

Planning and Amenity Delegated Committee Meeting

held remotely and
live-streamed via Council's website

**Tuesday 13 October 2020
at 5pm**



Minutes

PRESENT:

Chairperson: Cr Rob Grinter (Deputy Mayor)

Councillors: Cr Clarke Martin (Mayor)
Cr Sonia Castelli
Cr Alex del Porto
Cr Laurence Evans OAM
Cr Michael Heffernan
Cr James Long BM JP

Officers: Hamish Reid – Director City Planning and Amenity
Terry Callant – Manager Governance and Corporate Reporting
Matthew Cripps – Manager Development Services
Sarah Collins – Statutory Planning Coordinator
Fiona Farrand – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator

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5. Confidential Business

The Chairperson declared the meeting open at 5pm and advised that the Planning and Amenity Delegated Committee meeting is being held remotely by electronic means and streamed live on the internet, pursuant to the 24 April 2020 amendment to the *Local Government Act 2020*. The intention is to ensure that the business of council can continue through the use of electronic communication and provide the community with the ongoing access to Council debate and the decision-making process.

The Chairperson noted that due to the ongoing COVID-19 pandemic, temporary changes to the Planning and Amenity Delegated Committee meeting procedures are in place with regard to Chapter 2, Division 10 of Council's Governance Rules 2020 (Individual Presentations), whereby:

- *in place of speaking in-person at a Council / Committee meeting, members of the public may submit a written statement which must be sent electronically, or delivered to Council's Corporate Centre, by 9:00am on the day of the meeting*
- *written statements received after 9:00am on the day of the meeting will not be considered by the meeting*
- *a person may only make a written statement to an Ordinary Meeting/Special Committee Meeting in relation to an item listed in the agenda under Reports by the Organisation, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract*
- *in accordance with Chapter 2, Section 83(1) of Council's Governance Rules 2020, any statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community may not be accepted*
- *where a person has formally made a written statement in relation to an item on the agenda, the statement will be provided to all councillors in advance of the meeting*
- *written statements are not confidential and, following the closure for receipt of statements, will be published (including first and last names only) on Council's website as an attachment to the Agenda for the relevant meeting*
- *written statements will not be read out at the meeting; however, the Chairperson will advise the meeting of the number of statements received to each item.*

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

Cr Evans declared an indirect interest by close association in item 4.2 – 23 Beaumaris Parade, Highett given a close relative of Cr Evans resides adjacent to the subject site.

Procedural Motion

Moved: Cr Evans

Seconded: Cr Heffernan

That the Planning and Amenity Delegated Committee:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting; and
2. adjourns the meeting to be reconvened on Thursday 15 October 2020 at 5:00pm via live-streaming on Council's website, in the event live-streaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.

CARRIED

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 22 September 2020.

Moved: Cr Martin (Mayor)

Seconded: Cr Heffernan

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 22 September 2020, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 207 NEW STREET, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION NO: 2020/213/1 WARD: NORTHERN

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/290322

It is recorded that Mr David Richards and Mr Adam Kirkwood-Scott each submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

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 2020/213/1 for the land known and described as 207 New Street, Brighton, to carry out buildings and works in a Special Building Overlay, Heritage Overlay (including partial demotion) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans amended prepared by Red Design Group referenced CAS0010, date Oct 2019 and revision number 3 but modified to show:
 - a) any changes required by Melbourne Water Condition 7
all to the satisfaction of the Responsible Authority.
2. Within 6 months of the permit issue date, evidence must be provided to show that the proposed trading hour reduction for the outdoor area abutting Park Street (ceasing at 10pm) has been formally adopted on to the operator's liquor license.
3. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. 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.
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.

Melbourne Water

7. Proposed extended areas (outdoor deck in front & DOSA area) must be constructed no lower than 6.7 metres to Australian Height Datum (AHD) which is 300mm above the applicable floor level at the location of 6.4 metres to AHD.

Permit Expiry

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

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

Permit Notes:

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

CARRIED

**4.2 23 BEAUMARIS PARADE, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2020/145/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/285611

*It is recorded that Cr Evans declared an indirect interest by close association in this item.
Cr Evans left the meeting at 5:36pm.*

It is recorded that Mr Peter & Mrs Karina Cave, Mr William Meares, Mr Ross Newton, Mrs Josette Frost, Ms Kerry Thorson, Mr Shem Curry & Ms Amy Clements, Ms Trish Boase & Mr David Rowley, and Mr Jose Virguez each submitted a written statement in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council, having caused notice of planning application 2020/145/1 to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act, resolves to issue a Notice of Decision to Refuse to Grant a Permit for the land known and described as 23 Beaumaris Parade, Highett for the construction of six double storey dwellings with basement car parking for the following reasons:

- 1) The development fails to adequately respond to the objectives to Clause 22.06 (Neighbourhood Character Policy, Precinct B2) of the Bayside Planning Scheme on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) The development fails to maintain or enhance the garden setting of the precinct.
- 2) The proposed development fails to respond to neighbourhood character objectives of Schedule 10 to the Neighbourhood Character Overlay.
- 3) The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 (Neighbourhood Character) – The proposal fails to respond to the existing and preferred neighbourhood character for this precinct
 - b) Standard B6 (Street Setback) – The proposal fails to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character
 - c) Standard B17 (Side and Rear Setbacks) – The proposed side and rear setbacks fail to respect the existing and preferred neighbourhood character or limit amenity impacts on adjoining dwellings.

CARRIED

It is recorded that Cr Evans was not present in the meeting when the above item was considered or when the vote was taken.

**4.3 52 MILROY STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2020/294/1 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/289025

It is recorded that Cr Evans returned to the meeting at 5:52pm.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council, having caused notice of planning application 2020/294/1 to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act, resolves to issue a Notice of Decision to Refuse to Grant a Permit for the land known and described as 52 Milroy Street, Brighton East for the construction of three dwellings and a front fence exceeding 1.2 metres in height for the following reasons:

- 1) The development fails to adequately respond to the objectives to Clause 22.06 (Neighbourhood Character Policy, Precinct B2) of the Bayside Planning Scheme on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) The development fails to maintain or enhance the garden setting of the precinct.
 - c) The proposal fails to ensure that new buildings and extensions do not dominate the streetscape.
- 2) The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 (Neighbourhood Character) – The proposal fails to respond to the existing and preferred neighbourhood character for this precinct
 - b) Standard B6 (Street Setback) – The proposal fails to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character
 - c) Standard B17 (Side and Rear Setbacks) – The proposed side and rear setbacks fail to respect the existing and preferred neighbourhood character or limit amenity impacts on adjoining dwellings.

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

DIVISION: **FOR:** Crs Alex del Porto, James Long and Sonia Castelli (3)
AGAINST: Crs Laurence Evans, Michael Heffernan, Clarke Martin (Mayor) and Rob Grinter (Deputy Mayor) (4)

LOST

Moved: Cr Heffernan

Seconded: Cr Martin (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 2020/294/1 for the land known and described as 52 Milroy Street, Brighton East, for the construction of three dwellings and a front fence exceeding 1.2 metres in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans advertised prepared by Travis Walton, date June 2020 and revision number B but modified to show:
 - a) the front setback of the built form to be increased to at least 4.6 metres
 - b) the driveway gradient for dwelling one's garage not to exceed 1 in 16 to allow car parking in accordance with AS2890.1
 - c) a minimum 3m wide new crossover to be constructed to dwelling 1 setback minimum of 0.8m from the southern boundary
 - d) the entire common driveway and where it intersects with the footpath to be at least 3m wide
 - e) a new northern crossover, with a minimum width of 3m and offset a minimum of 0.8m from the north boundary
 - f) the driveway to be modified to suit the auto-turn swept-path diagrams to dwelling 3
 - g) adequate sight lines are to be provided where each driveway intersects with the footpath as per the requirements in the AS2890.1
 - h) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - i) a Landscaping Plan in accordance with Condition 10 of this permit
 - j) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit
 - k) a Tree Management and Protection Plan in accordance with Condition 13 of this permit
 - l) 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.

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.

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 Keystone Alliances, dated 01/07/2020 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) two small canopy trees (capable of reaching 6-8 metres in height at maturity) at the rear of dwellings 2 and 3
 - b) a survey including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009

- c) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - f) details of surface finishes of pathways and driveways.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) the Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site
 - b) the location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan 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.

Street tree protection

17. Soil excavation must not occur within 2 metres from the edge of Tree 1 street tree asset's stem at ground level.

18. 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 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.

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.

Drainage

22. 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.
23. 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.

Permit Expiry

24. 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.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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

DIVISION: **FOR:** Crs Laurence Evans, Michael Heffernan, Clarke Martin (Mayor)
 and Rob Grinter (Deputy Mayor) (4)
AGAINST: Crs Alex del Porto, James Long and Sonia Castelli (3)

CARRIED



**4.4 78 ORLANDO STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2020/107/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/295694

It is recorded that Mrs Jill Porter, Mr Dawie Aker, Mr Keith Thompson, Mr Paul Pavlou, Mrs Judy Pavlou, Mrs Simone Porter-Smith, Mrs Jenny Yelland, Mrs Cherry Thomson, Mr Geoffrey Fagan, Mrs Shirley Walker, Ms Lindy Fagan, Mr Tony Shepherd (obo: Hampton Neighbourhood Association), Mr John & Mrs Margaret Balmer, Mr Tony & Mrs Marg Batt, Mrs Irma Crombie, Mrs Michelle & Mr Angus Addison, Mr Robert Kelly, Mr John Horton, Ms Gretchen Hillhouse, Mr Errol Kerr, Ms Leanne O'Brian, Mr Paul & Mrs Vicki Pafumi, Mr Michael Rigoni, Mr Michael & Mrs Vicki Vulcan, Mr Scott Matheson, and Mr Roger Borland each submitted a written statement in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council, having caused notice of planning application No: 2020/107/1 to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act, resolves to issue a Notice of Decision to Refuse to Grant a Permit for the land known and described as 78 Orlando Street, Hampton for construction of a three storey building containing multiple apartments and associated front fence (within the Special Building Overlay) for the following reasons:

- 1) The development fails to adequately respond to the objectives to Clause 22.06 (Neighbourhood Character Policy, Precinct B2) of the Bayside Planning Scheme on the following grounds:
 - (a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - (b) The development fails to maintain or enhance the garden setting of the precinct.
 - (c) The proposal fails to ensure that new buildings do not dominate the streetscape.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B6 (Street Setback) – The proposal fails to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character
 - b) Standard B17 (Side and Rear Setbacks) – The proposed side and rear setbacks fail to respect the existing and preferred neighbourhood character or limit amenity impacts on adjoining dwellings
 - c) Standard B18 (Walls on Boundary) – The height of the proposed wall on boundary at the rear fails to respect the existing and preferred neighbourhood character or limit the amenity on adjoining dwellings.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans, Michael Heffernan, James Long, Clarke Martin (Mayor), Sonia Castelli and Rob Grinter (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED

**4.6 430 NEW STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION NO: 2019/332/2 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/288487

It is recorded that Dr Amanda Reid, Mr Roy Adair, and Mr Nicholas Sharp each submitted a written statement in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolves to issue a Notice of Decision to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/332/2 for the land known and described as 430 New Street, Brighton, for the use of the land as a restricted recreation facility (personal training studio) and car parking in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the uses and development on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
3. Unless otherwise agreed by the Responsible Authority, the restricted recreation facility must only operate between the following hours:
 - a) Monday to Friday, 6:00am – 7:00pm.
 - b) Saturday to Sunday, 8:00am – 1:00pm.
4. No more than 16 patrons and one staff may be present on the premises at any one time without the prior written consent of the Responsible Authority.
5. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N 1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

Permit Expiry

6. This permit will expire if one of the following circumstances applies:
 - a) The use is not started within two years of the date of this permit.
 - b) The use is discontinued for a period of two years or more.
7. In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

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 following table is to be added at the end of the permit:

Date	Details
13 October 2020	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none">• Increase the maximum patron numbers from 2 to 16.• Condition 4 amended as follows: No more than 16 patrons and one staff may be present on the premises at any one time without the prior written consent of the Responsible Authority.

CARRIED

**4.7 40 SCOTT STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION NO: 2015/744/3 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/295037

It is recorded that Mr David Conomy, Ms Caroline Lawton (on behalf of Beaumaris Conservation Society), Ms Melanie Fox, Dr John Defina, Mr Andrew Ellis, Mrs Marilyn Hubbard, and Mr Matthew Law each submitted a written statement in relation to this item.

Moved: Cr Martin (Mayor)

Seconded: Cr Evans

That Council, having caused notice of planning application No: 2015/744/3 to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act, resolves to issue a Notice of Decision to Refuse to Grant an Amendment to a Permit for the land known and described as 40 Scott Street, Beaumaris for the construction of two double storey dwellings and removal of vegetation in a Vegetation Protection Overlay for the following reasons:

- 1) The proposed removal of vegetation fails to comply with the objectives in Clause 2.0 of Schedule 3 to the Vegetation Projection Overlay.

CARRIED

**4.8 71 ORLANDO STREET, HAMPTON
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)
APPLICATION NO: 2019/470/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/296167

Moved: Cr Castelli

Seconded: Cr Martin (Mayor)

That Council resolves, subject to all other parties to the proceedings consenting, to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2019/470/1 for the land known and described as 71 Orlando Street, Hampton for the construction of two dwellings on a lot in the General Residential Zone and buildings and works in the SBO in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Finnis Architects, TP00, TP03 to TP11 (inclusive) all Revision C, dated 15 September 2020 but modified to show:
 - a) the southern wall to the first-floor study, living area and stair of Dwelling 2 setback not less than 3350mm from the south boundary with consequential internal layout changes
 - b) a flat roof form with a parapet height of not more than 12.95 AHD provided over the first-floor study, living room and stair of Dwelling 2
 - c) any development changes required by the Melbourne Water Conditions
 - d) details of the screening method required by Standard B22 to be shown on the elevation plans
 - e) the garage of Dwelling 1 to have a minimum front setback of 5.6 metres
 - f) the entry to Dwelling 2, brought forward in line with the garage of Dwelling 1
 - g) the location of the rainwater tanks as required in the STORM report on the floor plans and landscape plan
 - h) sightlines where each driveway intersects the footpath in accordance with AS2890.1. All structures, including foliage, fences, etc within this triangle must be limited to a height of 0.9m or have be at least 50% clear of visual obstructions
 - i) a notation showing a 4.8m wide garage door to be provided to the garage of Dwelling 1
 - j) a notation showing a 3m wide garage door to be provided to the garage of Dwelling 2
 - k) a notation showing the gradient of the driveway of Dwelling 2 that does not exceed 1 in 16 to comply with the AS2890.1 to allow car parking

- l) an amended schedule of construction materials, external finishes and colours that shows a light palette of colours and materials replacing the mid and dark grey
 - m) a Tree Management Report in accordance with condition 21
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. 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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Melbourne Water

9. Finished floor levels of the dwelling (living kitchen and dining area) must be constructed no lower than 6.55 metres to Australian Height Datum (AHD).
10. Finished floor levels of the dwelling (entry and laundry area) must be constructed no lower than 6.75 metres to Australian Height Datum (AHD).
11. Finished floor levels of the garages must be constructed no lower than 6.83 metres to AHD.
12. A minimum three (3) metre setback measured from a combination of the north western and south eastern boundary and maintained at natural surface levels is required for the conveyance of overland flow.
13. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway.
14. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
15. The front fence and any new internal fencing must be open style (50%) of construction and any new side boundary fencing must be timber paling to allow for the conveyance of overland flow.

16. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
17. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Water Sensitive Urban Design

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

Landscaping

19. 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.
20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management Report

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

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

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

The TMR must include:

- a) 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 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.

The TPP must:

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

22. Any modification to the report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
23. All actions and measures identified in the Tree Management Report must be implemented.
24. 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.
25. 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.

Street tree protection

26. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
27. 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 be reduced to the edge of the new crossover to facilitate works.
28. 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.
29. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

30. 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.
31. 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.
32. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into the stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Development Contribution

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

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

Permit Expiry

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

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

CARRIED

**4.9 25 SIMS STREET, SANDRINGHAM
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)
APPLICATION NO: 2020/74/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/296695

Moved: Cr Evans

Seconded: Cr Martin (Mayor)

That Council resolves, subject to all other parties to the proceedings consenting, to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/74/1 for the land known and described as 25 Sims Street, Sandringham, for the construction of four dwellings on a lot in the General Residential Zone and Buildings and works in the Design and Development Overlay – Schedule 8 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 prepared by In2 Pty Ltd, referenced TP03 Rev C, TP04 Rev D, TP05 Rev D, TP06 Rev D, and TP07 Rev D dated 23 September 2020 but modified to show:
 - a) at second floor level, the planter box to the front balcony set back not less than 9.953 metres from the frontage and not less than 4.753 metres from the west boundary with the trafficable terrace area set back not less than 10.553 metres from the front boundary and 5.783 metres from the west boundary
 - b) at first floor level, the screening to the east facing balcony of Dwelling 4 to comprise either horizontal upward louvres or obscure glazing both to a minimum height of 1800mm above the balcony floor level
 - c) a minimum 2.2m headroom to be provided at the entrance and throughout basement in accordance with the AS2890.1
 - d) demonstration of compliance with standard B35 and B49 of ResCode
 - e) location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms
 - f) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - g) submission of Water Sensitive and Sustainability report in accordance with Condition 8 of this Permit
 - h) a Landscaping Plan in accordance with Condition 10 of this permit
 - i) a Tree Management and Protection Plan in accordance with Condition 13 of this permit
 - j) an Environmental Sustainable Design report in accordance with Standard 19
 - k) a Waste Management Plan in accordance with Condition 20

- l) provision of the development contribution levy in accordance with Condition 27 of this permit

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. 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.

Water Sensitive and Sustainable Urban Design

- 8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans of the water sensitive urban design measures generally in accordance with the EcoResults report dated December 2017.
- 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.

Landscaping

- 10. Prior to the to the endorsement of plans pursuant to Condition 1, detailed landscape plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plans must be generally in accordance with the landscape plans drawn by Cos Design, Pages 1 and 2 Version 2 dated 23 September 2020 and must be drawn to scale with dimensions. The plans must show:
 - a) any changes required to achieve consistency with the plans endorsed under condition 1
 - b) bamboo species specified as non-invasive clumping variety
 - c) details of surface finishes of pathways and driveways. Surface treatments to be specified and to the satisfaction of the Responsible Authority
 - d) walls in front setback are to be of root sensitive design
 - e) 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

- f) 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
 - g) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The plantings must also show the replanting of indigenous sandbelt vegetation as per the Neighbourhood Character Policy
 - h) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management Plan and Tree Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Report (TMR) prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The applicant must undertake measures to ensure that all contractors, sub-contractors and tradespersons operating on the site are aware of the contents of this report.

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

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

The TMR must include:

- a) 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 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.

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) show the location of all tree protection measures to be utilised
 - c) include a key describing all tree protection measures to be utilised.
14. Any modification to the Tree Management Report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

15. All actions and measures identified in the Tree Management Report must be implemented.
16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

Street tree protection

17. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
18. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 2 metres of the any street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Environmental Sustainable Design report

19. Prior to the commencement of development, an Environmental Sustainable Design (ESD) report prepared by a qualified professional must be endorsed by the Responsible Authority. The ESD Report must specify and deal with the following:
 - a) Relevant clause 55 standards.
 - b) Indoor Environment Quality.
 - c) Provision of renewable energy facilities.
 - d) Energy.
 - e) Water resources.
 - f) Integrated storm water treatment.
 - g) Building Materials.
 - h) Transport.
 - i) Environmental waste management.
 - j) Urban Ecology.
 - k) Innovation/ESD Excellence.
 - l) Ongoing Building & Site Management.

The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed Environmental Sustainability Report.

Waste Management Plan

20. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan

must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

- a) dimensions of storage waste areas
- b) storm water drains in storage areas should be fitted with a litter trap
- c) the number and size of bins to be provided
- d) facilities for bin cleaning
- e) method of waste and recyclables collection
- f) types of waste for collection, including colour coding and labelling of bins
- g) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
- h) method of hard waste collection
- i) method of presentation of bins for waste collection
- j) sufficient headroom within the basement to accommodate waste collection vehicles
- k) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
- l) strategies for how the generation of waste and recyclables will be minimised
- m) compliance with relevant policy, legislation and guidelines.

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

Construction Management Plan

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

- i contaminated soil and ground water
- ii materials and waste
- iii dust
- iv stormwater contamination from run-off and wash-waters
- v sediment from the land on roads
- vi washing of concrete trucks and other vehicles and machinery
- vii spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k) parking facilities for construction workers
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced
- o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p) 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:

- q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines
- r) 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
- s) vehicle borne material must not accumulate on the roads abutting the land
- t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads
- u) 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.

Drainage

- 22. 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.
- 23. 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.
- 24. Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.
- 25. 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 Contributions

- 26. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the 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.

Undergrounding of all Basic Services

- 27. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Permit Expiry

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

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

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

CARRIED

**4.10 64 BLACK STREET, BRIGHTON
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)
APPLICATION NO: 2019/598/1 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/290508

Moved: Cr del Porto

Seconded: Cr Castelli

That Council resolves to Not Support the consent position for planning application No: 2020/598/1 and retain the existing reasons for refusal in respect of the land known and described as 64 Black Street, Brighton, as Council considers the changes are inappropriate to properly address the Council and objectors' concerns.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans, Michael Heffernan, James Long, Sonia Castelli and Rob Grinter (Deputy Mayor) (6)
AGAINST: Cr Clarke Martin (Mayor) (1)

CARRIED

4.11 STATUTORY PLANNING - VCAT REPORT (SEPTEMBER 2020)

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/291151

Moved: Cr Evans

Seconded: Cr Martin (Mayor)

That Council resolves to:

- receive and note the report; and
- note the outcome of VCAT decisions on the planning applications handed down during September 2020.

CARRIED

5. Confidential Business

There was no Confidential Business submitted to the meeting.

The Chairperson declared the meeting closed at 6:51pm.