

# Planning and Amenity Delegated Committee Meeting

Council Chambers  
Civic Centre – Boxshall Street Brighton

Tuesday 1 December 2020  
at 6:30pm



## Minutes

**PRESENT:**

**Chair:** Cr Alex del Porto

**Councillors:** Cr Laurence Evans OAM (Mayor)  
Cr Sonia Castelli (Deputy Mayor)  
Cr Hanna El Mouallem  
Cr Clarke Martin  
Cr Jo Samuel-King MBBS  
Cr Fiona Stitfold

**Officers:** Mick Cummins – Chief Executive Officer  
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

There was no confidential business submitted to the meeting.

The Chair declared the meeting open at 6:30pm and advised that the Planning and Amenity Delegated Committee meeting is being streamed live on the internet to ensure the community continues to have ongoing access to Council debate and the decision-making process.

The Chair 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**

There were no conflicts of interest submitted to the meeting.

**Procedural Motion**

**Moved Cr Martin**

**Seconded Cr Castelli**

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 Wednesday 2 December 2020 at 6:30pm via livestreaming on Council's website, in the event livestreaming 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 13 October 2020.

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 13 October 2020, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## **4. Matters of Decision**

### **4.1 1 NORMANBY STREET, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION NO 2019/592/1 WARD: DENDY**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/319583

*It is recorded that Mr Lucas Ryle submitted a written statement in relation to this item.*

**Moved: Cr El Moullem**

**Seconded: Cr Evans (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 2019/592/1 for the land known and described as 1 Normanby Street, Brighton, for the demolition of the existing dwelling and construction of a new dwelling and front fence in a Heritage Overlay, buildings and works in Special Building Overlay and construction of a roof deck in the Design and Development Overlay (Schedule 1) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (amended) prepared by Design 21 Architecture referenced TP00-TP10, date 28/08/20 and revision number J but modified to show:
  - a) front fence height to be reduced to 1.7m
  - b) WSUD in accordance with Condition 4
  - c) any changes required by Melbourne Water in accordance with conditions 6 to 8
  - d) the provision of a fixed screen (with no more than 25 per cent transparency) to the north, east and west perimeter of the rooftop deck with a height of 1.7 metre above the finished floor level.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.

Water Sensitive Urban Design

4. 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.

5. 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.

Melbourne Water

6. The dwelling must be constructed with finished floor levels set no lower than 3.63 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 3.33m to AHD.
7. The entry / exit driveway of the basement carpark must incorporate a flood proof apex set no lower than 3.63m to AHD, which is 300mm above the applicable flood level of 3.33m to AHD.
8. 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.

Permit Expiry

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

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

Permit Notes:

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

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- This permit 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 4 of the Building Regulations 2006. Non-compliance with any regulation will require dispensation from Council's Building Department.

**CARRIED**



**4.2 9 RUXTON RISE, BEAUMARIS  
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT  
APPLICATION NO 2017/382/4 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/333684

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*It is recorded that Mr Graham & Mrs Adriana Horne, Mr Graham & Mrs Lisa Williams, and Mr Gary Shrubsole each submitted a written statement in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans (Mayor)**

That Council, having caused notice of planning application 2017/382/4 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 9 Ruxton Rise, Beaumaris for the construction of a double storey dwelling on a lot less than 500 square metres for the following reasons:

- 1) The development fails to adequately respond to the objectives to Clause 22.06 (Neighbourhood Character Policy, Precinct D2) of the Bayside Planning Scheme on the following grounds:
  - a) The development fails to use materials that complement the natural setting.
- 2) The proposal fails to comply with the Objectives and Standards of Clause 54 of the Bayside Planning Scheme, in particular:
  - a) Standard A1 (Neighbourhood Character) – The proposal fails to respond to the existing and preferred neighbourhood character for this precinct
  - b) Standard A5 (Site Coverage) – The proposal fails to ensure that the site coverage respects the preferred neighbourhood character
  - c) Standard A10 (Side and rear setbacks) – The proposal fails to respect the preferred character of the area and limit the impact on the amenity of neighbouring dwellings.

**CARRIED**

**4.3 8–10 STATION WALK, BRIGHTON  
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT  
APPLICATION NO 2015/780/2 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/334479

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*It is recorded that Ms Diana Trewenack, and Mr Seng Wong each submitted a written statement in relation to this item.*

**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr Evans (Mayor)**

**Part A**

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 2015/780/2 for the land known and described as 8-10 Station Walk, Brighton, for the use of the ground floor building as a restricted recreation facility and development of the site for a two storey building over a basement, plus attic and a subsequent reduction in the associated car parking requirements in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and 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 The Silver Arc marked revision E1, date 12.10.2020 but modified to show:
  - a) deleted
  - b) deleted
  - c) deleted
  - d) deleted
  - e) updated water sensitive urban design measures in accordance with Condition 12 of this permit
  - f) an updated Acoustic Report in accordance with Condition 15 of this permit.
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. The one single car space to be a shared car space between all tenants.
4. Not more than eight patrons and one staff may be present on the fitness centre at any one time without the prior written consent of the Responsible Authority.
5. A minimum 15 minute gap must be provided for any group classes of fitness centre to minimise any parking overlap.
6. The use of fitness centre may operate only between the hours of 6am to 10pm, unless with the prior written consent of the Responsible Authority.

7. The use of the office storage nominated on the basement and attic level can may only be used in that sole purpose without written consent of the Responsible Authority.
8. Before the use and 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.
9. 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.
10. All pipes, 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.
11. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
12. 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.
13. 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.
14. 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.
15. Prior to the endorsement of plans pursuant to Condition 1, an updated Acoustic Report prepared by Octave Acoustic date 5 May 2020 Revision 1, must be submitted to and be endorsed by the Responsible Authority. The report must prescribe the form of acoustic treatment to the proposed office premises.

16. The recommendations contained in the approved Acoustic Reports pursuant to Condition 12 of this permit must be implemented and completed and where they are recommendations of an ongoing nature, must be implemented and maintained to the satisfaction of the Responsible Authority.
17. 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.
18. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
19. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
20. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
  - a) a trench grate (150mm minimum internal width) located within the property and/or
  - b) shaping the driveway so that water is collected in a grated pit on the property and/or
  - c) another Council approved equivalent.
21. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
  - a) a detailed schedule of works including a full project timing
  - b) a traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams
  - c) the location for the parking of all construction vehicles and construction worker vehicles during construction
  - d) delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed
  - e) proposed traffic management signage indicating any inconvenience generated by construction
  - f) fully detailed plan indicating where construction hoardings would be located

- g) a waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing
  - h) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site
  - i) site security
  - j) public safety measures
  - k) construction times, noise and vibration controls
  - l) restoration of any Council assets removed and/or damaged during construction
  - m) protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site)
  - n) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site)
  - o) 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 experience
  - p) traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads
  - q) all contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan
  - r) details of crane activities, if any.
22. 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 Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.
23. This permit will expire if one of the following circumstances applies:
- a) the development is not started within two years of the date of this permit
  - b) the development is not completed within four years of the date of this permit.

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

#### Permit Notes

- Subsurface water must be treated in accordance with Council's Policy for 'Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures'.

- 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.

Date	Details
1 December 2020	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> for:</p> <ul style="list-style-type: none"> <li>• an additional basement proposed for office storage</li> <li>• change of use from the approved ground floor food &amp; beverage tenancy to fitness centre with a maximum of eight patrons</li> <li>• change of use from the approved first floor residential building to an office</li> <li>• updated elevation plans to change the approved brick veneer to exposed concrete and adjustment to window locations</li> <li>• permit preamble updated to: <ul style="list-style-type: none"> <li>- use and development of the site for a two storey over a basement, mixed use building plus attic and a subsequent reduction in the associated car parking requirements</li> </ul> </li> <li>• deletion of conditions 1 a) – 1 d)</li> <li>• amendment to conditions 1e), 1f), 3, and 15</li> <li>• inclusion of condition 4-7 and 22.</li> </ul>

**Part B**

That any future applications to extend the expiry date of the planning permit pursuant to Section 69 of the *Planning and Environment Act 1987* be referred to the Planning and Amenity Delegated Committee for consideration

**CARRIED**

**4.4 3/46 FEWSTER ROAD, HAMPTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO 2020/421/1 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/338408

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*It is recorded that Miss Andrea Street, Mr Sam McCartney, Mr Glenn Vosbergen, Ms Rebecca McCarthy, and Mr Bryn Richards each submitted a written statement in relation to this item.*

**Moved: Cr Stitfold**

**Seconded: Cr Evans (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 2020/421/1 for the land known and described as 3/46 Fewster Road, Hampton, to extend one dwelling on a lot less than 500 square metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. 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.
3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
4. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Permit Expiry

7. 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**



**4.5 14 WATERLOO STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO 2020/150/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/333897

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*It is recorded that Mr Anthony Martin, Mr John Scott, and Simon O'Farrell & Ms Sharon Headland each submitted a written statement in relation to this item.*

**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr El Mouallem**

That Council, having caused notice of planning application 2020150/1 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 14 Waterloo Street, Brighton for the extension of a dwelling on a lot less than 500 square metres 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 ensure new development respects the dominant buildings forms and scale of buildings in the Precinct, through the use of innovative architectural response.
  - b) The development fails to improve the connection between the dwellings and the streetscape and encourage views to the front gardens.
- 2) The proposal fails to comply with the Objectives and Standards of Clause 54 of the Bayside Planning Scheme, in particular:
  - a) Standard A1 (Neighbourhood Character) – The proposal fails to respond to the existing and preferred neighbourhood character for this precinct
  - b) Standard A5 (Site Coverage) – The proposal fails to ensure that the site coverage respects the preferred neighbourhood character
  - c) Standard A10 (Side and rear setbacks) – The proposal fails to respect the preferred character of the area and limit the impact on the amenity of neighbouring dwellings
  - d) Standard A11 (Walls on boundaries) – the proposal fails to ensure that the walls on boundary limit the impact on the amenity of the neighbouring dwellings
  - e) Standard A14 (Overshadowing open space) – The proposal fails to ensure buildings do not significantly overshadow existing secluded private open space
  - f) Standard A18 (Solar access to open space) – The proposal fails to ensure that there is adequate solar access into the secluded private open space
  - g) Standard A20 (Front Fences) – The proposal fails to provide a fence height which respects the existing or preferred neighbourhood character.

**CARRIED**

**4.6 17A ABBOTT STREET, SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO 2020/165/1 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/333892

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*It is recorded that Mrs Rosemarie Weller, Mr Michael Clarke, and Mr Matthew Law each submitted a written statement in relation to this item.*

**Moved: Cr Stitfold**

**Seconded: Cr Evans (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 2020/165/1 for the land known and described as 17A Abbott Street, Sandringham, for the construction of two dwellings on a lot including a roof deck 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 advertised plans but modified to show:
  - a) no structure on the roof deck is to exceed a height of 1.7m
  - b) confirmation that the car lift will return to a default position at the ground floor when not in use
  - c) where the driveway intersects with the laneway, 2m by 2.5m splays on both sides must be shown to comply with the sightline requirements of Clause 52.06 of the Bayside Planning Scheme
  - d) garage widths to be notated on the plans
  - e) manufacture specifications of the car turntables and the car lift must be provided to the satisfaction of the Responsible Authority and demonstrate compliance with the requirements of a B99 vehicle according to AS2890.1
  - f) a Landscaping Plan in accordance with Condition 10 of this permit
  - g) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
  - h) payment of the Development Contribution Levy in accordance with Condition 14
  - i) no more than 2 car spaces allocated to each dwelling in accordance with the car parking requirements of Clause 52.06 of the Bayside Planning Scheme and a subsequent reduction to the basement level
  - j) all side and rear setbacks designed to achieve compliance with Standard B17 (Side and Rear Setbacks) of the Bayside Planning Scheme
  - k) the proposed ground floor boundary walls associated with the dining and kitchen areas to each dwelling reduced in length to allow for increased replacement planting to the satisfaction of the Responsible Authority

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.

#### Water Sensitive Urban Design

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 Bayside Landscaping Guidelines. The plan must show:
  - a) two canopy trees in the rear of each dwelling capable of reaching a height of 8m and width of 6m at maturity
  - b) two canopy trees in the front setback of the dwellings capable of reaching a height of 8m and width of 6m at maturity
  - c) 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
  - d) 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

- e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - f) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - g) details of surface finishes of pathways and driveways.
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.

**Construction Management Plan**

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

**Development Contributions**

14. Prior to the endorsement of plans under Condition 1 of this permit, the permit holder must pay a drainage levy of \$2,187 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.

**Drainage**

15. 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.
16. 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.
17. Council 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 onsite.
18. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

**Permit Expiry**

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

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

**Permit Notes:**

- Council is the responsible authority for the allocation of street addressing in accordance with the 'Rural and Urban Addressing Standards (4819:2011)'. It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Western Dwelling – 1/17A Abbott Street SANDRINGHAM 3191

Eastern Dwelling – 2/17A Abbott Street SANDRINGHAM 3191

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

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

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

**CARRIED**

**4.7 17 HEMMING STREET, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2020/211/1 WARD: IVISON**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/298086

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*It is recorded that Mr Michael Skelton, and Ms Kirsty Slater each submitted a written statement in relation to this item.*

**Moved: Cr Castelli (Deputy Mayor)**

**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 2020/211/1 for the land known and described as 17 Hemming Street, Brighton East, for the construction of three double storey dwellings in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by Murley Design referenced 17 1785, dated July 2020 and Revision 'A' but modified to show:
  - a) full compliance with Standard B22 (Overlooking)
  - b) auto turn swept-paths are to be provided demonstrating access and egress to/from each car space for Unit 2 and 3. Vehicle access and egress is to comply with the requirements of the AS2890.1
  - c) the open air car space for Dwelling 3 must be clearly line-marked and allocated to Dwelling 3 use only
  - d) adequate sight lines are to be provided where both driveways intersects with the footpath in accordance with AS2890.1 and/or Planning Scheme
  - e) an amended landscape plan in accordance with Condition 9
  - f) provision of an Arboricultural Impact Assessment Report in accordance with Condition 12
  - g) provision of Tree Management Report in accordance with Condition 13
  - h) provision of the development contributions fee in accordance with Condition 18all 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. 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

9. An amended landscaping plan showing removal of the *Melaleuca squarrosa* and planting of a tree that will grow a minimum height of 8m at maturity with a 4m canopy width.
10. 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.
11. 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.

#### Arboricultural Impact Assessment

12. Prior to commencement of development, an Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, must be submitted to and be endorsed by the Responsible Authority. The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

#### Tree Management and Protection Plan

13. 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.

#### Street tree protection

14. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
15. 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.
16. 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.
17. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Development Contribution

18. 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

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

Site Services

21. 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

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

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

Permit Notes:

- Council is the responsible authority for the allocation of street addressing in accordance with the 'Rural and Urban Addressing Standards (4819:2011)'. It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.  
  
For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

- The applicant must clearly identify what impact, if any the proposed vehicle crossing will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.

The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

**CARRIED**

**4.8 6 GRANDVIEW ROAD, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO 2020/337/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/336182

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*It is recorded that Miss Tracey Hartelt, and Mr Jason Barnfather each submitted a written statement in relation to this item.*

**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr Stitfold**

That Council, having caused notice of planning application 2020/337/1 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 6 Grandview Road, Brighton for the construction of a three storey apartment building for the following reasons:

1. The proposed development of the land does not meet with the purpose of the General Residential Zone as follows:
  - a) The proposal does not respect the neighbourhood character of the area.
2. The proposal does not respect the existing neighbourhood character or preferred neighbourhood character as outlined within Precinct B5 of Clause 22.06 of the Bayside Planning Scheme due to:
  - a) the proposal failing to ensure that new development respects the predominant building scale and forms of the streetscape.
  - b) The proposal failing to have due regard to neighbourhood character and a single dwelling covenants registered on titles in the surrounding area.
3. The proposal does not comply with the following standards and objectives of Clause 55 and of the Bayside Planning Scheme:
  - a) Clause 55.02-1, Standard B1, Neighbourhood character - The proposal does not provide an appropriate design response to the neighbourhood and site or respect the existing or preferred neighbourhood character with regards to built form, scale, mass and design detail of the building
  - b) Standard B6 (Street Setback) - The proposed front setback fails to respect the existing and preferred neighbourhood character
  - c) Standard B8 Site Coverage – The proposed site coverage does no respect the existing or preferred neighbourhood character
  - d) Standard B28 – Private Open Space – The proposal fails to provide adequate open space for the reasonable recreation and service needs of residents
  - e) Standard B32 – Front Fence – The proposal fails to provide a fence height which respects the existing or preferred neighbourhood character.

**CARRIED**

**4.9 36 MALE STREET AND 1A LOLLER STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO 2020/327/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/343647

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*It is recorded that Mr Mathew Wilson submitted a written statement in relation to this item.*

**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr El Mouallem**

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 2020/327/1 for the land known and described as 36 Male Street and 1A Loller Street, Brighton, for the construction of a three-storey building containing six dwellings on a lot in a Special Building Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by Telha Clarke referenced TP1.1 – TP7.4, date 1 September 2020 and revision number 1 but modified to show:
  - a) rainwater tank size to be specified
  - b) storage cages to be allocated to dwellings ensuring that all dwellings have sufficient storage in accordance with Standard B44 of Clause 55 of the Bayside Planning Scheme
  - c) all street trees adjacent to the site within the nature strip on Male Street and Loller Street to be retained
  - d) a minimum 2m x 2m corner splay to be provided at the south-west corner of the property. The splay to be infilled with asphalt to match the existing footpath
  - e) no gates or roller doors to be provided within first 6m at the top of the ramp
  - f) 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 habitable rooms of adjoining properties
  - g) a Sustainable Management Plan in accordance with Condition 7 of this permit
  - h) a Landscape Plan in accordance with Condition 8 of this permit
  - i) an Arboricultural Impact Assessment Report in accordance with Condition 11 of this permit
  - j) Tree Management Report in accordance with Condition 12 of this permit
  - k) a Car Parking Management Plan in accordance with Condition 20 of this permit
  - l) Melbourne Water requirements in accordance with Condition 33 of this permit

- m) development contributions in accordance with Condition 36 of this permit
- n) The buildings ground, first, and second storey setback from the Male Street boundary must be increased by a minimum of 1.2 metres
- o) The proposal designed to achieve compliance with the side and rear setback requirements of Standard B17 (Side and Rear Setbacks) of the Bayside Planning Scheme

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.

#### Sustainable Management Plan

- 7. Prior to the endorsement of plans pursuant to Condition 1, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Management Plan prepared by Ark resources dated 15 July 2020 and include, but not be limited to the following:
  - a) commitment to prepare and provide a Builders Users Guide to occupants
  - b) segregated waste containers within the kitchen at each dwelling to facilitate recycling
  - c) commitment to all manufactured wood products being low formaldehyde type
  - d) details of electric vehicle infrastructure to be provided for each dwelling
  - e) details of fire test water re-use system.

#### Landscaping

- 8. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by John Patrick, reference TP01 Revision A, dated 31 August 2020 and be drawn to scale with dimensions. The plan must show:

- a) all existing street trees within the nature strip on Male Street and Loller Street to be retained
  - b) plant Schedule updated to reflect the plantings and species shown on the 'landscape plan - ground floor level' and include a minimum of:
    - i one (1) large canopy tree that will reach a minimum of 12m x 4m at maturity in the front setback to Male Street
    - ii two (2) canopy trees that will reach a minimum of 8m x 4m within the street setback to Loller Street
    - iii two (2) canopy trees that will reach a minimum of 8m x 4m within the side setback adjacent to 1 Loller Street.
9. 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.
10. 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.

**Arboricultural Impact Assessment**

11. Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

**Tree Management Report**

12. Prior to the endorsement of plans pursuant to Condition 1 and before 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 utilized.
13. 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.
  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.

**Street tree protection**

16. Before the development starts and prior to demolition, tree protection fencing is to be established around the street trees 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.
17. 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 3 metres of all street tree asset measured from the edge of the trunk.
18. 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.
19. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

**Car Parking Management Plan**

20. Prior to the endorsement of plans pursuant to Condition 1, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
  - a) all car parking space and aisles designed in accordance with AS2890.1
  - b) car parking allocated and sign posted/marked to provide at least the following spaces:
    - i. one (1) space per two (2) bed dwellings
    - ii. two (2) spaces per three (3) bed dwellings
    - iii. two (2) spaces per four (4) bed dwellings

- c) the car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separately from the development for any reason without the written consent of the Responsible Authority.

**Waste Management Plan**

- 21. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be in accordance with the (advertised) Waste Management Plan by Waste Space Solutions dated 26 August 2020.

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**

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

- a) 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) include details of bus movements throughout the precinct during the construction period
- q) 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:

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

- v) 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

- 23. 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.
- 24. 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.

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.

#### Melbourne Water

- 26. Finished floor levels of the building must be constructed no lower than 12.73 metres to Australian Height Datum (AHD).
- 27. The basement entrance must incorporate a flood proof apex constructed no lower than 12.73 metres to AHD.
- 28. 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 ramp.
- 29. Any new side boundary fencing must be timber paling to allow for the conveyance of overland flow.
- 30. No services are permitted to be installed across the Melbourne Water Asset unless approval in writing has been granted by Melbourne Water.
- 31. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
- 32. Any new landscaping located within five (5) metres of the Melbourne Water asset must comply with Melbourne Waters asset protection planting guidelines.
- 33. Prior to the endorsement of plans, a detailed landscape plan must be submitted to Melbourne Water for approval. The plan must show:
  - a) species and locations of trees to be planted
  - b) details of any hardstand areas, including paved and concrete areas
  - c) fencing details including footings/posts

- d) work method statement for tree removal which should include details of how protection of the drain will be undertaken.
34. 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.

Underground services

35. All basic services including water, electricity, gas, sewerage and telephone shall be installed underground and located to the satisfaction of the Responsible Authority.

Development Contributions

36. Prior to the endorsement of 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.

Permit Expiry

37. 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.
- The applicant must clearly identify what impact, if any the proposed vehicle crossing will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The redundant vehicle crossings must be removed to the satisfaction of the Council.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- 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'.
- Council is the responsible authority for the allocation of street addressing in accordance with the 'Rural and Urban Addressing Standards (4819:2011)'. It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Development to be 1A Loller Street BRIGHTON 3186

Ground Floor – Units 1-2/1A Loller Street BRIGHTON 3186

Level 1 – Units 101-103/1A Loller Street BRIGHTON 3186

Level 2 – Unit 201/1A Loller Street BRIGHTON 3186

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

**CARRIED**

**4.10 21–25 AND 33 BAY ROAD, SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO 2020/247/1 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/301176

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*It is recorded that Mr Greg Snell, Dr Olivia Abbay, Ms Susanne Motherwell, Ms Gwen Zammit (obo Sandringham & District Historical Society), Mr Malcolm Motherwell, and Ms Joanna Jackson each submitted a written statement in relation to this item.*

**Moved: Cr Stitfold**

**Seconded: Cr Samuel-King**

That Council, having caused notice of planning application 2020/247/1 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 21-25 and 33 Bay Road, Sandringham for the use of the land as a retirement village and medical centre, the construction of a five storey building with two levels of basement, part demolition and external alterations of a heritage building, the display of signage, the sale and consumption of liquor and a reduction in the car parking requirement for the following reasons:

1. The proposal is an over development of the site.
2. The proposal fails to respond to the State and Local Planning Policy Framework.
3. The proposal fails to appropriately respond the neighbourhood character of the area and will result in a visually dominant and bulky built form.
4. The proposed development will result in an unacceptable continual building mass to the northern and western abutting properties.
5. The proposed development fails to comply with the design objectives of Schedule 8 to the Design and Development Overlay of the Bayside Planning Scheme, in particular the height of the proposed development is not compatible with the preferred future role and character of the Sandringham major activity centre and the proposal does not conserve or enhance the valued urban character of the centre.
6. The proposed reduction in the car parking requirement fails to respond to the purpose, objectives and decision guidelines of Clause 52.06 (Car Parking) of the Bayside Planning Scheme, in particular the reduction of seven car parking space associated with the medical centre will detrimentally impact upon the availability of on street car parking in the surrounding area.

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

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

**CARRIED**

#### **4.11 STATUTORY PLANNING – VCAT REPORT (OCTOBER 2020)**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/335484

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**Moved: Cr Martin**

**Seconded: Cr Evans (Mayor)**

That Council resolves to:

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

**CARRIED**



## **5. Confidential Business**

There was no confidential business submitted to the meeting.

*The Chair declared the meeting closed at 7:38pm.*