

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 13 February 2024  
at 6.30pm



## Minutes

**PRESENT:**

**Chairperson:** Cr Hanna El Moullem

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

**Officers:** Matthew Cripps – Director City Planning and Amenity  
Terry Callant – Manager Governance  
Fiona Farrand – Manager Development Services  
Scott Matheson – Statutory Planning Coordinator  
Alex Bitmead – Statutory Planner  
Mona Bruckhoff – Statutory Planning Arborist  
Robert Lamb – Council Business Lead

**Membership and Quorum of the Committee**

The membership of the Planning and Amenity Delegated Committee is all 7 Councillors. The quorum for a meeting is a majority of Councillors (4).

A quorum for this meeting was reached with 6 Councillors present.

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The Chair, Cr El Mouallem 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 Chair invited Cr Evans 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 Martin 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**

*It is recorded that an apology was received from Cr Samuel-King.*

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

**Seconded: Cr Evans**

That the apology from Cr Samuel-King be noted for the 13 February 2024 Planning and Amenity Delegated Committee meeting.

**CARRIED**

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

- Cr del Porto declared a General Conflict of Interest in item 4.8 (68 to76 Union Street & 26 Milliara Grove, Brighton East) given Cr del Porto resides in the vicinity of the subject site.

## **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 11 December 2023.

**Moved: Cr Martin**

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

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 11 December 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 (Deputy Mayor), Laurence Evans OAM, Clarke Martin, Sonia Castelli, Fiona Stitfold (Mayor) and Hanna El Mouallem (6)

**AGAINST:** Nil (0)

**CARRIED**

*The Chair noted that since the publishing of the Agenda, Council officers received separate advice in relation to item 4.2 and item 4.6 in which the respective applicants have requested a deferral in order to allow for further negotiations with objectors.*

*The Chair called for a motion that Item 4.2 and then Item 4.6 be considered at this stage of the meeting.*

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Item 4.2 and subsequently Item 4.6 be considered at this stage of the meeting.

**CARRIED**

## **4. Matters of Decision**

*It is recorded that this item was considered following the consideration of Item 4.2 and Item 4.6.*

### **4.1 17 WATTLE AVENUE, BEAUMARIS LOCAL LAW TREE REMOVAL APPLICATION: 2023/2021**

City Planning and Amenity - Development Services  
File No: PSF/23/179 – Doc No: DOC/23/373555

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*It is recorded that Mr Damon Gosen spoke for 2 minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM**

That Council resolves to Issue a Local Law Tree Removal Permit for removal of one *Liquidambar styraciflua* (Sweet gum) at 17 Wattle Avenue, Beaumaris subject to replacement planting capable of reaching a minimum of 100% net increase of tree canopy cover at maturity.

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

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

**AGAINST:** Nil (0)

**CARRIED**



**4.3 363 BAY STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/100/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/23/313798

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*It is recorded that Ms Georgina Patsiouras, and Mr Charles Gibson each submitted a written statement in relation to this item.*

*It is recorded that Mr Stephen Coleiro (G2 Urban Planning) spoke for 2 minutes in relation to this item.*

**Moved: Cr del Porto (Deputy Mayor)                      Seconded: Cr Castelli**

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2023/100/1 for the land known and described as 363 Bay Street, Brighton to undertake buildings and works in a Commercial 1 Zone (C1Z), Design and Development Overlay Schedule 10 (DDO10) and Heritage Overlay (HO747) and a reduction in the car parking requirements of Clause 52.06 of the Bayside Planning Scheme in accordance with the endorsed plans and subject to the following conditions:

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 amended prepared by AMS Construction referenced drawing numbers TP02, TP03, TP04, TP05, TP06 and TP07, dated 15 January 2024 but modified to show:
  - a) customer access to be provided on the northern elevation of the building.
  - b) location of baffled lighting to the rear of the building
  - c) a notation for the existing crossover to be removed in accordance with condition 9
  - d) provision of the development contributions fee in accordance with Condition 10

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. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
8. Vehicles that access the site must not exceed a maximum length of 6.4 metres and width of 2.33 metres (Small Rigid Vehicle) and must enter/exit the site in a forward direction to the satisfaction of the Responsible Authority.
9. The existing crossover to Bay Street to be removed and replaced with curb and channel to the satisfaction of the Responsible Authority.

**Development Contribution**

10. 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.
11. 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**

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.
- 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.
- This permit does not grant any approval for signage and a separate application may be required subject to Clause 52.05 (signs) of the Bayside Planning Scheme.

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

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

**AGAINST:** Nil (0)

**CARRIED**

**4.4 31 ARDOYNE STREET, BLACK ROCK  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/376/1 WARD: EBDEN**

City Planning and Amenity - Development Services  
File No: PSF/23/2524 – Doc No: DOC/24/7414

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**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 2023/376/1 for the land known and described as 31 Ardoyne Street, Black Rock for the construction of two (2) dwellings on a lot and the removal of native vegetation on land within the Vegetation Protection Overlay Schedule 3 (VPO3) 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 they must be generally in accordance with the plans prepared by Masterpiece Homes, dated 17/11/2023 but modified to show:
  - a) the retention of Trees 5 and 7, and any consequential design changes required to allow for their retention. If encroachment is proposed beyond 10% into the TPZ of either tree, supporting arboricultural evidence must be provided to support to the proposal to Council's satisfaction
  - b) provision of overlooking diagrams for bedroom 3 windows of both dwellings to indicate compliance with Clause 55.04-1 of the Bayside Planning Scheme (Overlooking - Standard B17). If compliance cannot be proven, screening of the windows in accordance with this standard would then be required
  - c) the provision of corner splays in accordance with Clause 52.06-9 (Design standard 1 – Accessways) of the Bayside Planning Scheme
  - d) a Sustainable Design Assessment in accordance with Condition 9
  - e) a Landscaping Plan in accordance with Condition 10
  - f) a Tree Management and Protection Plan in accordance with Condition 13
  - 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.

#### Sustainable Design Assessment

9. 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/m<sup>2</sup>
  - 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

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts Pty Ltd, dated 10/11/2023 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
  - a) the retention of Trees 5 and 7
  - 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. Plantings must be 80% indigenous by species type and count
  - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - e) details of surface finishes of pathways and driveways
  - f) where practicable, the inclusion of green walls at appropriate locations
  - g) planting schedule to be a minimum of 80% indigenous species.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Protection Management Plan

13. 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.
14. All actions and measures identified in the Tree Management Report must be implemented.
  15. 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.
  16. 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

17. 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.

18. During construction of the permitted buildings and works, the subject site and adjacent nature strip must be maintained in an orderly manner to the satisfaction of the Responsible Authority. This includes maintaining the nature strip grass, rubbish to be stored on-site in covered waste receptacles and construction materials being managed to reduce adverse visual amenity impacts.

#### 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.

Western Dwelling - 31A Ardoyne Street BLACK ROCK

Eastern Dwelling – 31B Ardoyne Street BLACK ROCK

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 \$20,683.99 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

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

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

**CARRIED**

**4.5 7 GLYNDON AVENUE, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2023/332/1 WARD: DENDY**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/14948

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*It is recorded that Ms Annabel Paul (AP Planning), and Mr Bruce Keen (Keen Planning) each spoke for 2 minutes in relation to this item.*

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

**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 2023/332/1 for the land known and described as 7 Glyndon Avenue, Brighton for the illumination of a private tennis court 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.
2. The following conditions relate to the construction and use of the light poles associated with the existing tennis court:
  - a) Any lighting system must not exceed an illumination level of 12 lux and an average illumination of 10 lux when measured at the nearest habitable room window of an adjoining dwelling or at a point 3 metres outside the property boundary, whichever is the nearest to the light source.
  - b) Include an automatic shut off timer set for 10pm every day.
  - c) Any lighting system must:
    - i. comply with the 'Residential Tennis Court Lighting Code' produced by the Tennis Court Builders Association of Australia
    - ii. be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling
    - iii. use light poles which are not more than 7 metres above the court surface
    - iv. be certified after installation by a qualified lighting engineer.
  - d) The court must not be used for commercial purposes such as professional tennis coaching or court hire.
  - e) The court must not be used between **10.00pm** and 7.30am.
  - f) No mechanical equipment such as ball-throwing machines may be operated between 7.00pm and 8.00am.
  - g) The method of construction must comply with the 'Guide Specifications for Tennis Court Construction' produced by the Tennis Court Builders Association of Australia.





*It is recorded that this item was considered following the consideration of Item 4.2.*

**4.6 24 BEACH ROAD, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2022/654/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/22123

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*It is recorded that Mr Frank Perry (Perry Town Planning) submitted a written statement in relation to this item.*

*It is recorded that Mr Frank Perry (Perry Town Planning), Mrs Stella Dimitrakas, and Mr Gary Davidson (Lowe Design and Build) each registered to speak to this item.*

*The Chair advised that given the motion to defer this item, that all parties would be re-invited to the next Planning and Amenity Delegated Committee meeting where they would be given the opportunity to resubmit a written statement or request to speak.*

**Moved: Cr Martin**

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

That planning application 2022/654/1 for the land known as 24 Beach Road, Beaumaris be deferred to a future Planning and Amenity Delegated Committee meeting to enable further consultation between the applicant and objectors.

**CARRIED**

**4.7 17 HARDINGE STREET, BEAUMARIS  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2017/195/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/24/4046

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**Moved: Cr Martin**

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

That Council resolves to Approve the Extension of Time of one (1) year to Permit 2017/156/1, so that the development must now commence no later than 19 January 2025 and be completed no later than 19 January 2027.

A note to be added to the approval, stating that no further extensions of time will be granted for this permit.

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

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

**CARRIED**

**4.8 68–76 UNION STREET & 26 MILLIARA GROVE, BRIGHTON EAST  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2017/144/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/24/4295

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*It is recorded that Cr del Porto declared a General Conflict of Interest in this item given Cr del Porto resides in the vicinity of the subject site. Cr del Porto left the meeting at 7.35 pm.*

*It is recorded that Ms Claudia Lombard (Tract) spoke for 2 minutes in relation to this item.*

**Moved: Cr Evans OAM**

**Seconded: Cr Castelli**

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2017/144/1, so that the development must now commence no later than 5 December 2025 and be completed no later than 5 December 2027.

A note to be added to the approval, stating that no further extensions of time will be granted for this permit.

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

**DIVISION:**   **FOR:**       Crs Laurence Evans OAM, Clarke Martin, Sonia Castelli, Fiona Stitfold (Mayor) and Hanna El Mouallem (5)

**AGAINST:** Nil (0)

**CARRIED**

*It is recorded that Cr del Porto was not present in the meeting during debate or when the vote was taken on the above item.*

*It is recorded that Cr del Porto returned to the meeting 7.49 pm.*

**4.9 STATUTORY PLANNING - MONTHLY REPORT (NOVEMBER AND DECEMBER 2023)**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/24/6014

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**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 November and December 2023.

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

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

**CARRIED**

**4.10 15, 17A & 17 ABBOTT STREET, SANDRINGHAM  
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)  
APPLICATION: 2023/233/1 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/24722

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**Moved: Cr Stitfold (Mayor)**

**Seconded: Cr Evans OAM**

That Council resolves, subject to all other parties to the proceedings consenting, to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2023/233/1 for the land known and described as 15, 17A and 17 Abbott Street, Sandringham for the construction of a multi-dwelling development (three-storey apartment building containing 24 dwellings) and a front fence exceeding 1.2 metres within a General Residential Zone Schedule 3 (GRZ3) and buildings and works exceeding 9 metres and roof decks in a Design and Development Overlay Schedule 8 (DDO8) 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 amended prepared by Jackson Clements Burrows Architects, referenced TP-0-001 to TP-10-108, dated 28 September 2023 and revision B but modified to show:
  - a) changes to the plans consistent with those shown in the Jackson Clements Burrows Architects without prejudice proposed changes plans dated 19 January 2024, except for the westernmost “Privacy Screen 1700H” shown on the “Level 02 Overlooking Plan – Proposed”, and in its place the “increased planter” shown on that plan extended in width to meet the western edge of the balcony to dwelling 2.03
  - b) location and heights of all proposed retaining walls to be indicated on site plans
  - c) existing crossovers to be noted as removed and reinstated to nature strip
  - d) the ramp accessway width to be annotated
  - e) the ramp access signal systems to be annotated
  - f) any changes required for consistency with an amended Sustainable Design Assessment in accordance with Condition 14
  - g) any changes required for consistency with a Landscaping Plan in accordance with Condition 16
  - h) any changes required for consistency with a Tree Management and Protection Plan in accordance with Condition 19
  - i) any changes required for consistency with a Car Parking Management Plan in accordance with condition 32all 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 development 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 development, screening of windows including fixed privacy screens in accordance with the endorsed plans must 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 the Responsible Authority.
9. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of the Responsible Authority.
10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
11. 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.
12. Storage areas within the basement visible from common areas to be enclosed within a solid cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard D20 of Clause 58 of the Bayside Planning Scheme.
13. During construction of the permitted buildings & works, the subject site and adjacent nature strip must be maintained in an orderly manner to the satisfaction of the Responsible Authority. This includes maintaining the nature strip grass, rubbish to be stored on-site in covered waste receptacles and construction materials being managed to reduce adverse visual amenity impacts.

#### Sustainable Design Assessment

14. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability

Management Plan must be submitted to and approved by the Responsible Authority. The plan must be in accordance with the Sustainable Management Plan prepared by Low Impact Development Consulting dated 27/09/23 and should include the following:

- a) relevant updates resulting from the various design changes since the original report was created
- b) provide daylight modelling as attachment to the SMP to demonstrate daylight access for living areas at southern end of development
- c) increase capacity of solar PV to offset loss at 17 Abbott Street and show and notate on the plans
- d) a STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority
- e) check the impervious area of 546.5m<sup>2</sup> claimed in STORM against the correct permeable area and amended accordingly
- f) increase capacity of above ground rainwater tank to allow for 62, rather than 60, bedrooms
- g) complete BESS report demonstrating the initiatives selected to achieve the 54% or greater standard committed to in the summary report
- h) review and amend the BESS report to ensure:
  - preliminary building energy ratings align with plans.

15. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the Sustainability Management Plan may occur without the written consent of the Responsible Authority.

#### Landscaping

16. 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 Eckersley Garden Architecture, reference Revision A, dated 14 June 2023 and be drawn to scale with dimensions. The plan must be modified to show:

- (a) various changes that have occurred to the design since the initial plans creation
- (b) a survey, including, botanical names of all existing trees to be removed
- (c) soil volumes of proposed canopy tree plantings
- (d) an additional canopy tree to be planted within the frontage on the eastern side of the entrance with a minimum mature height of 10 metres
- (e) the planter along the northern part of the balconies to dwellings 2.03 and 2.04 including a variety of plants cascading over the northern elevation of the building



- (f) additional evergreen canopy trees with a minimum mature height of 6-10 metres within the additional area of deep soil in the northern setback at ground level provided for by the changes set out in the Jackson Clements Burrows Architects without prejudice proposed changes plans dated 19 January 2024.
17. 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.
18. 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**

19. 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.
- 20. All actions and measures identified in the Tree Protection Management Plan must be implemented.
- 21. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Protection Management Plan must be submitted to the Responsible Authority.
- 22. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

**Protection of trees for services**

- 23. 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.

**Street Tree Protection**

- 24. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - (a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - (b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - (c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - (d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - (e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may
- 25. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

**Waste Management Plan**

- 26. Prior to the endorsement of the plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority that is generally in accordance with the Waste Management Plan, prepared by Traffix Group and dated June 2023. The plan will be endorsed and will then form part of the permit.
- 27. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

**Drainage**

- 28. 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.
- 29. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site

Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

30. 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.

**Development Contribution**

31. 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.

**Car Park Management Plan**

32. Prior to the endorsement of plans pursuant to Condition 1, a car parking 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. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:

- a) allocation of parking for all individual tenancies
- b) any signs and/or line marking of car parking spaces within the basement
- c) location of traffic directional arrows (if any) and a stop-go type' signals to prioritise vehicles entering via laneway into basement.

**Construction Management Plan**

33. Prior to commencement of any building works or the issue of a Building Permit, a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):

- a) pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
- b) works necessary to protect road and other infrastructure
- c) remediation of any damage to road and other infrastructure
- d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
- e) facilities for vehicle washing, which must be located on the land
- f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street, other than in Brooklyn Place;
- g) site security;
- h) management of any environmental hazards including, but not limited to:

- i contaminated soil and ground water
  - ii materials and waste
  - iii dust
  - iv stormwater contamination from run-off and wash-waters
  - v sediment from the land on roads
  - vi washing of concrete trucks and other vehicles and machinery
  - vii spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
  - j) preferred arrangements for trucks delivering to the land, including delivery and unloading points (which will not include locations in Brooklyn Place) and expected duration and frequency
  - k) parking facilities for construction workers, otherwise than in Brooklyn Place
  - l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
  - m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
  - n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
  - o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
  - p) include details of bus movements throughout the precinct during the construction period
  - q) Where multiple development sites may occur in proximity to one another on the same street, a cumulative impact assessment.
  - r) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - i.using lower noise work practice and equipment
    - ii. the suitability of the land for the use of an electric crane
    - iii. silencing all mechanical plant by the best practical means using current technology
    - iv. fitting pneumatic tools with an effective silencer
    - v.other relevant considerations
    - vi. any site-specific requirements

During the construction:

- s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines

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

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

34. Prior to the commencement of construction, a “SiteHive” or similar device must be installed and maintained to the satisfaction of the Responsible Authority. This device must remain operational throughout construction to monitor noise, dust and similar construction activity.

**Permit Expiry**

35. This permit will expire if one of the following circumstances applies:

- a) the development is not started within two years of the date of this permit
- b) the development is not completed within four years of the date of this permit.

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

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

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

**CARRIED**

*The chairperson declared the meeting closed at 7.56pm.*