

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 14 March 2023
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Jo Samuel-King MBBS (Deputy Mayor)

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

Officers: Matthew Cripps – Director City Planning and Amenity
John Coates – Manager Amenity Protection
Fiona Farrand – Manager Development Services
Anthony Jacobs – Acting Manager Urban Strategy
Felicity Barclay – Statutory Planning Coordinator
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Robert Lamb – Governance Officer
Sally McLennan – Place Maker

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Prayer

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The Chairperson, Cr Samuel-King 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 The Mayor, Cr El Mouallem 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 Stitfold read the acknowledgement of Country.

- ◆ 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

There were no apologies submitted to the meeting.

2. Disclosure of Conflict of Interest of any Councillor

- The Mayor, Cr El Mouallem declared a General Conflict of Interest in Item 4.9: 179–181 Church Street, Brighton given Cr El Mouallem owns a property in close proximity of the development.

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 14 February 2023.

Moved: Cr Castelli

Seconded: Cr Evans

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 14 February 2023, as previously circulated, be confirmed as an accurate record of proceedings.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin,
Sonia Castelli, Fiona Stitfold, Hanna El Mouallem (Mayor),
Jo Samuel-King MBBS (7)

AGAINST: Nil (0)

CARRIED

- 3.2 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 15 February 2023.

Moved: Cr Evans

Seconded: Cr del Porto

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 15 February 2023, as previously circulated, be confirmed as an accurate record of proceedings.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin,
Sonia Castelli, Fiona Stitfold, Hanna El Mouallem (Mayor),
Jo Samuel-King MBBS (7)

AGAINST: Nil (0)

CARRIED

**4.2 18 HARDINGE STREET, BEAUMARIS
LOCAL LAW TREE REMOVAL APPLICATION**

City Planning and Amenity - Amenity Protection
File No: PSF/23/179 – Doc No: DOC/23/63618

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves:

1. that delegated officers Issue a Local Law Tree Removal Permit for one Sweetgum (*Liquidambar styraciflua*) at 18 Hardinge Street, Beaumaris
2. that the permit includes conditions requiring:
 - a. the tree removal works must include removal of the stump to allow space for the replacement tree to grow
 - b. the planting of a minimum of one indigenous tree, and a second tree where practicable at the discretion of authorised officers, capable of reaching a minimum height of 14m and minimum canopy width of 13m at maturity.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Moullem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

4.3 360 BAY STREET, BRIGHTON (LITTLE SISTER) - PARKLET APPLICATION

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/23/49484

Moved: Cr del Porto

Seconded: Cr Castelli

That Council resolves to issue an Annual Permit to Little Sister at 360 Bay Street, Brighton to occupy 1-car space of the Parklet, subject to the submission and approval of a suitable design consistent with Council's Parklet Policy and Guidelines.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

NOTE: Item 4.3 was **CARRIED** as part of a block motion.

4.4 370 BAY STREET, BRIGHTON (HACHI KICHI) - PARKLET APPLICATION

City Planning and Amenity - Urban Strategy
File No: PSF/22/35 – Doc No: DOC/23/49561

Moved: Cr del Porto

Seconded: Cr Castelli

That Council resolves to Issue an Annual Permit to Hachi Kichi at 370 Bay Street, Brighton to occupy 1-car space of the Parklet, subject to the submission and approval of a suitable design consistent with the Parklet Policy and Guidelines.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

NOTE: Item 4.4 was **CARRIED** as part of a block motion.

**4.5 312 BALCOMBE ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/619/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/18071

It is recorded that Mr Mick Meyer (for ZKAP 1 Pty Ltd c/o Urbis Pty Ltd) spoke for 2 minutes 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 2022/619/1 for the land known and described as 312 Balcombe Road, Beaumaris for the construction of buildings and works associated with community care accommodation, removal of native vegetation, removal of easement and alteration of access to a Road in a Transport Zone 2 in accordance with the endorsed plans and subject to the following 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 identified as Project Number 818, Sheet TP3, TP4, TP5, TP6, TP7, prepared by Crowhurst Building Design and dated November 2022 but modified to show:
 - a) tree 3 (liquidambar) to be retained
 - b) height of all internal fencing to be annotated
 - c) a screen with a maximum height no more than 1.2 metres to surround the proposed air conditioner units located on the roof of the building
 - d) demonstrate that each dwelling has been provided a minimum of 6 cubic metres of external storage in accordance with Standard B30 (storage) of Clause 55.05-6 of the Bayside Planning Scheme
 - e) a Sustainable Design Assessment in accordance with Condition 10
 - f) an amended Arboricultural Impact Assessment in accordance with Condition 11
 - g) a Landscaping Plan in accordance with Condition 12
 - h) an amended Tree Management and Protection Plan in accordance with Condition 15all 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.

Arboricultural Impact Assessment

11. The Arboricultural Impact Assessment prepared by Future Tree Health, dated 9 November 2022, Version 2 be modified to include:
- a) retention of Tree 3
 - b) measures to protect vegetation on site including but not limited to no grade change within TPZ and all fencing within TPZs of trees to be retained to be of pier and beam construction.

Landscaping

12. 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 submitted with the application drawn by Bayview Landscaping, reference TP-LP1, dated November 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) any changes required by Condition 1
 - b) retention of Tree 3
 - c) indigenous understory planting inf front and rear setbacks
 - d) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009

- e) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - f) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - g) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - h) details of surface finishes of pathways and driveways
 - i) where practicable, the inclusion of green walls at appropriate locations
 - j) planting schedule to be a minimum of 80% indigenous species.
13. 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.
14. 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

15. Before the development starts, including any related demolition or removal of vegetation, an amended TPMP, prepared by a suitably qualified arborist, that is largely consistent with the one submitted with the application identified as Arboricultural Impact Assessment & Tree Protection Plan, Version 2, dated 9 November 2022 but modified to 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:

- f) be legible, accurate and drawn to scale

- g) indicate the location of all tree protection measures to be utilised
 - h) include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised
 - i) include a key describing all tree protection measures to be utilised.
16. All actions and measures identified in the Tree Management Report must be implemented.
17. 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.
18. 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

19. 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

20. 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.
21. 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 Department.
22. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

- 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.

Ground Floor – Units 1-4/312 Balcombe Road BEAUMARIS 3193 (Caretaker unit 2)

Level 1 – Units 5-7/312 Balcombe Road BEAUMARIS 3193

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

- 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, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Moullem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

**4.6 4 ORLANDO STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/432/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/3438

It is recorded that Mr Nicholas Saunders spoke for 2 minutes in relation to this item.

Moved: Cr Stitfold

Seconded: Cr del Porto

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 2022/432/1 for the land known and described as 4 Orlando Street, Hampton for the extension of one dwelling on a lot less than 500 square metres, in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the amended plans prepared by ADL Home Building and Constructions referenced A102 – A108, dated 25/11/2022 and but modified to show:
 - a) all elevations to include a maximum building height of 9 metres to the roof apex
 - b) a schedule of construction materials, external finishes, colours and groundcovers, aligning with the plans and elevations
 - c) Water Sensitive Urban Design measures in accordance with Condition 8
 - d) the first floor balcony reduced in width to have the eastern balustrade to be setback a minimum of 1.5 metres from the eastern title boundary, without reduction of any other setback
 - e) the eastern wall on boundary be reduced in height to have an average of 3.2 metres above natural ground levelall 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 A15 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.

Permit Expiry

10. 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, Laurence Evans OAM, Clarke Martin, Sonia
Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold
and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

**4.7 25C BOLTON STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2022/322/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/50171

Moved: Cr Martin

Seconded: Cr del Porto

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 2022/322/1 for the land known and described as 25C Bolton Street, Beaumaris for the construction of a single dwelling on a lot less than 500 square metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans (advertised) prepared by Trusch Design but modified to show:
 - a) Water Sensitive Urban Design measures in accordance with Condition 10
 - b) provision of the development contributions fee in accordance with Condition 13all 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. Before the occupation of the development the landscaping on the endorsed plans must be completed to the satisfaction of the Responsible Authority.
5. 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.
6. 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.
7. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A10 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
9. 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.

Water Sensitive Urban Design

10. 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.

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

Drainage

12. 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.

Development Contribution

13. 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

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:

- 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.

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.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stiffold and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

**4.8 10 NORWOOD AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2022/243/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/50177

It is recorded that Dr Noella Kershaw submitted a written statement in relation to this item.

It is recorded that Mr Halli Moore, and Mr James Stuart-Menteth each spoke for 2 minutes in relation to this item.

Moved: Cr El Moullem (Mayor)

Seconded: Cr Martin

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2022/243/1 for the land known and described as 10 Norwood Avenue, Brighton for buildings and works to construct a double storey building that exceeds a floor-to-floor height of 3.5m and construction of a roof terrace above the second storey of a building for the following reasons:

1. The proposal fails to meet to the mandatory requirements, objectives and decision guidelines of the Design and Development Overlay (Schedule 1) of the Bayside Planning Scheme.

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

DIVISION: FOR: Crs Clarke Martin, Jo Samuel-King MBBS (Deputy Mayor) and Hanna El Moullem (Mayor) (3)

AGAINST: Crs Alex del Porto, Laurence Evans OAM, Sonia Castelli and Fiona Stitfold (4)

LOST

Moved: Cr del Porto

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 2022/243/1 for the land known and described as 10 Norwood Avenue, Brighton for the buildings and works to construct a double storey building that exceeds a floor-to-floor height of 3.5m and construction of a roof terrace above the second storey of a building 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 Architecture by Us, dated 22 September 2022 and revision number A but modified to show:
 - a) deletion of the red dashed line showing the front setback of neighbouring dwellings from the floor plans
 - b) a schedule of construction materials, external finishes and colours

- c) a Landscaping Plan in accordance with Condition 8
 - d) a Tree Protection Management Plan (TPMP) in accordance with Condition 10
 - e) the inside wall of the planter boxes on the east and south elevations must be setback a minimum of 4 meters from the roof below
- all to the satisfaction of the Responsible Authority.
- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 - 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 - 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 - 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 - 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 - 7. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Landscaping

- 8. 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 Ian Barker, dated 2 September 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) a survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - b) a survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways.

9. 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 (TPMP)

10. 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:

- f) be legible, accurate and drawn to scale
 - g) indicate the location of all tree protection measures to be utilised
 - h) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - i) include a key describing all tree protection measures to be utilised.
11. All actions and measures identified in the Tree Management Report must be implemented.
 12. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

Permit Expiry

13. 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.
- 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.
- No clause 54 assessment was undertaken through this application.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

It is recorded that item 4.9 was considered following the consideration of item 4.14.

**4.9 179–181 CHURCH STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/175/2 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/64568

It is recorded that the Mayor, Cr El Mouallem declared a General Conflict of Interest in this given Cr El Mouallem owns a property within close proximity of the development. Cr El Mouallem left the meeting at 8:46 pm and did not return to the meeting.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2017/175/2, so that the development must now commence no later than 25 January 2025 and be completed no later than 25 January 2027.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor) and Fiona Stitfold (6)
AGAINST: Nil (0)

CARRIED

Cr El Mouallem was not present in the meeting during debate or when the vote was taken on the above item.

**4.10 55 THOMAS STREET, BRIGHTON EAST
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/418/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/35340

Moved: Cr del Porto

Seconded: Cr Castelli

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2016/418/1, so that the development must now commence no later than 6 March 2024 and be completed no later than 6 March 2026.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

NOTE: Item 4.10 was **CARRIED** as part of a block motion.

**4.11 131–133 CARPENTER STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/39/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/49623

Moved: Cr Martin

Seconded: Cr Castelli

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2016/39/2, so that the development must now commence no later than 16 June 2024 and be completed no later than 16 June 2026.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

NOTE: Item 4.11 was **CARRIED** as part of a block motion.

**4.12 10 BEACH ROAD, HAMPTON
EXTENSION OF TIME - APPROVE
APPLICATION 2016/274/2 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/56721

Moved: Cr Martin

Seconded: Cr Castelli

That Council resolves to Approve the extension of time of two (2) years to Planning Permit 5/2016/274/1, so that the development must now commence no later than 18 July 2024 and be completed no later than 18 July 2026.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stitfold and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

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

**4.13 13 GEORGE STREET, SANDRINGHAM
EXTENSION OF TIME - APPROVE
APPLICATION 2013/441/3 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/59252

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2013/441/3, so that the development must now be completed no later than 21 February 2024.

This will be the final extension of time that will be approved for this permit.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stiffold and Hanna El Mouallem (Mayor) (7)
AGAINST: Nil (0)

CARRIED

4.14 STATUTORY PLANNING - MONTHLY REPORT (JANUARY 2023)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/23/61112

Moved: Cr Martin

Seconded: Cr Evans OAM

That Council resolves to

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during January 2023.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King MBBS (Deputy Mayor), Fiona Stiffold and Hanna El Mouallem (Mayor) (7)

AGAINST: Nil (0)

CARRIED

The Chairperson declared the meeting closed at 8.47pm.