944

It is recorded that Mr Michael Dann spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Stitfold

That Council:

1. grants significant tree status for a Manna Gum (*Eucalyptus viminalis*), located approximately 5m from the west boundary and approximately 17m from the south boundary at 20 Duncan Street, Sandringham
2. includes the nominated tree on Council's Significant Tree Register
3. writes to the nominator and tree owner to inform them of Council's decision.

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

DIVISION: **FOR:** Crs Laurence Evans OAM, Clarke Martin and Fiona Stitfold (3)
AGAINST: Crs Alex del Porto (Mayor), Sonia Castelli and Hanna El Muallem (Deputy Mayor) (3)

The Chair exercised the casting vote and the division was

LOST

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

That Council

1. refuses to grant significant tree status for a Manna Gum (*Eucalyptus viminalis*), located approximately 5m from the west boundary and approximately 17m from the south boundary at 20 Duncan Street, Sandringham
2. writes to the nominator and tree owner to inform them of Council's decision.

CARRIED

**4.2 551 BALCOMBE ROAD, BLACK ROCK
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/22/205326

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers issue a Local Law tree removal permit for the Box Elder (*Acer negundo*) tree, located approximately 1.6m from the dwelling at 551 Balcombe Road, Black Rock
2. that any such permit includes the following condition:
'planting of one indigenous tree capable of reaching a minimum height of 8m and minimum canopy width of 7m at maturity'.

CARRIED

**4.3 8 STANHOPE STREET, BLACK ROCK
GRANT A PERMIT
APPLICATION: 2022/201/1 WARD: EBDEN**

City Planning and Amenity - Amenity Protection
File No: PSF/22/36 – Doc No: DOC/22/200955

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves to Grant a Permit the provisions of the Bayside Planning Scheme in respect of planning application 2022/201/1 for the land known and described as 8 Stanhope Street, Black Rock for the removal of native vegetation in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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.

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.

Permit Expiry

3. 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

**4.4 51 CROMER ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/88/1 WARD: BECKETT**

City Planning and Amenity - Amenity Protection
File No: PSF/22/36 – Doc No: DOC/22/214030

It is recorded that Mr Nigel Garson (for InForm Design & Construction) and Ms Rachael Evans each spoke for 2 minutes in relation to this item.

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/88/1 for the land known and described as 51 Cromer Road, Beaumaris for the removal of Native Vegetation in Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the vegetation removal starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (submitted with the application) prepared by Jack Merlo referenced project number 22.020, date 24.04.22 and named revision B but modified to show:
 - a) retention of trees 15 and 16
 - b) removal of trees 1,2,5,6,7,8,11 and 12
 - c) a revised Landscape Plan in accordance with Condition 3all 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.

Landscaping

3. 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 Jack Merlo referenced project number 22.020, date 24.04.22 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) retention of trees 15 and 16
 - b) removal of trees 1,2,5,6,7,8,11 and 12
 - b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009

- c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) plant schedule to include the following indigenous trees:
 - i) one (1) indigenous tree that will reach a minimum maturity height of 10m
 - ii) three (3) indigenous trees that will reach a minimum maturity height of 5m
 - 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
 - h) where practicable, the inclusion of green walls at appropriate locations
 - i) planting schedule to be a minimum of 80% indigenous species
 - j) revision B named as updated plan.
4. 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.
 5. 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.

Permit Expiry

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

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

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.

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

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

CARRIED

**4.5 59 ABBOTT STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2021/562/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/192561

It is recorded that Ms Rosemary Raffaele 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 a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/562/1 for the land known and described as 59 Abbott Street, Sandringham for partial demolition, construction of buildings and works in a Heritage Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans prepared by Superdraft referenced A.03-A.06, dated 27/08/2021 and revision number E but modified to show:
 - a) the proposed building setback a minimum 1.5 metres from the western boundary.
 - b) replacement of the proposed roof tiles with sheeted corrugated iron to reflect the character of existing built form in the area
 - c) removal of the proposed eaves to reflect the outbuilding character of the area
 - d) a schedule of construction materials, external finishes and colours
 - e) the notation “the beam and slab must be positioned above existing exposed roots and the soil grade to remove requirement for excavations and root severance and to provide for oxygenation of the soil profile” to be annotated on the ground floor plan with reference to the accompanying Tree Impact Assessment/Management Plan/Protection Plan
 - f) a Tree Impact Assessment/Management Plan/Protection Plan in accordance with Condition 5
 - g) a Plant Health Care Report in accordance with Condition 11all 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. 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.

4. 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.

Tree Impact Assessment/Management Plan/Protection Plan

5. Before the endorsement of plans, including any related demolition or removal of vegetation, a Tree Management Report (TMR), prepared by a suitably qualified arborist, to the satisfaction of the responsible authority, must be submitted to and be endorsed by the responsible authority. This report must be made available to all relevant parties involved with the site.

The Tree Management Plan needs to be generally in accordance with the Tree Impact Assessment/Management Plan/Protection Plan report submitted by the applicant dated April 2022 but modified to show the additional requirements requested.

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

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

- a) correct dimensions of the TPZ and SRZ
- b) plans to include an encroachment compensation area contiguous with the current TPZ
- c) further details on the construction and engineering methods to demonstrate that the above-grade suspended slab will be capable of being built over the relevant roots
- d) no grade change to occur within the TPZ of Tree 1-N (English Oak)
- e) the entire proposed footprint to be above grade of root sensitive designs to ensure large structural roots are not removed or damaged and to ensure future root growth
- f) details of TPZs, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where any part of the TPZ falls within the subject site
- g) protection measures to be utilised and at what stage of the development they will be implemented
- h) appointment of a project arborist, detailing their role and responsibilities
- i) stages of development at which the project arborist will inspect tree protection measures
- j) monitoring and certification by the project arborist and Council's Arborist of implemented protection measures
- k) monitoring and certification by the project arborist of implemented protection measures.

The TPP must:

- k) be legible, accurate and drawn to scale
 - l) show the location of all tree protection measures to be utilised
 - m) include a key describing all tree protection measures to be utilised.
6. 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.

7. All actions and measures identified in the Tree Management Report must be implemented.
8. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Impact Assessment/Management Plan/Protection Plan must be submitted to the responsible authority.
9. Existing ground levels in the TPZ along the eastern boundary of Tree 1-N (English Oak) tree is to be maintained through provision of a ground protection system such as ground mats and rumble boards throughout construction works up until the time immediately before any encroachment into the TPZ.
10. Any excavation within the TPZ of Tree 1-N (English Oak) tree is to be carried out in the presence of a qualified arborist using a non-destructive technique such as manual digging or otherwise approved by the arborist.

Plant Health Care Report

11. Before the development starts, including demolition, a plant health care report in relation to the English Oak tree (Tree 1-N) on 57 Abbott Street, Sandringham is to be provided to the satisfaction of the responsible authority. The report is to be written by an arborist with minimum AQF 5 qualification. The report must include a health care schedule and must begin from demolition and end when the development has been completed and have a minimum 3 consecutive growing seasons (from spring onwards).
 1. The report must include:
 - a) details of watering including dosage and timing
 - b) details of soil amelioration
 - c) appointment of an arborist detailing their role and responsibilities in overseeing the schedule
 - d) the stages when the arborist will inspect the English Oak tree (identified as Tree 1-N) from demolition to development completion
 - e) monitoring and certification by the arborist of implemented tree health care measures.

Permit Expiry

12. 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.
- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the

responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 5 of the Building Regulations 2018. Non-compliance with any regulation will require dispensation from Council's Building Department.

CARRIED

**4.6 1 NORWOOD AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/138/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/2648 – Doc No: DOC/22/202790

It is recorded that Mr Roger Tyler and Mr Peter Fogarty each submitted a written statement in relation to this item.

It is recorded that Mr Roger Tyler, Mrs Sara Hennessy, Mrs Judith Lawler (on behalf of Ms Suzanne McCourt) and Mr Paul Little (on behalf of Mr Stephen O'Connor) each spoke for 2 minutes in relation to this item.

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 2022/138/1 for the land known and described as 1 Norwood Avenue, Brighton for construction of buildings and works comprising a roof deck, and floor to ceiling heights of more than 3.5 metres associated with a dwelling in a Design and Development Overlay Schedule 1 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised 25 May 2022) but modified to show:
 - a) removal of toilet from access structure and subsequent reduction in floor area to the access structure
 - b) provision of a screen (1.7m in height and 2m in length) to the eastern elevation and provision of a screen (1.7m in height and 2m in length) on the northern elevation from the north-east corner of the proposed roof deck, to reduce unreasonable overlooking to the adjoining propertiesall 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.

**4.9 1/153 MARTIN STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2004/401/3 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/3540 – Doc No: DOC/22/213178

It is recorded that Mrs Christina Rearick and Mr Mark Rearick 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 Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2004/401/3 for the land known and described as 1/153 Martin Street, Brighton for a on-premises liquor licence in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The use and/or development as shown on the endorsed plans must not be altered or modified (whether or not in order to comply with any statute, statutory rule or for any other reason) without the prior written consent of the Responsible Authority.
2. This permit will expire if one of the following circumstances applies:
 - The development and use is/are not started within two (2) years of the date of this permit.
 - The development is not completed within two (2) years of the date of the commencement of the works.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

3. 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, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; presence of vermin.
4. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from audio equipment 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. Deleted.
6. The liquor licence may only operate between the hours of:
 - 12noon to 11pm, Monday to Thursday
 - 12noon to 12am, Friday to Saturday
 - 12 noon to 10pm, Sunday
 - 12 noon to 11pm, Anzac Day and Good Friday.

7. Mechanical noise emanating from the premises must comply with the State Environment Protection Policy N-1 'Control of Noise from Commerce, Industry and Trade'.
8. Use of the site must occur in accordance with the recommended measures of the Acoustic report prepared by Renzo Tonin & Associates and dated 10 March 2020, to the satisfaction of the Responsible Authority. The acoustic report will be endorsed and form part of the permit.
9. Bottles and rubbish must not be removed from within the premises (from the rear of the site) between the hours of 10pm and 7am the following day.
10. Use of the subject site must comply with the approved Noise and Amenity plan. The plan will be endorsed and form part of the permit, and contain the following information:
 - a) The identification of all noise sources associated with the licensed premises (including, but not limited to, music noise, external areas allocated for smokers, queuing lines, entries and exits to the premises and courtyards).
 - b) Hours of operation for all parts of the premises.
 - c) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
 - d) The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premises.
 - e) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
 - f) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.
 - g) Details of waste management plan including storage and hours of collection for general rubbish and bottles, and delivery times associated with the licensed premises.
 - h) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
 - i) Any other measures to be undertaken to ensure minimal impacts from the licensed premises.

The approved Noise and Amenity Action Plan will form part of the permit and the use must operate in accordance with it to the satisfaction of the Responsible Authority.

11. Prior to the commencement of the use, the Alcohol and Amenity Management Plan, prepared by Ted Hart & Associates Pty Ltd, dated March 2020 must be submitted to and endorsed by the Responsible Authority and will form part of this permit. The measures and procedures outlined in the Management Plan must be complied with to the satisfaction of the Responsible Authority.
12. No live music is to be played after 10pm without the prior written consent of the Responsible Authority.

Permit Notes

Date	Details
9 August 2022	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none">• The hours referenced in Condition 6 amended• Inclusion of Condition 11• Inclusion of Condition 12

CARRIED

**4.10 10-12 RAILWAY WALK NORTH, HAMPTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2011/315/3 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/194132

It is recorded that Mr Paul Little (for Dingwall Investments Pty Ltd) spoke for 2 minutes in relation to this item.

Moved: Cr Stitfold

Seconded: Cr Castelli

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 2011/315/3 for the land known and described as 10-12 Railway Walk North, Hampton for buildings and works to construct a seven storey building above a two basement levels with roof deck; use of the land for the purpose of dwellings and an indoor recreation facility (gymnasium); removal of easement E-1, and a reduction in the car parking requirement in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, 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 generally in accordance with the plans prepared by Tandem Design Studio Pty Ltd drawing nos. TP09 to TP17 (inc), TP25 and TP30 revision F dated 17 February 2017 and plans prepared by Orbit Architecture Referenced TP22, TP23, TP24, TP25, TP31, TP32, TP33, TP34 and TP41 dated 31 June 2021 but modified to show to the satisfaction of the Responsible Authority:
 - a) the ground and first floor level of the building setback not less than 500mm from Koolkunna Lane
 - b) the provision of a splay, with minimum dimensions of 2950 mm by 1050 mm, at the northeast corner of the land generally as shown on 18058-03 sheet 01/01 by Traffix Group dated 26 October 2015
 - c) all plant and equipment (including air conditioning units, heating units, hot water systems etc) which is proposed to be located externally identified on the plans and located to minimise visual and acoustic amenity impacts
 - d) a schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule must show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing)
 - e) a STORM report confirming that the proposed stormwater treatment measures proposed provide a minimum 100% treatment in accordance with clause 22.08 of the Bayside Planning Scheme
 - f) landscaping to the setback area adjacent to south-east corner of the building
 - g) the provision of an additional twelve bicycle parking spaces adjacent to the existing bike racks at the station forecourt
 - h) details of how car parking spaces are to be allocated nominated on the plans

- i) column within car waiting area to car lifts relocated to provide unobstructed access
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. 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
 - d) presence of vermin.
4. Noise levels emanating from the gymnasium must not exceed those required to be met under the relevant State Environment Protection Policy.
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. 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.
7. The walls on the boundary must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes and the section of right-of-way to the immediate rear of the site, 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 drivewaysall to the satisfaction of the Responsible Authority.
- 8A. One of the car lifts must be at ground level at all times while on standby to prioritise vehicles to enter the site to the satisfaction of the Responsible Authority. The minimum lift speed of 0.4m/s must be met to ensure a high frequency of vehicle movements.
9. Vehicular crossings must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority.
10. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.
11. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a 'Stormwater Detention System' installed with the design capacity to be approved by the

Responsible Authority. Drainage associated with basement during construction (seepage and agricultural waters are to be filtered to rain water clarity) must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.

12. Before the development begins, detailed plans (3 sets) indicating the method of stormwater discharge to the nominated 'Legal Point of Discharge' (and Stormwater Detention Systems where applicable), must be lodged with the Responsible Authority for approval.
13. The driveway/parking areas/paved courtyards/paths and 'pervious' pavements must be graded/drained to prevent stormwater discharge neither onto front footpath nor into adjacent properties.
14. Prior to the commencement of any works, a Construction Management Plan must be submitted to and be approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
 - a) hours of operation consistent with the applicable local law
 - b) control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact number for complaints
 - c) no water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site
 - d) all stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system
 - e) the amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site
 - f) the site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice
 - g) location of proposed parking/staging location/s for vehicles approaching or leaving the site. No vehicles are to be parked on residential streets whilst waiting to be received at the building site.

All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.

15. Before the use or 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 be generally in accordance with Waste Management Plan prepared by Leigh Design, dated 23 December 2014, but be amended to include:
 - a) provision for the storage and collection of garbage and other solid waste. This area must be graded and drained 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) garbage is to be collected is to be carried on outside of business hours.

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.

16. 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 and the conditions of the permit must be carried out and completed to the satisfaction of the Responsible Authority.
17. Before the commencement of any works, a detailed design and construction management plan relating to the proposed relocation of Council's drainage asset/s contained within easement E1 must be provided and approved by Council. All works associated with the discovery of the asset/s, design of the works and undertaking of the works is at the cost of the owner.
18. This permit will expire if one of the following circumstances applies:
 - a) The development and use are 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.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

Date of Amendment	Details
9 August 2022	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to the endorsed plans to allow (in summary):</p> <p>Permit preamble amended as follows:</p> <ul style="list-style-type: none"> • Buildings and works to construct a seven storey building above a two basement levels and roof deck. • Use of the land for the purpose of dwellings and an indoor recreation facility (gymnasium) • Removal of easement E-1 • A reduction in the car parking requirement. <p>Condition 1 plan references updated as follows:</p> <p>.... plans prepared by Tandem Design Studio Pty Ltd drawing nos. TP09 to TP17 (inc), TP25 and TP30 revision F dated 17 February 2017 and plans prepared by Orbit Architecture Referenced TP22, TP23, TP24, TP25, TP31, TP32, TP33, TP34 and TP41 dated 31 June 2021.</p> <p>Buildings and works approved as follows:</p> <ul style="list-style-type: none"> • Addition of two private roof terraces and associated structures to apartments 602 and 603. • Internal alterations to apartments 602 and 603. • Enclosure of balcony at apartment 603.

CARRIED

**4.11 4 ROSEMARY ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/9/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/227368

It is recorded that Mrs Monica Cabrita submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/9/1 for the land known and described as 4 Rosemary Road, Beaumaris for the construction of two dwellings on a lot and removal of native vegetation in a Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans advertised prepared by Farrington Architects referenced Job No. 21101, dated 14 October 2021 and revision number C but modified to show:
 - a) full compliance with standard B21 (Overshadowing Open Space), demonstrated on the floor plans
 - b) floor plans annotated to include the Impact Assessment Report recommendations for trees two and three. Along with a note to state these will be undertaken in accordance with the approved report
 - c) a schedule of construction materials, external finishes and colours
 - d) a Sustainable Design Assessment in accordance with Condition 10
 - e) a Landscaping Plan in accordance with Condition 11
 - f) a Tree Management and Protection Plan in accordance with Condition 14
 - g) provision of the development contributions fee in accordance with Condition 21all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building

on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
 - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
 - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
 - c) preliminary building energy rating certificates that align with plans
 - d) provision of double glazing to all new windows
 - e) appropriate shading to all north, east and west facing windows
 - f) maximum internal lighting density of 4W/m²
 - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
 - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
 - i) provision of external dry lines for each dwelling
 - j) bicycle parking space in each garage/ private open space area
 - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
 - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental

Management Guidelines are achieved as required by planning clause 53.18

- m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
 - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
 - o) provisions for renewable energy systems such as Solar PV
 - p) commitment to recycle at least 70% of construction and demolition waste
 - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
 - r) use of sustainable materials such as low VOC paints for the internal walls
 - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
 - t) provision of green walls / vertical gardens
- all to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by unknown territory, reference Job No. 2204, dated 4 May 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) 1 additional small indigenous canopy tree capable of reaching at least 8 metres at maturity with a spread of 6m to each dwelling's rear setback
 - b) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - c) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways
 - g) where practicable, the inclusion of green walls at appropriate locations
 - h) planting schedule to be a minimum of 80% indigenous species.
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 Protection Management Plan

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

The TPMP must include:

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

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

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

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

The TPP must:

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

system of any tree to be retained (specify particular tree/s) is to be done by hand by a qualified Arborist.

Protection of trees for services

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

Drainage

19. 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.
20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Development Contribution

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

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

Permit Expiry

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

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

Permit Notes:

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

Southern Dwelling – 4A Rosemary Road BEAUMARIS 3193

Northern Dwelling – 4B Rosemary Road BEAUMARIS 3193

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$8,982.87 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's 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

**4.12 211 BALCOMBE ROAD, BEAUMARIS
EXTENSION OF TIME - APPROVE
APPLICATION: 2015/556/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/204229

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2015/556/1, so that the development must now commence no later than 12 July 2023 and be completed no later than 12 July 2024.

CARRIED

NOTE: Item 4.12 was **CARRIED** as part of a block motion.

**4.13 182 BEACH ROAD, SANDRINGHAM
EXTENSION OF TIME - APPROVE
APPLICATION: 2014/430/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/206181

It is recorded that Mr Garry Williams spoke for 2 minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Castelli

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2014/430/1, so that the development/use must now commence no later than 16 September 2024 and be completed no later than 16 September 2026.

CARRIED

**4.14 24-30 ESPLANADE, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2005/110/11 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/222421

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2005/110/11, so that the development must now be completed no later than 8 September 2023.

CARRIED

NOTE: Item 4.14 was **CARRIED** as part of a block motion.

**4.15 93 GLENCAIRN AVENUE, BRIGHTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION: 2013/753/3 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/22/36 – Doc No: DOC/22/226984

Moved: Cr Castelli

Seconded: Cr Evans OAM

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2013/753/3, so that the development must now commence no later than 9 October 2023 and be completed no later than 9 October 2025.

A note be included on the approval to read: *“Please note any further extension to the commencement date would be unlikely to be supported be Council.”*

CARRIED

NOTE: Item 4.15 was **CARRIED** as part of a block motion.

4.16 STATUTORY PLANNING - MONTHLY REPORT (JUNE 2022)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/22/227308

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 June 2022.

CARRIED

The Chairperson declared the meeting closed at 8.44pm.