

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 11 June 2024
at 6.30pm



Minutes

PRESENT:

Chairperson: Cr Fiona Stitfold (Mayor)

Councillors: Cr Sonia Castelli
Cr Alex del Porto (Deputy Mayor)
Cr Hanna El Mouallem
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King

Officers: Matthew Cripps – Director City Planning and Amenity
Terry Callant – Manager Governance
Scott Matheson – Acting Manager Development Services
Michael Kelleher – Statutory Planning Coordinator
Ziqi Xi – Acting Statutory Planning Coordinator
Robert Lamb – Council Business Lead

Membership and Quorum of the Committee

The membership of the Planning and Amenity Delegated Committee is all 7 Councillors. The quorum for a meeting is a majority of Councillors (4).

A quorum for this meeting was reached with no less than 4 Councillors present at any given time.

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The Chair, Cr El Mouallem declared the Planning and Amenity Delegated Committee Meeting open at 6.30pm and called for a motion that the Mayor take the Chair for the meeting given Cr El Mouallem indicated that he may not be able to be present for the duration of the meeting.

Moved: Cr del Porto

Seconded: Cr Samuel-King

That the Mayor take the Chair for the duration of the 11 June 2024 Planning and Amenity Delegated Committee meeting.

CARRIED

The Acting Chair / Mayor, Cr Stitfold advised members of the public gallery that the meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside community.

The Acting Chair invited Cr Castelli to read the prayer.

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

Cr Samuel-King read the acknowledgement of Country.

- ◆ Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging as well as any Aboriginal or Torres Strait Islander community members with us today.
- ◆ Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.
- ◆ Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island Elders who have guided and continue to guide the work we do.

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of Conflict of Interest of any Councillor

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 and Amenity Delegated Committee Meeting held on 14 May 2024.

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Martin

That the minutes of the Planning and Amenity Delegated Committee Meeting held on 14 May 2024, as previously circulated, be confirmed as an accurate record of proceedings.

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

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

CARRIED

4. Matters of Decision

4.1 36 SEAVIEW CRESCENT, BLACK ROCK LOCAL LAW TREE REMOVAL APPLICATION: 2024/71

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/133987

Moved: Cr Samuel-King

Seconded: Cr Castelli

That Council resolves to Refuse a Local Law Tree Removal Permit for removal of one (1) (Norfolk Island Pine) *Araucaria heterophylla* at 36 Seaview Crescent, Black Rock.

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

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

CARRIED

NOTE: Item 4.1 was **CARRIED** as part of a block motion.

**4.2 14 EROWAL STREET, BEAUMARIS
LOCAL LAW TREE REMOVAL
APPLICATION: 2024/68**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/136729

Moved: Cr Samuel-King

Seconded: Cr Castelli

That Council resolves to Issue a Local Law Tree Removal Permit for removal of one (1) *Acer negundo* (Box Elder) at 14 Erowal Street, Beaumaris subject to the following:

Replacement Tree Requirements:

Permit has been granted with a condition of additional 200% replacement vegetation within the site. This includes:

- a) the planting of two (2) indigenous and/or native trees within the front and/or back setback of the site which are capable of reaching a mature height of 10 metres and spread of 6 metres
- b) the planting of midstorey and/ or groundcover within the front and/or back setback of the site which are capable of reaching a total mature canopy spread of 6 metres.

Note: the cumulative mature canopy spread of replacement planting should be a minimum of 18 metres to support Council's Urban Forest Strategy.

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

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

CARRIED

NOTE: Item 4.2 was **CARRIED** as part of a block motion.

**4.3 275 BEACH ROAD, BLACK ROCK
LOCAL LAW TREE REMOVAL
APPLICATION: 2024/77**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/148869

Moved: Cr Samuel-King

Seconded: Cr Castelli

That Council resolves to Issue a Local Law Tree Removal Permit for removal of one (1) *Morus alba* (Mulberry) at 275 Beach Road, Black Rock subject to the following:

Replacement Tree Requirements:

Permit has been granted with a condition of additional 200% replacement vegetation within the site. This includes:

- a) the planting of at least one (1) indigenous tree within the back setback of the site which is capable of reaching a mature height of 8 metres and spread of 8 metres
- b) the planting of indigenous and/ or native midstorey and/ or groundcover within the front and/or back setback of the site which are capable of reaching a total mature canopy spread of 10 metres.

Note: the cumulative mature canopy spread of replacement planting should be a minimum of 18 metres to support Council's Urban Forest Strategy.

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

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

CARRIED

NOTE: Item 4.3 was **CARRIED** as part of a block motion.

**4.4 2 JAMES AVENUE, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2024/19/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/146946

It is recorded that Mrs Mamta Johal submitted a written statement in relation to this item.

It is recorded that Mr Peter Wright and Mr Mark Connors each spoke for 2 minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2024/19/1 for the land known and described as 2 James Avenue, Highett to construct three (3) double storey dwellings in a Neighbourhood Residential Zone Schedule 3 (NRZ3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the amended prepared by Peter Wright & Associates Pty Ltd referenced Job Number 4920, Sheet TP04, TP05, TP06, TP07 date April 2024 and revision number C but modified to show:
 - a) bedroom 2 of Dwelling 3 to fully comply with the rear setback requirement of Standard B17 of Clause 55.04-1 of the Bayside Planning Scheme
 - b) pedestrian corner spays to be annotated on both sides of each crossover in accordance with Clause 52.06-9 of the Bayside Planning Scheme and modifications to the proposed fencing to facilitate this requirement
 - c) a schedule of construction materials, external finishes and colours
 - d) an amended Sustainable Design Assessment in accordance with Condition 9
 - e) an amended Landscaping Plan in accordance with Condition 10
 - f) a Tree Management and Protection Plan in accordance with Condition 13
 - g) provision of the development contributions fee in accordance with Condition 25all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

Sustainable Design Assessment

9. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should be generally in accordance with the one submitted with the application prepared by eco results (reference 2023-3684-SDA) and dated 27 February 2024 but modified to include:
 - a) achieve an individual cooling rate no greater than 21 MJ/m² for each dwelling
 - b) provide double glazing to all new windows, glazed doors and rooflights
 - c) install solar photovoltaic panels to enhance the commitment to provide an all-electric building, or provide detail as to what infrastructure will be provided in each unit to facilitate the future installation of photovoltaic renewable energy systems
 - d) a junction box and power point to accommodate infrastructure for future EV charging in each garage
 - e) provide preliminary NatHERS Energy Rating Certificates for each dwelling for NatHERS Climate Zone 62 Moorabbin, that demonstrate a minimum 6.5 star average NatHERS rating for the dwellings, with no dwelling achieving less than 6.2 stars or exceeding a cooling rate of 21 MJ/m², to support the 100% credit in BESS for Management 2.2 Thermal Performance Modelling
 - f) provide an updated BESS Report that shows the average NatHERS rating for the dwellings as 6.5 star
- all 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 Faulkner & Chapman Landscape design, reference 2JamesLP, dated 16 February 2024 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
 - a) altering the built form to be consistent with the development plans
 - b) the Luscious Kanooka planting proposed in the rear setback of Dwellings 2 and 3 to be setback a minimum of 2 metres from a boundary.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Management Plan

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

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

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

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

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

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) indicate the location of all tree protection measures to be utilised
 - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
 - d) include a key describing all tree protection measures to be utilised.
14. All actions and measures identified in the Tree Management Report must be implemented.
 15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
 16. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) 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 (specify particular tree/s) is to be done by hand by a qualified Arborist.

Protection of trees for services

17. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Street tree protection

18. A tree protection fence 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.
23. 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.
24. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

Development Contribution

25. 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.

Reticulated Gas Service Connection

26. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

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:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is

the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Northern Dwelling – 2 James Avenue HIGHETT 3190

Centre Dwelling – 18 Cloyne Street HIGHETT 3190

Southern Dwelling – 16 Cloyne Street HIGHETT 3190

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

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is no easement within the property.

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

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

CARRIED

**4.5 2B NORTH ROAD, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 1997/3159/3 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/158311

It is recorded that Mr Peter and Mrs Linda Henley, Ms Heather Macfarlane, Dr Peter Snider, and Mrs Catherine Field each submitted a written statement in relation to this item.

It is recorded that Mr Andrew Iser (on behalf of Howard Komesaroff and Aliza Sebel, Frank Matera, Joe Catalfamo, Deb Noonan, and John and Julie Doquile), Mr Chris Bishop, Mr Lee Shaw, and Mr Andre Salem each spoke for 2 minutes in relation to this item.

Moved: Cr El Mouallem

Lapsed for want of a seconder

PART A

That Council resolves to issue a Notice of Decision to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 1997/3159/3 for the land known and described as 2B North Road, Brighton for the use of the existing facility as a café and leisure hire facility and for the sale and consumption of liquor in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, three copies of amended plans drawn to scale and dimensioned, 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 generally in accordance with the plans submitted with the application, or some other specified plans but modified to show:
 - a) the driveway to the staff car parking area to be realigned, to the satisfaction of Council
 - b) the relocation of the bicycle parking facility so that it is located in front of the hire facility, to the satisfaction of Council
 - c) the staff car parking area to be paved with Besser Grass Pavers, to the satisfaction of Council
 - d) the staff car parking area redesigned to accommodate up to 6 number car spaces adjacent to the toilet block
 - e) a landscape plan of the site prepared by a properly qualified and/or experienced landscape architect
2. The staff car park to be closed to the public at all times.
3. **The use may operate between:**
 - **Monday to Sunday: 7am to 10pm****unless the Responsible Authority gives consent in writing. All patrons are to have vacated the premises within 30 minutes after the designated closing time.**
4. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Liquor license

5. The licenced area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
6. The sale and consumption of liquor may only occur within the licenced area as shown on the endorsed plan.
7. The sale and consumption of liquor may only occur between:
 - Monday to Sunday: 7am to 10pm.No amendment to these hours is to occur without the prior written consent of the Responsible Authority.
8. No more than 220 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.
9. No more than a total of 60 patrons are permitted in the northern and eastern outdoor terrace areas at any one time, without the prior written consent of the Responsible Authority.
10. No patrons are permitted in the outdoor terrace areas after 10pm, without the prior written consent of the Responsible Authority.
11. The rear outdoor service area may not be accessed by patrons.
12. The predominant activity carried out on the premises must be the serving of meals.

Noise

13. Before the use of the site, all measures included within the submitted acoustic assessment dated 26 February 2024 by Clarity Acoustics must be implemented and completed. Where they are recommendations of an ongoing nature, must be implemented and maintained to the satisfaction of the Responsible Authority.
14. All works must be undertaken in accordance with the endorsed Acoustic Engineering Report to the satisfaction of the Responsible Authority. No alterations to the Acoustic Report may occur without the written consent of the Responsible Authority.
15. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the plant and equipment area, service area and outdoor dining areas be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
16. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the plant and equipment area, service area and outdoor dining areas must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

Venue Management Plan

17. Prior to the endorsement of plans pursuant to Condition 1, a Venue Management Plan is required to be submitted to the satisfaction of the Responsible Authority. The Venue Management Plan is to address noise, amenity and sustainable transport measures. The Venue Management Plan must address but is not limited to the following:
- a) Appointment and/or employment of a Manager on-site including contact information.
 - b) Hours of operation and maximum number of patrons for all parts of the premises and methods for monitoring and enforcement.
 - c) Location and methods of internal signage directing patrons to the relevant parts of the site.
 - d) Details of staffing arrangement including numbers and working hours of any security staff.
 - e) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the Responsible Authority or an officer of the liquor licensing authority.
 - f) Details of any measures to be undertaken to ensure minimal impacts from the licenced premises, particularly for events finishing after 9pm.
 - g) Outlining of the Waste Policies & Waste Awareness and Minimisation outlined in the Waste Management Plan submitted with the application.
 - h) Education of staff and customers regarding parking arrangements and encouraging the use of sustainable transport.
 - i) Phone number and/or contact information for local transport providers offering after-hours pick-up.

General

18. The 12 trailer spaces situated adjacent to the bicycle path to be redesignated to car spaces.
19. Warning signs to be erected on the bike path at the pedestrian and vehicle crossings.

Permit expiry

20. 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.

PART B

That Council's Integrated Transport team investigates the potential to introduce parking restrictions along Chatsworth Avenue and provides a report to a Planning and Amenity Delegate Committee by no later than September 2024.

LAPSED

Moved: Cr del Porto (Deputy Mayor)

Seconded: Cr Samuel-King

That Council resolves to issue a **Notice of Decision to Grant an Amendment to a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **1997/3159/3** for the land known and described as **2B North Road, Brighton** for **the use of the existing facility as a café and leisure hire facility and for the sale and consumption of liquor** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, three copies of amended plans drawn to scale and dimensioned, 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 generally in accordance with the plans submitted with the application, or some other specified plans but modified to show:
 - a) the driveway to the staff car parking area to be realigned, to the satisfaction of Council
 - b) the relocation of the bicycle parking facility so that it is located in front of the hire facility, to the satisfaction of Council
 - c) the staff car parking area to be paved with Besser Grass Pavers, to the satisfaction of Council
 - d) the staff car parking area redesigned to accommodate up to 6 number car spaces adjacent to the toilet block
 - e) a landscape plan of the site prepared by a properly qualified and/or experienced landscape architect
2. The staff car park to be closed to the public at all times.
3. **The use may operate between:**
 - **Monday to Thursday and Sundays: 7am to 10pm**
 - **Friday and Saturday: 7am to 11pm**
 - **Public holidays and public holiday eve: 7am to 11pm**

unless the Responsible Authority gives consent in writing. All patrons are to have vacated the premises within 30 minutes after the designated closing time.
4. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Liquor license

5. **The licenced area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**
6. **The sale and consumption of liquor may only occur within the licenced area as shown on the endorsed plan.**
7. **The sale and consumption of liquor may only occur between:**
 - **Monday to Thursday and Sundays: 7am to 10pm.**
 - **Friday and Saturday: 7am to 11pm.**
 - **Public holidays and public holiday eve: 7am to 11pm.**

No amendment to these hours is to occur without the prior written consent of the Responsible Authority.

8. No more than 220 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.
9. No more than a total of 60 patrons are permitted in the northern and eastern outdoor terrace areas at any one time, without the prior written consent of the Responsible Authority.
10. No patrons are permitted in the outdoor terrace areas after 10pm, without the prior written consent of the Responsible Authority.
11. The rear outdoor service area may not be accessed by patrons.
12. The predominant activity carried out on the premises must be the serving of meals.

Noise

13. Before the use of the site, all measures included within the submitted acoustic assessment dated 26 February 2024 by Clarity Acoustics must be implemented and completed. Where they are recommendations of an ongoing nature, must be implemented and maintained to the satisfaction of the Responsible Authority.
14. All works must be undertaken in accordance with the endorsed Acoustic Engineering Report to the satisfaction of the Responsible Authority. No alterations to the Acoustic Report may occur without the written consent of the Responsible Authority.
15. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the plant and equipment area, service area and outdoor dining areas be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
16. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the plant and equipment area, service area and outdoor dining areas must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

General

17. The 12 trailer spaces situated adjacent to the bicycle path to be redesignated to car spaces.
18. Warning signs to be erected on the bike path at the pedestrian and vehicle crossings.

Permit expiry

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

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

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

Date of Amendment	Details
11 June 2024	<p>Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> • Approval of red line plan. <p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> • Alteration to permit preamble as follows: The use of the existing facility as a café and leisure hire facility and for the sale and consumption of liquor. • Amendment of condition 3 as follows: The use may operate between: <ul style="list-style-type: none"> • Monday to Thursday and Sundays: 7am to 10pm. • Friday and Saturday: 7am to 11pm. • Public holidays and public holiday eve: 7am to 11pm. Unless the Responsible Authority gives consent in writing. All patrons are to have vacated the premises within 30 minutes after the designated closing time. • Addition of conditions 5 to 16. <p>Renumbering of remaining permit conditions.</p>
<p>The Motion was PUT and a <u>DIVISION</u> was called:</p> <p><u>DIVISION:</u> FOR: Crs Alex del Porto (Deputy Mayor), Laurence Evans OAM, Clarke Martin, Sonia Castelli, Jo Samuel-King, Fiona Stitfold (Mayor) and Hanna El Mouallem (7)</p> <p> AGAINST: Nil (0)</p> <p style="text-align: right;"><u>CARRIED</u></p>	

**4.6 44 NICOL STREET, HIGHETT
SECONDARY CONSENT - APPROVE
APPLICATION: 2022/461/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/157622

Moved: Cr Castelli

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves:

1. to Approve the amended plans in accordance with Secondary Consent provisions of Planning Permit 2022/461/1
2. that plans identified as Sheets 3, 4 and 5 prepared by Hargreaves Design Group, Revision K and dated 8 May 2024 be endorsed. These plans are to be read in conjunction with plans 4, 5 and 6 endorsed on 6 December 2023
3. that plans identified as Sheets 1 to 3 endorsed on 6 December 2023 be superseded.

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

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

CARRIED

**4.7 17 ROODING STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/396/1 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/133983

Moved: Cr El Mouallem

Seconded: Cr del Porto (Deputy Mayor)

That Council resolves to Approve the Extension of Time of (1) year to Planning Permit 2017/396/1, so that the development must now commence no later than 6 April 2025 and be completed no later than 6 April 2027.

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

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

AGAINST: Nil (0)

CARRIED

**4.8 228–230 ESPLANADE, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2017/82/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/151098

It is recorded that Mr Morry Silber submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr Evans OAM

That Council resolves to Approve the Extension of Time of one (1) years to Planning Permit 2017/82/2, so that the development must now commence no later than 14 September 2025 and be completed no later than 14 September 2027.

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

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

CARRIED

**4.9 131–133 CARPENTER STREET, BRIGHTON
EXTENSION OF TIME - APPROVE
APPLICATION: 2016/39/2 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/24/96 – Doc No: DOC/24/154059

It is recorded that Mr Kris Tanoyo and Ms Leonie Perry submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr del Porto (Deputy Mayor)

That Council, having considered the Extension of Time application in respect of Planning Permit 2016/39/2 and having considered all the matters required by the Planning and Environment Act 1987, resolves to Refuse to Grant an Extension of Time in respect of the land known and described as 131-133 Carpenter Street, Brighton for the:

- construction of two or more dwellings on a lot (three storey residential building containing ten dwellings)
- construction of buildings and works in a Design and Development Overlay
- construction of a front fence exceeding 1.5 metres in height

for the following reasons:

- It is considered that sufficient time has been provided to enable the commencement and completion of the development.
- It is Council's position that this permit has been 'warehoused' as the property has been sold several times since the permit was originally granted.
- There have been changes to State Planning Policy which are prudent to consider for new developments.

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

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

AGAINST: Nil (0)

CARRIED

4.10 STATUTORY PLANNING - MONTHLY REPORT (APRIL 2024)

City Planning and Amenity - Development Services
File No: PSF/23/171 – Doc No: DOC/24/162668

Moved: Cr Evans OAM

Seconded: Cr Martin

That Council resolves to:

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

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

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

AGAINST: Nil (0)

CARRIED

The Chairperson declared the meeting closed at 7.49pm.