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**Minutes of the  
Planning and Amenity Committee Meeting**

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 22 January 2019

The Meeting commenced at 7:00pm

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

In attendance Hamish Reid – Director City Planning and Amenity  
Matthew Cripps – Manager Development Services  
Michael Kelleher – Statutory Planning Coordinator  
Sarah Collins – Statutory Planning Coordinator  
Terry Callant – Manager Governance  
Robert Lamb – Governance Officer

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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 20 December 2018.

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That the minutes of the Planning & Amenity Committee Meeting held on 20 December 2018, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 55 VINCENT STREET, SANDRINGHAM REMOVAL FROM SIGNIFICANT TREE REGISTER

City Planning and Amenity - Amenity Protection  
File No: PSF/15/8764 – Doc No: DOC/19/1156

**Moved: Cr Castelli**

**Seconded: Cr Martin**

That Council:

1. Grants the removal of significant status for the Eucalyptus viminalis (Manna Gum) tree at 55 Vincent Street, Sandringham.
2. Writes to the applicants informing them of Council's decision.

**CARRIED**

**4.2 3 BLEAZBY AVENUE, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2018/479/1 WARD: NORTHERN**

City Planning & Amenity - Development Services  
File No: PSF/15/8755 – Doc No: DOC/19/2111

*It is recorded that Mrs GuiFang Yan (via proxy Yu Zhang), Mr Paul Boes , Ms Marguerite Russell and Mr Jason Barnfather each spoke for three minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Evans**

That Council resolve to issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/479/1** for the land known and described as **3 Bleazby Avenue, Brighton**, for the **construction of a three storey multi-dwelling building over a basement car park and a front fence in excess of 1.5 metres in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (submitted with the application amended) prepared by CONRAD referenced C1811, date Dec 2018 and revision number C but modified to show:
  - a) Balconies for dwellings 1.01 and 1.02 to achieve a minimum width of 2.4m excluding the proposed planter boxes.
  - b) Details to demonstrate the proposed balcony associated with dwelling 1.02 complies with Standard B22 (Overlooking) and B23 (Internal views) of the Bayside Planning Scheme.
  - c) Details to demonstrate the secluded private open space at 5 Bleazby Avenue can receive at least five hours of sunlight between 9am and 3pm on 22 September in accordance with Standard B21 of the Bayside Planning Scheme.
  - d) Details to demonstrate the proposed secluded private open space of dwelling G.01 is enclosed by a sufficiently solid front fence to protect its privacy. The fence must complement the proposed building in terms of materials and colours and must retain some levels of transparency while affording the appropriate level of privacy.
  - e) A notation to upgrade glazing of the proposed north-east master bedroom window of dwelling 2.01 in accordance with the Noise Attenuation Measures as recommended by Acoustic Control, reference DL1587-1 Issue A, date 13 August 2018.
  - f) Details to demonstrate both dwellings achieve compliance with Standard B41 (Accessibility) of the Bayside Planning Scheme.
  - g) Location of all plant and equipment, including hot water services, clotheslines and air conditioners etc. Plant equipment is to be located

away from habitable room windows of dwellings and the habitable rooms of adjoining properties.

- h) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- i) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- j) A Landscaping Plan in accordance with Condition 10 of this permit.
- k) Tree Management Protection Plan in accordance with Condition 13 of this permit.
- l) Development Contributions in accordance with Condition 22 of this permit.
- m) Melbourne Water requirement in accordance with Conditions 23-26 of this permit.
- n) Retention of tree 16, and any design modifications required as a result of the tree management protection plan required at condition 13.

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Design, reference L-TP01, dated September 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) 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.
  - b) A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones (calculated in accordance with AS4970-2009) encroach into the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant, including a minimum of two canopy trees in addition to the existing tree 16 along the rear boundary of the site.
  - d) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes including proposed decks.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management and Protection Plan

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

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

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

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

#### Street tree protection

16. 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.
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 2 metres of the street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

#### Drainage

18. 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.
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 City Assets and Projects Department.

#### Waste Management Plan

20. Waste Management must be carried out in accordance with the endorsed Waste Management Plan (WMP) to the satisfaction of the Responsible Authority. No alterations to the WMP may occur without the prior written consent of the Responsible Authority.

#### Construction Management Plan

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) Provision of parking restrictions specific to the operations of the croquet club and residents directly opposite the site.
- e) 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.
- f) Proposed traffic management signage indicating any inconvenience generated by construction.
- g) Fully detailed plan indicating where construction hoardings would be located.
- h) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- i) 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. Up to 3 unannounced site visits will be undertaken by a suitably qualified officer during the construction to ensure compliance to the satisfaction of the Responsible Authority.
- j) Site security.
- k) Public safety measures.
- l) Construction times, noise and vibration controls.
- m) Restoration of any Council assets removed and/or damaged during construction.
- n) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- o) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- p) 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.
- q) 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.

- r) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- s) Details of crane activities, if any.

#### Development Contributions

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

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

#### Melbourne Water conditions

23. The ground floor of all dwellings must be constructed with finished floor levels set no lower than 12.72 metres to Australian Height Datum, which is 300mm above the applicable flood level of 12.42 metres to Australian Height Datum.
24. Any doors, windows, vents and opening to the basement car park must be a minimum of 12.75 metres to AHD which is 300mm above the applicable flood level of 12.42 metres to AHD.
25. The entry/exit driveway of the basement car park must incorporate a flood proof apex set no lower than 12.72 metres to AHD which is 300mm above the applicable flood level of 12.42 metres to AHD.
26. 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 Waters requirements.

#### Permit Expiry

27. 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.
- Subsurface water must be treated in accordance with Council's Policy for "Works on Assets within the Road Reserve Policy 2018".

## **AMENDMENT**

### **Moved: Cr Heffernan (Mayor)**

That Council resolve to issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/479/1** for the land known and described as **3 Bleazby Avenue, Brighton**, for the **construction of a three storey multi-dwelling building over a basement car park and a front fence in excess of 1.5 metres in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

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  - e) A notation to upgrade glazing of the proposed north-east master bedroom window of dwelling 2.01 in accordance with the Noise Attenuation Measures as recommended by Acoustic Control, reference DL1587-1 Issue A, date 13 August 2018.
  - f) Details to demonstrate both dwellings achieve compliance with Standard B41 (Accessibility) of the Bayside Planning Scheme.
  - g) Location of all plant and equipment, including hot water services, clotheslines and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties.

- h) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
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  - 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.
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  - 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) Provision of parking restrictions specific to the operations of the croquet club and residents directly opposite the site.
- e) 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.
- f) Proposed traffic management signage indicating any inconvenience generated by construction.
- g) Fully detailed plan indicating where construction hoardings would be located.
- h) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- i) 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. Up to 3 unannounced site visits will be undertaken by a suitably qualified officer during the construction to ensure compliance to the satisfaction of the Responsible Authority.
- j) Site security.
- k) Public safety measures.
- l) Construction times, noise and vibration controls.
- m) Restoration of any Council assets removed and/or damaged during construction.
- n) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- o) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- p) 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.
- q) 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.
- r) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- s) Details of crane activities, if any.

#### Development Contributions

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

under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

#### Melbourne Water conditions

23. The ground floor of all dwellings must be constructed with finished floor levels set no lower than 12.72 metres to Australian Height Datum, which is 300mm above the applicable flood level of 12.42 metres to Australian Height Datum.
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26. 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 Waters requirements.

#### Permit Expiry

27. 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.
- Subsurface water must be treated in accordance with Council's Policy for "Works on Assets within the Road Reserve Policy 2018".

**LAPSED FOR WANT OF A SECONDER**



The Original Motion moved by Cr del Porto and Seconded by Cr Castelli was put and  
**CARRIED**

**4.3 133 OAK STREET, BEAUMARIS  
GRANT A PLANNING PERMIT  
APPLICATION NO: 2018/562/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services  
File No: PSF/15/8755 – Doc No: DOC/19/1253

**Moved: Cr Martin**

**Seconded: Cr Evans**

That Council resolve to **Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/562/1** for the land known and described as **133 Oak Street, Beaumaris**, for

- **The Construction of two dwellings on a lot; and**
- **the removal of native vegetation**

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 Tristan Burfield Architect referenced as Job No. 024 Drawing Nos. A.201A, A.202A, A.203A, A.401A, A.402A, A.411A, A.601A dated August 2018 and Landscape Plan prepared by Davidson Design Studio Sheet 1 of 1 (Rev. B) dated 8 June 2018 but modified to show:
  - a) Unit 133a to be re-named as Unit 1 and Unit 133b to be re-named as Unit 2.
  - b) Alternate materials to the first floor rear facades and to the first floor north and south facades to the two rear bedrooms and bath at Unit 1 and the two rear bedrooms and bath at Unit 2 to the satisfaction of the Responsible Authority.
  - c) A minimum of 6m<sup>2</sup> externally accessible storage space for each unit in accordance with Standard B30 of the Bayside Planning Scheme.
  - d) The garage and carport to have minimum internal dimensions of 3.5 metres wide and 6 metres long in accordance with Design Standard 2 of Clause 52.06-9 of the Bayside Planning Scheme.
  - e) The garage door for Unit 2 to have a minimum width of 3 metres.
  - f) Sightlines to be provided to each crossover in accordance with AS2890.1 to be dimensioned on the ground floor plans.
  - g) Tandem car spaces in front of the garage and carport to be clearly shown on the floor plans with minimum dimensions in accordance with Design Standard 2 at Clause 52.06-9 of the Bayside Planning Scheme.
  - h) Dimensions of private open space and secluded private open space marked on the plans.
  - i) Tree protection zone and fencing dimensions to be shown on the ground floor plan around the *Melaleuca ericifolia* street tree in accordance with AS4970-2009.

- j) The deletion of hard paving within the rear setback of both units where any part of the paving comes within the Tree Protection Zone (TPZ) of Tree No. 2.
- k) North, south and west facing first floor habitable room windows screened in accordance with Standard B22 at Clause 55.04-6 of the Bayside Planning Scheme.
- l) 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.
- m) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- n) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- o) An Arboricultural Impact Assessment in accordance with Condition 10 of this permit.
- p) Landscaping Plan in accordance with Condition 11 of this permit.
- q) A Tree Management and Tree Protection Plan in accordance with Condition 14 of this permit.
- r) Provision of the development contribution fee in accordance with Condition 23 of this permit.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

#### Water Sensitive 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.

#### Arboricultural Impact Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, an Arboricultural Impact Assessment Report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites to ensure Trees 2, 24, 28 and 30 remain viable post construction must be submitted to and be endorsed by the Responsible Authority.

#### Landscaping

11. 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 Davidson Design Studio Sheet 1 of 1 (Rev. B) dated 8 June 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Development changes required by Condition 1.
  - b) Tree Protection Zones (TPZ's) and Structural Root Zones (SRZ's) for all trees to be retained on the subject site and neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - 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. Plantings must be 80% indigenous by species type and count.
  - 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.
12. 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.

13. 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

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

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
  - c) Tree protection zone and fencing dimensions erected around the *Melaleuca ericifolia* street tree in accordance with AS4970-2009.
15. 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.
  16. 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.

#### Street tree protection

17. Soil excavation must not occur within 2 metres from the edge of the *Melaleuca ericifolia* 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.

#### Drainage

21. 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.
22. 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.

#### Development Contribution

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

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

#### Permit Expiry

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

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

#### Permit Notes:

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

**CARRIED**

**4.4 SANDRINGHAM BOWLS CLUB (25 - 29 TULIP STREET,  
SANDRINGHAM)  
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT  
APPLICATION NO: 2011/609/3 WARD: SOUTHERN**

City Planning & Amenity - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/312922

*It is recorded that Mrs Margaret Cole (via proxy Rachel Douglas) and Mr Rob Elliot each spoke for three minutes in relation to this item.*

*It is recorded that Councillor Castelli left the Meeting at 8:04 pm. Councillor Castelli returned to the Meeting at 8:06 pm.*

**Moved: Cr Evans**

**Seconded: Cr Martin**

That Council resolve to issue a **Notice of Decision to Grant an Amended Planning Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2011/609/3** for the land known and described as **25-29 Tulip Street, Sandringham, for the variation to Liquor Licence (extend Red Line plan)** in accordance with the endorsed plans and subject to the following conditions.

1. Before the use 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 submitted with the application but modified to show:
  - a) The red line area being reduced to include the barbeque area and adjoining seating area, not extending beyond the entry doors to the northern end of the main hall.
2. **The licensed area may operate only between the following hours, unless with the prior written consent is given by the Responsible Authority:**
  - **Monday 1pm to 8pm.**
  - **Tuesday 1pm to 10pm.**
  - **Wednesday 1pm to 10pm.**
  - **Thursday 1pm to 8pm.**
  - **Friday 12 noon to 10:30pm with the property to be vacated by 11pm.**
  - **Saturday 12 noon to 10:30pm with the property to be vacated by 11pm.**
  - **Sunday 12 noon to 8pm.**
  - **There is to be no service or consumption of alcohol permitted in the outside area after 10pm on Tuesday, Wednesday, Friday and Saturday or the nine (9) night bowling competition dates (allowable by condition 3 of this permit).**

3. **On the nine (9) night bowling competition dates between November and March, the sale and consumption of liquor may only occur from 1pm to 10:30pm.**
4. The maximum number of patrons must not exceed 80 persons at any time unless without the written consent of the Responsible Authority.
5. Liquor must only be consumed within the red area shown on the endorsed plans. The Club must erect appropriate signage and barriers to ensure that the Licensed Area is clearly identified as a wet area and that consumption of alcohol is not permitted outside this area.
6. The predominant activity carried out on the premises, must remain as an outdoor recreation facility use onsite (Bowls Club).
7. The club must display a sign at the exit of the premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner to the satisfaction of the Responsible Authority.
8. The emptying of wastes and recyclables into Council collection bins must not be carried out before 7am and after 10pm.
9. No sound or amplified music or loudspeakers shall be audible from outside the building.
10. The Club must ensure that noise from patrons inside and outside the premises does not disturb the peace and quiet for the neighbourhood, during and immediately after the permitted hours of operation to the satisfaction of Council.
11. 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) Emission of noise, artificial light, vibration and smell.

#### Permit Expiry

12. This permit will expire if the following circumstances applies:
  - a) The use of the licensed area is not started within two (2) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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.



**THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:**

Date Amended	Details
22 January 2019	Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> , involving: <ul style="list-style-type: none"><li>• Increase the extent of the red-line area;</li><li>• Amend condition 2.</li><li>• Addition of condition 3 and renumbering of subsequent conditions.</li><li>• Correct the suburb on the Planning permit from Black Rock to Sandringham pursuant to Section 71 of the Planning and Environment Act 1987.</li></ul>

**THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED**Permit Notes:

- Landlord (Council) consent to extend operating hours may be required.
- It is recommended that that sporting clubs who hold liquor licences join the 'Good Sports Program' to minimise alcohol related harm within the community. Information may be found at [www.goodsports.com.au](http://www.goodsports.com.au)

**CARRIED**

**4.5 345 BEACH ROAD, BLACK ROCK  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2017/592/1 WARD: NORTHERN**

City Planning & Amenity - Development Services  
File No: PSF/15/8755 – Doc No: DOC/19/216

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**Moved: Cr Evans**

**Seconded: Cr Martin**

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 5/2017/592/1.
2. Plans identified as TP1 Rev A, TP2 Rev A, TP3 Rev A and TP4 Rev A and L-TP01 be endorsed.
3. Plans TP1, TP2, TP3 and TP4 (Sheets 1 - 4 of 4) endorsed on 11 October 2018 be superseded.

**CARRIED**

**4.6 277 BAY ROAD, CHELTENHAM  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2015/311/3 WARD: CENTRAL**

City Planning and Amenity - Development Services  
File No: PSF/15/8755 – Doc No: DOC/19/1821

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**Moved: Cr Long**

**Seconded: Cr Castelli**

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 5/2015/311/3.
2. Plans identified as TP04, TP04a, TP05, TP06, TP07, TP07a, TP08, TP09, TP10, and TP11 prepared by RPC Architects be endorsed.
3. Plans Sheet 1-10 endorsed on 30 April 2018 be superseded.

**CARRIED**

**4.7 386 - 388 HAMPTON STREET, HAMPTON  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2009/557/4 WARD: CENTRAL**

City Planning and Amenity - Development Services  
File No: PSF/15/8755 – Doc No: DOC/19/2845

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**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

1. Approve the amended plans in accordance with the secondary consent provisions of Planning Permit 2009/557/4.
2. Plans identified as A-035-[C6], A-040-[C5], A-100-[C8], A-101-[C8] and external colour schedule prepared by Cornall Building Design be endorsed. These plans are to be read in conjunction with plans Sheet 1, 2, 3, 4, 9, 10 and 11 endorsed on 17 August 2017.
3. Plans Sheet 5, 6, 7, 8 endorsed on 17 August 2017 be superseded.

**CARRIED**

**4.8 26 GARNET-LEARY AVENUE, BLACK ROCK  
VCAT AMENDED PLANS - SUPPORT THE GRANT OF A PLANNING  
PERMIT  
APPLICATION NO: 2018/185/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services  
File No: PSF/15/8755 – Doc No: DOC/19/8670

*It is recorded that Mr Blane Hansen spoke for three minutes in relation to this item (on behalf of: Mr Blane Hansen; Mrs Emma Strong; Ms Wendy Foster; Mr Herber Loureiro; Mr Robin Austen; Mr Dean Aughterson; Mrs Doreen Trounce; Ms Bridget Brammall; Mr Heidi Fenech; Mr Roger French; Ms Jacqui Thomas; Mrs Georgina Cass; Mr Rudi Sims; Mrs Melinda Dobbyn; Mr Andrew Dobbyn; Mrs Katie Dickson; Mr Chris Moshidis; Mr Michael Ziaras; Mr Bill Forwood; Mrs Sandra Todd-Clarke; Mr Terence Clarke; and Mrs Danielle Chambers)*

**Moved: Cr Evans**

**Seconded: Cr Martin**

- A. That Council resolve to advise all parties and original objectors that while it acknowledges the amendments to the plans it re-affirms its position to **Not Support** Planning Application **2018/185/1** for the land known and described as **26 Garnet-Leary Avenue, Black Rock**, for the **construction of two (2) double storey dwellings on a lot and removal of native vegetation** subject to the following grounds:
1. The development fails to adequately respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct H1) of the Bayside Planning Scheme by:
    - a) Failing to respond to the existing and preferred neighbourhood character for this precinct.
    - b) Failing to maintain and enhance the preferred coastal garden setting of the precinct.
    - c) Failing to provide appropriate building footprints and separation to allow space throughout the site for future landscaping opportunities.
    - d) Failing to minimise dominant car parking facilities and/or provide appropriate setbacks, particularly to the Fern Street frontage to allow space for reasonable landscaping opportunities to limit the visual dominance of the development to the streetscape.
    - e) Failing to provide appropriate articulation and recessive first floor elements to provide separation between floors and an interesting façade treatment to the streetscapes.
  2. The proposed development fails to appropriately respect the character of the area and the intent of the Registered Restrictive Covenants applicable to the original subdivision and estate.
  3. The proposal fails to comply with the objectives and standards of Clause 55 (ResCode) of the Bayside Planning Scheme, in particular:
    - a) Clause 55.02-1 Neighbourhood Character (Standard B1)
    - b) Clause 55.02-2 Residential Policy (Standard B2)
    - c) Clause 55.02-5 Integration with the Street (Standard B5)

- d) Clause 55.03-1 Street Setback (Standard B6)
  - e) Clause 55.03-8 Landscaping (Standard B13)
  - f) Clause 55.03-9 Access (Standard B14)
  - g) Clause 55.03-10 Parking Location (Standard B15)
  - h) Clause 55.04-1 Side and Rear Setbacks (Standard B17)
  - i) Clause 55.04-6 Overlooking (Standard B22)
  - j) Clause 55.04-7 Internal Views (Standard B23)
  - k) Clause 55.05-6 Storage (Standard B30)
  - l) Clause 55.06-1 Detailed Design (Standard B31)
- B. The officers obtain a complete historic title search and legal advice to determine if the subject site, known as 26 Garnet-Leary Avenue, Black Rock, is or was affected by a Registered Restrictive Covenant.

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

**DIVISION:**      **FOR:**      Crs Alex del Porto, Laurence Evans, James Long,  
Clarke Martin and Sonia Castelli (5)  
**AGAINST:** Crs Michael Heffernan (Mayor) and Rob Grinter (2)

**CARRIED**

## **5. Confidential Business**

*It is recorded that no confidential business was submitted to the meeting.*

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.25pm.*