

Planning & Amenity Committee Meeting

Council Chambers
Civic Centre – Boxshall Street Brighton

Tuesday 21 January 2020
at 7pm



Minutes

PRESENT:

Chairperson: Cr Rob Grinter (Deputy Mayor)

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

Officers: Matthew Cripps – Acting Director City Planning and Amenity
Terry Callant – Manager Governance and Corporate Reporting
Michael Kelleher – Acting Manager Development Services
Sarah Collins – Statutory Planning Coordinator
Nikolas Muhllechner – Acting Statutory Planning Coordinator
Arthur Vatzakis – Statutory Planning Coordinator
Robert Lamb – Acting Governance Coordinator

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5. Confidential Business

The Chairman declared the meeting open at 7pm and advised members of the public gallery that the Planning and Amenity Committee meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

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.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 9 December 2019.

Moved: Cr Martin (Mayor)

Seconded: Cr Long

That the minutes of the Planning & Amenity Committee Meeting held on 9 December 2019, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 30-32 ROODING STREET, BRIGHTON SUPPORT THE GRANT OF A PERMIT (VCAT SUBSTITUTED PLANS) APPLICATION NO: 2019/191/1 WARD: NORTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/337818

It is recorded that Mr Rodney Apcar, Mrs Annie Sargood-Cooke, Mr Geoffrey Green, Mr Randall Cooke (via proxy, Mrs Annie Sargood-Cooke) and Mr Kel Twite each spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

Part A.

That Council resolve to **Not Support the Grant of a Permit** (VCAT substituted plans) for Planning application **2019/191/1** and retain the existing Grounds of Refusal in respect of the land known and described as **30-32 Rooding Street, Brighton** as Council considers the changes are inappropriate.

Part B.

That Council engage appropriate legal representation in this matter.

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

**4.3 2 SMALL STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2019/494/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/20/49

It is recorded that Mrs Tatiana Stemmer and Mr Eben Hocking each spoke for three minutes in relation to this item.

It is recorded that Cr Martin (Mayor) left the Meeting at 8:50 pm. Cr Martin (Mayor) returned to the Meeting at 8:58 pm.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/494/1** for the land known and described as **2 Small Street, Hampton** for the **sale and consumption of liquor (restaurant/café licence) associated with an existing café** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The licenced area shown on the endorsed plans must not be altered (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. The sale and consumption of liquor may only occur within the licenced area as shown on the endorsed plan.
3. Not more than 100 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.
4. The sale and consumption of liquor can only occur between the hours of 11:00am and 6:00pm, Monday to Sunday without the prior written consent of the Responsible Authority. The sale and consumption of liquor must not occur prior to 12:00 midday on ANZAC day or Good Friday without the prior written consent of the Responsible Authority.
5. The predominant activity carried out on the premises, must be the preparation and serving of meals for consumption on the premises.

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.

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.

CARRIED

**4.4 56 WILSON STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2019/219/1 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/307440

It is recorded that Ms Yienchan Ngo, Mr Shaun Cracknell and Mr Henry Johnstone each spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Evans

That Council, having caused notice of Planning application **2019/219/1** 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, resolve to issue a **Notice of Decision to Refuse to Grant a Permit** in respect of the land known and described as **56 Wilson Street, Brighton** for the **General Residential Zone Schedule 2: Construction of a three storey multi-dwelling building over a basement car park including a front fence in excess of 1.5 metres in height; Design and Development Overlay Schedule 11: Construct a building with a height more than 9 metres; and Clause 52.02 Easements, Restrictions and Reserves - Removal of an easement** for the following reasons:

1. The proposed development of the land does not comply with the purposes of the General Residential Zone and fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct B2) of the Bayside Planning Scheme, on the following grounds:
 - a) The proposal fails to maintain and enhance the garden settings of the dwellings.
 - b) The proposal fails to maintain the rhythm of spacious visual separation between buildings and fails to provide space for front gardens.
 - c) The proposal fails to respect the dominant buildings forms and scale of buildings in the Precinct, through the use of innovative architectural responses.
 - d) The proposal fails to use a variety of building materials and finishes that provide visual interest in the streetscape.
2. The proposed development fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) B1 – Neighbourhood Character
 - b) B6 – Street Setback
 - c) B12 – Safety
 - d) B14 – Access
 - e) B17 – Side and Rear Setbacks
 - f) B18 – Walls on Boundaries
 - g) B22 – Overlooking
 - h) B23 – Internal Views
 - i) B31 – Design Details
 - j) B32 – Front Fences
 - k) B41 – Accessibility

- l) B42 – Building Entry and Circulation
 - m) B44 – Storage
 - n) B45 – Waste and Recycling
 - o) B46 – Functional Layout
 - p) B47 – Room Depth
 - q) B48 – Windows
 - r) B49 – Natural Ventilation.
3. The proposal fails to retain the significant tree - Magnolia Grandiflora which does not comply with Clause 21.04-1 Biodiversity of the Bayside Planning Scheme.
4. The proposal fails to provide a transition to the land outside and adjacent to the major activity centre and ensure the height is respectful of the adjoining neighbourhood residential zone and its character.

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

**4.5 14 NEW STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2019/199/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/20/892

It is recorded that Mr James McGann each spoke for three minutes in relation to this item.

It is recorded that Cr del Porto left the Meeting at 9:37 pm. Cr del Porto returned to the Meeting at 9:39 pm.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/199/1 for the land known and described as **14 New Street, Hampton** for the **construction of two or more dwellings on a lot in a Special Building Overlay, roof decks above the second storey in a Design and Development Overlay, Schedule 1 and the construction of a front fence exceeding 1.2 metres 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 advertised plans prepared by McGann Architects revision number B, dated 2019.06.17 and but modified to show:
 - a) The first floor north facing bathroom to Dwelling 1 to accord with the side setback Standard of B17 of Clause 55.04-1 of the Bayside Planning Scheme.
 - b) The first floor eastern setback to Dwelling 3 to accord with the rear setback Standard of B17 of Clause 55.04-1 of the Bayside Planning Scheme.
 - c) Obscure screens no more than 25% transparent and at a height of 1.7 metres from deck finished floor level to be provided to the north facing balustrade of Dwelling 1's roof deck.
 - d) Retention of trees 8 and 9.
 - e) All obscure glazing and overlooking treatment materials to be nominated as no more than 25% transparent.
 - f) Overall maximum building heights to be plotted from the minimum floor levels as determined by Melbourne Water to the roof or parapet at any point (excluding the lift overrun).
 - g) Six (6) cubic metres of externally accessible, secure storage space in accordance with Standard B30 – Storage objective of Clause 55.05-6 of the Bayside Planning Scheme.
 - h) Adequate sight lines where each driveway intersects with the front footpath in accordance with Design Standard 1 – Accessways of Clause 52.06-9 of the Bayside Planning Scheme.
 - i) A minimum 2m x 2m corner splay is to be provided at the south -west corner of the property. The splay is to restrict landscaping in this splay to less than 900mm in height.

- j) The STORM treatment measures correctly detailed in accordance with the advertised STORM report, date generated 20-Mar-2019.
 - k) An amended Landscaping Plan in accordance with Condition 9 of this permit.
 - l) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 12 of this permit.
 - m) Melbourne Water Conditions in accordance with Conditions 21 - 32 of this permit.
 - n) Provision of the development contributions fee in accordance with Condition 38.
 - o) All subsequent development changes.
- 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 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. Prior to the endorsement of plans pursuant to Condition 1, an amended 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 design plan concept plan drawn by McGann Architects, revision A, dated 4/4/19 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) The retention of tree 8 *Banksia integrifolia* and tree 9 *Banksia integrifolia* in the front setback of Dwelling 2.
 - b) The *Tristaniopsis Laurina* proposed in the front setback of Dwelling 1 to be replaced with one (1) large coastal indigenous canopy tree capable of reaching a minimum height of twelve (12) metres at maturity.

- c) One (1) small canopy tree capable of reaching a minimum height of eight (8) metres at maturity to be provided in the front setback of Dwelling 3.
 - d) Dwelling 2 paving and driveway material to be permeable.
 - e) The STORM treatment measures correctly detailed in accordance with the advertised STORM report, date generated 20-Mar-2019.
 - f) All subsequent development changes.
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.

Tree Management and Protection Plan

12. 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 trees 35, 36, 37, 41 and 42 located on neighbouring properties.
 - b) The location of tree protection measures to be utilised.
13. 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.
14. 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.
15. 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

16. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete.
17. Soil excavation must not occur within 2 metres from the edge of any 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.

Melbourne Water

21. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
 - a) A setback of 3 metres from the eastern boundary and 3 metres from the northern boundary.
 - b) Open space areas set at natural surface level.
 - c) A cross-section of the proposed ramping to the garages demonstrating that the ramps are as steep as permissible or to the satisfaction of Melbourne Water.
 - d) The decking areas unenclosed.
 - e) Pool fencing & internal fencing a minimum 50% open style.
 - f) Boundary fencing a minimum 50% open style or timber paling.
22. The dwellings must be constructed with finished floor levels set no lower 300mm above the applicable graded flood level. The minimum floor level requirement for each dwelling is:
 - a) Dwelling 1: 7.75 metres to AHD (graded flood level of 7.45 metres to AHD).
 - b) Dwelling 2: 7.80 metres to AHD (graded flood level of 7.50 metres to AHD).
 - c) Dwelling 3: 7.85 metres to AHD (graded flood level of 7.55 metres to AHD).
23. The garages must be constructed with finished floor levels set no lower than the applicable flood level. The minimum floor level requirement for each garage is:
 - a) Dwelling 1 garage: 7.45 metres to AHD.
 - b) Dwelling 2 garage: 7.50 metres to AHD.
 - c) Dwelling 3 garage: 7.55 metres to AHD.
24. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the dwellings and garages (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.
25. Imported fill must be kept to a minimum on the property and only be used outside of the setback areas specified below and for the sub floor areas of the dwellings, garages and driveway ramps.
 26. The open space areas within the property (excluding minimal 'raised garden beds' over the basement) must be maintained at natural surface levels and no fill or retaining walls are to be used in the development of this land to the satisfaction of Melbourne Water.
 27. The gradient of the ramps to the garages must be set as steep as permissible to allow the maximum space set at natural surface level for the conveyance of overland flood flow or to the satisfaction of Melbourne Water.
 28. The development (excluding unenclosed decking, in-ground pool, open style fencing & open carports) must be setback a minimum of 3 metres from the eastern boundary of the property and 3 metres from the northern boundary of the property. These setbacks must be maintained at natural surface level and no fill, retaining walls or solid structures would be permitted in this area to allow for the conveyance of overland flow.
 29. The proposed pool must be set at or below natural surface level to allow for the conveyance of overland flood flow.
 30. The decking must be constructed with unenclosed foundations and steps contain no vertical risers, to allow for the passage of overland flows.
 31. Any new internal fence or pool fencing must be of an open style of construction (minimum 50% open) unless with the written consent of Melbourne Water, to allow for the conveyance of overland flood flow.
 32. Any new boundary fence must be of an open style of construction (minimum 50% open) or timber paling unless with the written consent of Melbourne Water, to allow for the conveyance of overland flood flow.

Drainage

33. 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.
34. 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.
35. 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.
36. 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.

Undergrounding of all basic services

37. 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.

Development Contribution

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

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

Permit Expiry

39. 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.
- Before the development starts the applicant must pay \$2,648.90 to the Responsible Authority for the removal and replacement of an existing street tree (Asset No. 970726). This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
- 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 applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

CARRIED

**4.6 1/32 GROSVENOR STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2019/444/1 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/333038

It is recorded that Ms Caroline Shepard and Ms Wioletta Wieczynski each spoke for three minutes in relation to this item.

It is recorded that Cr Castelli left the Meeting at 9:44 pm. Cr Castelli returned to the Meeting at 9:46 pm.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council, having caused notice of Planning application **2019/444/1** 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, resolve to issue a **Notice of Decision to Refuse to Grant a Permit** in respect of the land known and described as **1/32 Grosvenor Street, Brighton** for the **construction of one dwelling on a lot** for the following reasons:

1. The proposal fails to fully comply with the Standards of Clause 54 of the Bayside Planning Scheme, in particular:
 - a) Standard A3: Street setbacks – The proposed street setback fails to achieve compliance with the numerical requirements of Standard A3.
 - b) Standard A5: Site coverage – The proposal fails to achieve compliance with the requirements of Standard A5.
 - c) Standard A10: Side and rear setbacks – The proposal fails to achieve compliance with the numerical requirements of Standard A10.
 - d) Standard A11: Walls on boundary – The proposal fails to achieve compliance with the requirements of Standard A11.
 - e) Standard A20: Front fences – The proposal fails to achieve full compliance with the requirements of Standard A20.

LOST

Moved: Cr Heffernan

Seconded: Cr Evans

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/444/1** for the land known and described as **1/32 Grosvenor Street, Brighton** for the **construction of one dwelling on a lot** 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 Crowhurst Building Design referenced 435, date October 2019 and revision B but modified to show:

- a) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
 - b) Provision of the development contributions fee in accordance with Condition 14. 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 A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

Landscaping

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.

Drainage

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

Development Contribution

14. 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.

Underground Services

15. 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

16. 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.

CARRIED

**4.7 6 O CONNOR STREET, BLACK ROCK
GRANT A PERMIT
APPLICATION NO: 2019/676/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/20/3540

It is recorded that Ms Caitlin Eves spoke for three minutes in relation to this item.

Moved: Cr Evans

Seconded: Cr Martin (Mayor)

Part A.

That Council resolve to **Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/676/1** for the land known and described as **6 O Connor Street, Black Rock** for the **removal of vegetation native to Australia** 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 modified to show:
 - a) Retention of Tree 1 (Eucalyptus leucoxylon).
 - b) Nomination (species and location) of a replacement Native Canopy Tree to reach a height of 8m at maturity.
 - c) Removal of nominations showing removal of trees that require a local law permit for removal (these will require separate permission).All to the satisfaction of the Responsible Authority.
2. All planting shown on the endorsed plans must be carried out within six (6) months of the completion of the new dwelling to the Satisfaction of the Responsible Authority.
3. 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.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- This permit does not authorise the removal of trees that require a permit under Local Law.

Part B.

That Council officers and arborist engage with the applicant to discuss tree management techniques and risk minimisation in relation to Tree 1 (Eucalyptus leucoxylon).

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

**4.8 6 COLE STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2019/526/1 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/319422

It is recorded that Mr Garry Williams spoke for three minutes in relation to this item.

Moved: Cr Heffernan

Seconded: Cr Martin (Mayor)

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/526/1** for the land known and described as **6 Cole Street, Brighton** for the **construction of a roof top deck** in accordance with the endorsed plans and subject to the following 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. External lighting associated with the roof top deck must be designed, baffled and located so as to prevent any adverse effect on adjoining land 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.

Permit Expiry

5. 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

**4.9 24 TULIP GROVE, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO:2019/281/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/336506

It is recorded that Mr Derek Screen, Mr Terry Zeinstra, Mr Andrew Rumbelow (via proxy, Mr Derek Screen), Mr David Mitchell (via proxy, Dr Rob Saunders), Mrs Bronwyn Wilcox, Mrs Mary Saunders, Dr Rob Saunders and Mr Roger Wettenhall each spoke for three minutes in relation to this item.

It is recorded that Cr del Porto left the Meeting at 10:32 pm. Cr del Porto returned to the Meeting at 10:37 pm.

PROCEDURAL MOTION

Moved: Cr Martin (Mayor)

Seconded: Cr Castelli

That the meeting be extended for 30 minutes.

CARRIED

It is recorded that the meeting was extended for 30 minutes at 10:54pm.

Moved: Cr Long

Seconded: Cr Evans

Part A.

That Council, having caused notice of Planning application **2019/281/1** 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, resolve to issue a **Notice of Decision to Refuse to Grant a Permit** in respect of the land known and described as **24 Tulip Grove, Cheltenham** for the **construction of four dwellings on a lot** for the following reasons:

1. The proposed development of the land does not comply with the purposes of the General Residential Zone and fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct H5) of the Bayside Planning Scheme, on the following grounds:
 - a) The proposal fails to maintain and enhance the garden settings of the dwellings.
 - b) The proposal fails to maintain the rhythm of spacious visual separation between buildings.
 - c) The proposal fails to respect the dominant buildings forms and scale of buildings in the precinct.
2. The proposed development fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) B1 – Neighbourhood Character
 - b) B6 – Street Setback

- c) B17 – Side and Rear Setbacks
- d) B29 – Solar Access to Open Space.

Part B.

That Council engage appropriate legal representation in this matter, should the matter proceed to a VCAT hearing.

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

4.10 TREE PERMIT AUDIT REPORT - Q2 2019/20

City Planning & Amenity - Development Services
File No: PSF/20/10 – Doc No: DOC/20/8329

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to:

- Receive and note the report; and
- Note the outcome of the tree permit audit undertake from July to October 2019.

CARRIED

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

4.11 STATUTORY PLANNING - VCAT REPORT (DECEMBER 2019)

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/347226

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to:

- Receive and note the report; and
- Note the outcome of VCAT decisions on the planning applications handed down during December 2019.

CARRIED

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

5. Confidential Business

There was no Confidential Business submitted to the meeting.

The Chairperson declared the meeting closed at 11:14pm.