

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 16 April 2024  
at 6.30pm



## Minutes

**PRESENT:**

**Chairperson:** Cr Hanna El Mouallem

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

**Officers:** Matthew Cripps – Director City Planning and Amenity  
Michael Kelleher – A/Manager Development Services  
Scott Matheson – Statutory Planning Coordinator  
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 no less than 5 Councillors present at any given time.

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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 Samuel-King 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

There were no apologies submitted to the meeting.

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

It is recorded that Cr El Mouallem declared a general conflict of interest in Item 4.1 (Park Road, Cheltenham) given Cr El Mouallem owns a property in close Proximity to Victoria Golf Club Weatherall Road Entry where the works are proposed.

It is recorded that Cr Evans declared a general conflict of interest in Item 4.1 (Park Road, Cheltenham) given Cr Evans is a member of the golf club making the proposal.

## 3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 12 March 2024.

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

**Seconded: Cr Martin**

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 12 March 2024, 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, Jo Samuel-King, Fiona Stitfold (Mayor) and Hanna El Mouallem (7)

**AGAINST:** Nil (0)

**CARRIED**

*It is recorded that the Chair, Cr El Mouallem declared a general conflict of interest in the following item given Cr El Mouallem owns a property in close Proximity to Victoria Golf Club Weatherall Road Entry where the works are proposed.*

*It is recorded that Cr Evans declared a general conflict of interest in the following item given Cr Evans is a member of the golf club making the proposal.*

*The Chair, Cr El Mouallem called for a motion that the Mayor take the Chair for Item 4.1.*

### **Procedural Motion**

**Moved: Cr del Porto**

**Seconded: Cr Samuel-King**

That the Mayor, Cr Stitfold take the chair for item 4.1.

**CARRIED**

*It is recorded that Cr El Mouallem and Cr Evans left the meeting at 6.38pm.*

## **4. Matters of Decision**

### **4.1 PARK ROAD, CHELTENHAM NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2023/530/1 WARD: EBDEN**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/91436

*It is recorded that Mrs Judith Vennell, and Mr Jason Barnfather (for Squareback) each spoke for 2 minutes in relation to this item.*

**Moved: Cr Samuel-King**

**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 2023/530/1 for the land known and described as Park Road, Cheltenham for buildings and works associated with a Section 2 Use (Golf Course) within the General Residential Zone Schedule 8 (GRZ8), to erect and display business identification signage and removal of vegetation native to Australia within a 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. The plans must be generally in accordance with the submitted plans prepared by Moull Murray, referenced project number 10376, Sheets TP.04 (revision C), TP.05 (Revision B), TP.06, TP.08, TP.09, TP.10, TP.11, TP.12, TP.13, TP.14, TP.15 and TP.16 and dated 22 March 2024 but modified to show:
  - a) an amended Sustainable Design Assessment in accordance with Condition 7

- b) an amended Landscape Plan in accordance with Condition 10
- c) a Tree Management and Protection Plan in accordance with Condition 13
- d) a Waste Management Plan in accordance with Condition 21
- e) provision of the development contributions fee in accordance with Condition 30
- f) location and specific details of wildlife-friendly lighting in the area affected by the proposed works as per Council's Wildlife Friendly Lighting Policy 2021
- g) the retention (including the proposed location) of the main trunk of felled tree 10 on site, to be utilised for habitat purposes

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. 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

7. 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.

8. Prior to the endorsement of plans pursuant to Condition 1, an amended Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority which is generally in accordance with the one submitted with the application prepared by Ecoresults (report number 2023-3365-SDA) but modified to specify:
  - a) provisions to install renewable energy systems such as Solar photovoltaic (PV) and storage batteries during construction, or to facilitate future installation post occupation
  - b) indoor pollutant limits will be met (e.g. formaldehyde and VOCs)
  - c) ensure Stormwater commitments are clearly listed in the ESD Schedule of Commitments (on pages 5 and 6 of the SDA)
  - d) to consider a light or medium coloured roof and drivewayall to the satisfaction of the Responsible Authority.
9. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans and implemented prior to the completion of the development.

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan submitted drawn by Faulkner & Chapman, referenced VictoriaGCLP1, Sheets 1 and 2 dated 12 March 2024 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must be modified to show:
  - a) an additional 5 canopy trees with a minimum mature height of 10 metres to be provided in the landscape buffer adjoining the western boundary to residential properties of Pyingerra Crescent
  - b) canopy tree planting to be 100% indigenous species and the remainder of planting schedule to contain a minimum of 90% indigenous species
  - c) additional screening as viewed from the Weatherall Road streetscape.
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 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

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.

Street tree protection

18. A tree protection fence for the protection of Street 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 be reduced to the edge of the new crossover to facilitate works.
19. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
20. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Waste Management Plan

21. 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 Ecoresults, dated 18 December 2023. The plan will be endorsed and will then form part of the permit.
22. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Amenity

23. Not more than 18 staff may be present on the premises (maintenance facility) at any one time without the prior written consent of the Responsible Authority.
24. 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.
25. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the land
  - b) appearance of any building, works or materials
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) presence of vermin.
26. The noise generated by the premises must at all times comply with the requirements of the EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, to the satisfaction of the Responsible Authority.

### Signage

27. The use/operation of the signs shall cease from the date of this permit and shall not recommence until the use/operation is in full accordance with the endorsed plans.
28. The use/operation of the signs shall remain in full accordance with the endorsed plans at all times and 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.
29. Except with the written consent of the Responsible Authority, the approved signage must not:
  - a) be altered in any way (including the location, size, and structure)
  - b) be animated, flood-lit or illuminated
  - c) contain intermittent or flashing light
  - d) contain a degree of illumination/lighting that causes glare/distraction to motorists or an unreasonable loss of residential amenity.
30. The signage shall be maintained 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.

### Permit Expiry

32. 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
  - c) the signage approved under this permit expires 15 years from the date of issue.

Within 30 days of expiration of the planning permit, the sign/s and structures built specifically to support and illuminate it must be removed.

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.



*The Mayor, Cr Stitfold called for a motion that Cr El Mouallem resume the Chair.*

### **Procedural Motion**

**Moved: Cr del Porto**

**Seconded: Cr Samuel-King**

That Cr El Mouallem resume the chair.

**CARRIED**

*It is recorded that Cr Evans and Cr El Mouallem returned to the meeting at 7.12pm.*

#### **4.2 60 NEW STREET, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2024/36/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/88385

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*It is recorded that Mr Jason Barnfather (for Squareback) spoke for 2 minutes in relation to this item.*

**Moved: Cr Samuel-King**

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

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2024/36/1 for the land known and described as 60 New Street, Brighton for the partial demolition and buildings and work in a Heritage Overlay (HO261) 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 Borland Architecture, referenced TP05, TP06, TP07, TP08, TP09, TP10 and TP11, dated 31 January 2024 and revision number A but modified to show:
  - a) bedroom 3 to be recessed an additional 0.5 metres from Bedroom 2 where the wall is within 1.5 metres of the façade to Were Street
  - b) the living room to be recessed an additional 0.5 metres from the sitting room where the wall is within 3 metres of the façade to New Street
  - c) the wall/parapet of Bedroom 3 to be reduced to a maximum height of 3.6 metres (to ensure it sits comfortably under the eave and gives the roof primacy)
  - d) the proposed brickwork to Bedroom 3 to be replaced with a material that is distinct from the brickwork of the existing house
  - e) TMP required at condition 6

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.

#### Tree Protection Management Plan

6. 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, responsibilities and relevant qualifications
- d) stages of development at which the project arborist will inspect tree protection measures

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

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

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

The TPP must:

- (a) be legible, accurate and drawn to scale
  - (b) indicate the location of all tree protection measures to be utilised
  - (c) include the development stage (demolition, construction, landscaping) of all tree protection measures to be utilised
  - (d) include a key describing all tree protection measures to be utilised.
7. All actions and measures identified in the Tree Management Report must be implemented.

8. 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.
9. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### Permit Expiry

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.
- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 5 of the Building Regulations 2018. Non-compliance with any regulation will require dispensation from Council's Building Department.

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

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

**CARRIED**

**4.3 6 BERKELEY GROVE, BRIGHTON EAST  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2014/773/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/91748

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

**Seconded: Cr Castelli**

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2014/773/1, so that the development must now be completed no later than 16 April 2025.

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

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

**CARRIED**



**4.4 3 VIEW COURT, BRIGHTON  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2014/388/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/91608

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*It is recorded that Ms Isobell Vescovi spoke for 2 minutes in relation to this item.*

**Moved: Cr Samuel-King**

**Seconded: Cr Castelli**

That Council resolves to Approve the Extension of Time of two years year to Planning Permit 2014/388/1, so that the development must now be completed no later than 20 July 2026.

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

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

**CARRIED**

**4.5 13 GEORGE STREET, SANDRINGHAM  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2013/441/1 WARD: EBDEN**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/90156

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**Moved: Cr Castelli**

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

That Council resolves to Approve the Extension of Time of one (1) year to Planning Permit 2013/441/1, so that the development must now be completed no later than 21 February 2025.

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, Jo Samuel-King, Fiona Stitfold  
(Mayor) and Hanna El Mouallem (7)  
**AGAINST:** Nil (0)

**CARRIED**

**NOTE:** Item 4.5 was **CARRIED** as part of a block motion.

**4.6 637 HAWTHORN ROAD, BRIGHTON EAST  
EXTENSION OF TIME - APPROVE  
APPLICATION: 2016/301/1 - WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/78516

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**Moved: Cr Castelli**

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

That Council resolves to Approve the Extension of Time of two (2) years to Planning Permit 2016/301/1, so that the development must now commence no later than 28 December 2025 and be completed no later than 28 December 2027.

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

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

**AGAINST:** Nil (0)

**CARRIED**

**NOTE:** Item 4.6 was **CARRIED** as part of a block motion.

**4.7 STATUTORY PLANNING - MONTHLY REPORT (FEBRUARY 2024)**

City Planning and Amenity - Development Services  
File No: PSF/23/171 – Doc No: DOC/24/91912

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

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during February 2024.

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

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

**AGAINST:** Nil (0)

**CARRIED**

**NOTE:** Item 4.7 was **CARRIED** as part of a block motion.

## 5. Confidential Business

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

**Seconded: Cr Evans OAM**

*That pursuant to Section 66(2)(a) of the Local Government Act 2020 (the Act), the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 3(1) (confidential information) of such Act:*

- (a) Council business information*
- (b) security information*
- (c) land use planning information*
- (d) law enforcement information*
- (e) legal privileged information*
- (f) personal information*
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
  - (i) relates to trade secrets; or*
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;**
- (h) confidential meeting information*
- (i) internal arbitration information*
- (j) Councillor Conduct Panel confidential information*
- (k) information prescribed by the regulations to be confidential information for the purposes of this definition*
- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

**CARRIED**

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#### 5.1 47 SOUTH ROAD, BRIGHTON

##### VCAT APPEAL

##### APPLICATIONS: 2023/335/1 AND 2023/425/1 WARD: CASTLEFIELD

*(LGA 2020 Section 3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.)*

*It is recorded that the public gallery was vacated to enable Council to consider the above listed items in Confidential Business.*

*Following consideration of Confidential Business, the Chair declared the meeting closed at 7.56pm.*