



## **Minutes of the Planning Committee Meeting**

held in the Council Chambers, Civic Centre  
Boxshall Street, Brighton  
on Wednesday 13 July 2010  
at 7pm

### **PRESENT:**

Cr Alex del Porto (Chairperson)  
Cr Louise Cooper-Shaw  
Cr Felicity Frederico  
Cr Clifford Hayes  
Cr James Long  
Cr Simon Russell

### **OFFICERS IN ATTENDANCE:**

Angela Meinke	-	Planning Manager
Theodora Jenkin	-	Planning Coordinator
Grant Michell	-	Planning Officer
Janice Pouw	-	Governance Officer

### **APOLOGIES:**

An apology from Councillor Norris was submitted to this meeting.

**Moved: Cr Russell**

**Seconded: Cr Frederico**

That the apology from Cr Norris be received and leave of absence be granted.

**CARRIED**

**TABLE OF CONTENTS**

Page No

**REPORTS:**

1.1 770 HAMPTON STREET, BRIGHTON – APPLICATION NO: 2006/0707/1 .....5

1.2 32 CHARLES STREET, BRIGHTON EAST – APPLICATION NO: 2008/0390/1 .....6

1.3 2 ALTON AVENUE, BRIGHTON – APPLICATION NO: 2005/712/1 .....6

1.4 18-34 STATION STREET & 24 ABBOTT STREET, SANDRINGHAM – APPLICATION NO: 2007/0184/1 .....7

1.5 1 ROYDON STREET, HAMPTON EAST – APPLICATION NO: 2008/849/1 .....7

1.6 25A COLLIS STREET, EAST BRIGHTON – PERMIT NO: P4355 .....8

1.7 170-171 BEACH ROAD, SANDRINGHAM –APPLICATION NO: 2007/0389/2 .....9

1.8 10 WATTLE AVENUE, BEAUMARIS – APPLICATION NO: 2000/5917/1 .....11

1.9 2/25 CORONATION STREET, BRIGHTON– APPLICATION NO: 2010/0092/1 .....12

1.10 1 YOUNG STREET, BRIGHTON – APPLICATION NO: 2007/0572/1 .....13

1.11 39 MIDDLETON STREET, HIGHETT – APPLICATION NO: 2010/0042 .....14

1.12 101 CARPENTER STREET, BRIGHTON – APPLICATION NO: 2009/508/1 .....16

1.13 151 CHARMAN ROAD, BEAUMARIS – APPLICATION NO: 2009/0433/1 .....18

1.14 40 SPRING ROAD, HAMPTON EAST – APPLICATION NO: 2009/0682/1 .....21

1.15 134 THOMAS STREET, HAMPTON – APPLICATION NO: 2009/0566 .....22

1.16 1 BUNGALOW COURT, BRIGHTON – APPLICATION NO: 2009/652/1 .....24

1.17 21-25 WILSON STREET, BRIGHTON – APPLICATION NO: 2000/6179/1 .....24

**DECLARATIONS OF INTEREST:**

There were no declarations of interest submitted to the meeting.

**Confirmation of the Minutes of the Planning Committee Meeting  
15 June 2010**

**Moved: Cr Hayes**

**Seconded: Cr Cooper-Shaw**

That the Minutes of the Planning Committee Meeting held on 15 June 2010 be confirmed.

**CARRIED**



**OFFICERS' REPORTS:**

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That the recommendations contained in Items 1.1 to 1.8 and Item 1.10 be adopted as a block motion.

**CARRIED**

**1.1 770 HAMPTON STREET, BRIGHTON**

That the Amended Plans for the changes to the endorsed plans of Planning Permit No. 2006/707/1 be approved under the Secondary Consent provisions for a mixed use development comprising of shops, apartments, basement car park, buildings and works together with waiver of car parking and a loading and unloading bay in a Design and Development Overlay Schedule 2 and Special Building Overlay at 770 Hampton Street, Brighton and the following table be added to the permit:

Date	Amendment
13 July 2010	<p><b>Secondary consent to amend plans:</b></p> <ol style="list-style-type: none"> <li>1. The storerooms abutting the western property boundary within the basement to be consolidated from 4 to 2.</li> <li>2. The alteration to the layouts of the storerooms beneath the access ramp within the basement.</li> <li>3. The relocation of the disabled ramp at the ground level in front of Shop 4.</li> <li>4. The deletion of the platform lift next to the communal entry at the ground level.</li> <li>5. The enlargement of Shop 4 from 56 to 66 square metres at the ground level.</li> <li>6. The replacement of a male and female toilets with a uni sex toilet at the ground level.</li> <li>7. The rearrangement of the rubbish room and plant room at the ground level.</li> <li>8. The reduction in the height of the first and second storey windows from 2.7 to 2.4 metres.</li> </ol>

**Note:** The above recommendation was **CARRIED** as part of a single motion.

**1.2 32 CHARLES STREET, BRIGHTON EAST**

That the amended plans for the changes to the endorsed plans be approved under the Secondary Consent provisions of Planning Permit No. 2008/0390/1 issued for the construction of two (2) double storey attached dwellings with basement car parking at 32 Charles Street Brighton East and the following table be added to the permit:

Date	Amendment
13 July 2010	<p><b>Secondary consent to amend plans:</b></p> <ol style="list-style-type: none"> <li>1. The addition of a swimming pool on the southern boundary for each of the rear private open spaces, together with associated gates and fencing (1.5m in height).</li> <li>2. Modification of steps in side pedestrian paths for each dwelling.</li> <li>3. Provision of side pedestrian gates to the rear private open spaces of each dwelling.</li> </ol>

**Note:** The above recommendation was **CARRIED** as part of a single motion.

**1.3. 2 ALTON AVENUE, BRIGHTON**

That the amended plans for the changes to the endorsed plans be approved under the Secondary Consent provisions of Planning Permit No. 2005/0712/1 issued for the construction of a double storey dwelling at the side of the existing double storey dwelling at 2 Alton Avenue, Brighton and the following table be added to the permit:

Date	Amendment
13 July 2010	<p><b>Secondary consent to amend plans:</b></p> <ol style="list-style-type: none"> <li>1. Increasing in the height of the front fence from 1.2 to 1.6 metres.</li> <li>2. Deletion of the sliding gate over the common accessway.</li> <li>3. Addition of a concrete path to the north side of the garage and the west side of Dwelling 2.</li> </ol>

**Note:** The above recommendation was **CARRIED** as part of a single motion.

**1.4. 18-34 STATION STREET & 24 ABBOTT STREET, SANDRINGHAM**

That the Amended Plans for the internal rearrangement to the ground floor, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2007/0184/1 issued for the construction of a four (4) storey building with basement car parking for dwellings, offices and serviced apartments, with a car parking and loading bay waiver at 18-34 Station Street & 24 Abbott Street, Sandringham and the following table be added to the permit.

Date	Amendment
13 July 2010	<p><b>Secondary Consent to Amend Plans:</b></p> <ul style="list-style-type: none"> <li>• Office/Retail O2A's floor space to be incorporated within O1 and O2 as previously endorsed under condition 1 on 19 August 2008.</li> <li>• The internal division between retail spaces R1 and R1A to increase the size in retail space R1.</li> <li>• Deletion of the proposed lighting ('up' lighting within the ground) within the laneway to the west.</li> </ul>

**Note:** The above recommendation was **CARRIED** as part of a single motion.

**1.5. 1 ROYDON STREET, HAMPTON EAST**

That the amended plans for the changes to the endorsed plans be approved under the Secondary Consent provisions of Planning Permit No. 2008/0849/1 issued for the construction of a single storey dwelling to the rear of an existing dwelling at 1 Roydon Street, Hampton East and the following table be added to the permit:

Date	Amendment
13 July 2010	<p><b>Secondary consent to amend plans:</b></p> <ol style="list-style-type: none"> <li>1. Alterations to the foundation of the proposed rear dwelling from a slab on ground to a stump and strip footing construction.</li> <li>2. The wall and overall heights of the proposed rear dwelling increased from 3 to 3.3 metres and 4.7 to 5 metres respectively.</li> <li>3. Alterations to windows and doors on north elevation.</li> <li>4. Alterations from doors to window on west elevation</li> </ol>

**Note:** The above recommendation was **CARRIED** as part of a single motion.

**1.6 25A COLLIS STREET, BRIGHTON EAST**

*It is recorded that Mrs Julie Shields did not pursue her right to speak in relation to this item. It is further recorded that Mr Reg Shields was not present in the Chamber.*

That the amended plans for the retrospective changes to the endorsed plans be approved under the Secondary Consent provisions of Planning Permit No. P4355 issued for the erection of a dual occupancy at 25A Collis Street, Brighton East and the following table be added to the permit:

<b>Date</b>	<b>Amendment</b>
13 July 2010	<p><b>Secondary consent to amend plans:</b></p> <ol style="list-style-type: none"> <li>1. The alterations to the shape of the columns of the front porch from round to square.</li> <li>2. The alterations to the materials and finishes to the front porch and columns from rendered to stacking stones.</li> <li>3. The alterations to the colour to the exterior walls of the dwelling and front fence from cream to grey.</li> </ol>

**Note:** The above recommendation was **CARRIED** as part of a single motion.

**1.7 170-171 BEACH ROAD, SANDRINGHAM**

*It is recorded that Miss Felicity O’Sullivan did not pursue her right to speak in relation to this item.*

That the Amended Plans be approved by Council under the Secondary Consent provisions of Planning Permit No. 2007/0389/1 issued for the construction of thirty-five (35) double storey dwellings with basement carparking and roof decks in a Design and Development Overlay Schedule 1, at 170-171 Beach Road, Sandringham and the following table be added to the permit.

Date	Amendment
13 July 2010	<p><b>Secondary Consent to Amend Plans:</b></p> <p><u>Basement</u>                      Internal rearrangement of the basement including the relocation of garage car parking along the north western boundary at the base of Units 22-30 into the basement.</p> <p>Car parking spaces U03, U05, U07, U09, and U22-U30 provided with a minimum width of 2.9 metres as per Condition 1(r).</p> <p>All double garages within the basement provided with a minimum width of 5.5 metres as per Condition 1(s).</p> <p>The garbage and recycling receptacle amended in accordance with Condition 1 (v).</p> <p>Alterations to the basement entrance.</p> <p><u>Ground Floor</u>                      The garages for Units 22-30 relocated to the basement and the dwellings reconfigured to include entries, an additional bedroom and landscaping fronting the internal road.</p> <p>Internal alterations to Units 12-20 due to rearrangement of stairwells.</p> <p>The substation near the north east corner of the site reduced in size.</p> <p>The boundary wall to Unit 11 increased by 800 mm in length to include an additional bedroom.</p> <p>Increase in the area of private open space provided for Unit 30 and Unit 21.</p> <p>Internal rearrangement of Unit 33 including alterations to the dwelling entrances from the street.</p> <p><u>First Floor</u>                      The south eastern first floor setback of Unit 30 increased to 6.77 metres and the south elevation (south elevation on TP3.02/E) modified to include an additional highlight window.</p> <p>Units 12-20 rearranged to include secluded open space areas (formally balconies and now terrace spaces) which gain greater exposure to the northern sun.</p>

**1.7 170-171 BEACH ROAD, SANDRINGHAM (Continued)**

	<p>The south western building line of Units 12-20 shifted reducing the separation between Units 12-20 and Units 4-11 by 700mm (to 5.85 metres).</p> <p>Introduction of an angled building form to the south western part Units 12-20 to taper the buildings at above ground floor level.</p> <p>The first floor balconies facing Masefield Avenue (Units 31-36) skewed in form to improve articulation of the façade and facilitate obscure views to the foreshore.</p> <p>The balcony for Unit 22 deleted.</p> <p><u>Other Changes</u></p> <p>The roof top deck stair wells for Units 12-20 and 32 altered and the incorporation of appropriate screening measures as required by Condition 1 (k).</p> <p>Units 22-30 increased in height by 215mm (at the parapet) from 6.585 metres to 6.82 metres.</p> <p>External spiral stair cases for U11 and U21 deleted.</p> <p>Alterations to the materials and finishes.</p>
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**Note:** The above recommendation was **CARRIED** as part of a single motion.

## 1.8 10 WATTLE AVENUE, BEAUMARIS

That the Amended Plans for the alterations to the landscape plan, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2000/5917/1 issued for the development of two (2) double storey dwellings at 10 Wattle Avenue, Beaumaris and the following table be added to the permit.

Date	Amendment
13 July 2010	Secondary Consent to Amend Plans: Alterations to the Landscape Plan – Removal of three (3) Jacaranda trees ( <i>Jacaranda mimosifolia</i> ).

**Note:** The above recommendation was **CARRIED** as part of a single motion.

**1.9 2/25 CORONATION STREET, BRIGHTON EAST**

*It is recorded that Mr Paul Delahunty and Mr James Blackburn spoke in relation to this item. It is further recorded that Mr Brian Smith was not present in the Chamber.*

**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2010/0092/1 for the land known and described as 2/25 Coronation Street, Brighton East, on the following grounds:-

1. The proposal is not site responsive and will result in detriment to the backyardscape amenity of the adjoining neighbours.
2. The proposed design and external materials do not present a suitable fit in this established residential neighbourhood.

**CARRIED**

**1.10 1 YOUNG STREET, BRIGHTON**

That the Amended Plans for the alterations to the landscape plan, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2007/0572/1 issued for the development of two (2) double storey attached dwellings at 1 Young Street, Brighton and the following table be added to the permit.

Date	Amendment
13 July 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"><li data-bbox="464 506 1412 611">• Alterations to the Landscape Plan - Replacement of one (1) Lilly Pilly, one (1) Monstera and one (1) James Sterling with four (4) Agonis Burgundy.</li></ul>

**Note:** The above recommendation was **CARRIED** as part of a single motion.

## 1.11 39 MIDDLETON STREET, HIGHTT

*It is recorded that Mr Andrew Di Pietro did not pursue his right to speak to this item. It is further recorded that Mr Mark Waldron spoke in relation to this item.*

**Moved: Cr Long**

**Seconded: Cr Russell**

### Part A

That Council having caused notice of Planning Application No. 2010/0042 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 39 Middleton Street, Hightt for the buildings and works associated with second dwelling on the site (single storey rear of site) in a SBO in accordance with the application dated 4 February 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised 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 application but modified to show to the satisfaction of the Responsible Authority:
  - a) Revised plans in accordance with Melbourne Water's requirements in Condition 9 of this permit.
  - b) A landscape plan in accordance with Condition 6 of this permit illustrating replacement planting for any vegetation removed from the site.
  - c) The central pillar removed from the garage and the door opening width (minimum 4.8 metres) to be shown.
  - d) Bollard type lighting or similar must be provided along the length of the accessway at 6-8 metre spacings, with their location shown on the ground floor plan.
2. P4 Layout not altered
3. A18 Concealment of pipes
4. A19 Plant and equipment or features on roof
5. A20 Boundary Walls
6. L1 Landscape plan required
7. L2 Completion of landscaping
8. L3 Landscaping maintenance
9. Melbourne Water Conditions
  - a) Any extended floor level must be no lower than the existing floor level.
  - b) Any new garage must be constructed with finished floor level or surface levels a minimum of 150mm above the applicable floor level.
  - c) The carport must be constructed with finished floor or surface levels no lower than 350mm below the applicable flood level.
  - d) The carport must remain with at least three walls open, to be defined as a carport and to allow for overland flow through the property.
  - e) The decking is to be constructed with unenclosed foundations to allow for the passage of overland flows.
  - f) No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

**1.11 39 MIDDLETON STREET, HIGHETT (Continued)**

10. PT1 Time for starting and completion

**Permit Notes**

Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4444.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Sherry Babcock on telephone 9235 2210 quoting Melbourne Water's reference 176013.

The applicable flood level for the property is 31.99 metres to Australian Height Datum (AHD).

The Best Practice Environmental Management Guidelines for Urban Stormwater (The Storm Water Committee, 1999) may be used as a guide when developing site controls to minimise sediment laden runoff and storm water pollution during construction. Section 6.3, titled Construction Activity, of these guidelines provides a useful checklist to develop a site management plan.

N2 Building approval

**Part B**

Council's Investigations Department and Building Department be notified of the outcome of this application.

**CARRIED**

## 1.12 101 CARPENTER STREET, BRIGHTON

*It is recorded that Mr Sergio Sardo and Mr John Benson spoke in relation to this item. It is further recorded that Mr Paul Little was not present in the Chamber.*

**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2009/0508/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 101 Carpenter Street, Brighton for alterations and additions to an existing dwelling on a lot less than 500 sqm in accordance with the amended plans dated 27 May 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on Council on 28 November 2006:

1. Before the development starts three copies of revised 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 advertised plans dated 24 December 2009 but modified to show to the satisfaction of the Responsible Authority:
  - a) The first floor wall of bedroom one and two and terrace area increased to comply with the side setback requirements of the Schedule to the Residential 1 Zone of the Bayside Planning Scheme to reduce bulk and overshadowing impacts to the adjoining property further south.
  - b) The additional length of wall along the northern elevation is to reach an average height no more than three metres to comply with the requirements of the Bayside Planning Scheme.
  - c) The deletion of the first floor balcony at the rear of the dwelling and screening to be applied to the rear bedroom windows in accordance with the overlooking requirements of Clause 54 Standard A15 the Bayside Planning Scheme
  - d) Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 15 of this permit.
  - e) The proposed landscape treatment for the site as outlined within Condition 8 of this permit.
3. P4 Layout not altered
4. Before the occupation of the site commences or by such a later date as approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
5. A18 Concealment of pipes
6. A19 Plant / Equipment or features on roof
7. A20 Boundary walls
8. L1 Landscape plan required
9. L2 Completion of landscaping.
10. T9 Retention of existing street trees

## **1.12 101 CARPENTER STREET, BRIGHTON (Continued)**

11. The proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply point of discharge and local drain information, if available, otherwise on site verification should be undertaken by the applicant.
12. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be Council approved.
13. E4 Stormwater plans
14. E5 Graded and drained discharge.
15. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be appropriate 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 in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and 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 landscaping areas;
  - c) Design details of the water sensitive urban design stormwater treatments, 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 demonstrate the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.  
The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.
16. PT1 Time for starting and completion.

### Permit Notes

Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4638.

N2 Building approval

N7 Retention of existing street trees/protection during construction

N8 Sewerage

Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the 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 Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel.

**CARRIED**

## 1.13 151 CHARMAN ROAD, BEAUMARIS

*It is recorded that Mr Weng Woo and Mrs Lip Fong Woo spoke in relation to this item.*

**Moved: Cr Russell**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2009/0433/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 151 Charman Road, Beaumaris for the construction of three (3) double storey dwellings in accordance with the application dated 27 August 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised 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 application but modified to show to the satisfaction of the Responsible Authority:
  - a) All wall heights to be measured from natural ground levels to be nominated on the plans
  - b) All paving (except driveways) to be permeable.
  - c) A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
  - d) The proposed landscape treatment for the site including the existing and proposed species.
  - e) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.), which is proposed to be located externally.
  - f) Water sensitive urban design stormwater treatment measures in accordance with Condition 15 of this permit.
  - g) The landscape plan to be in accordance with condition 8 and to include at least 60% of any new planting to be native or indigenous.
  - h) The first floor north side setback must comply with the requirements of the Bayside Planning Scheme.
  - i) The driveway for Dwelling 1 must be 3.3 m wide at its intersection with the footpath, with a 0.5 m offset from the northern property boundary. The vehicle crossing must be 3.3 m wide and centred on the driveway.
  - j) There must be an aisle width of 6.4 m between the door opening of the garages and the opposite edge of the accessway.
  - k) The common accessway must be 3.0 m wide at its intersection with the footpath, with a 0.6 m offset from the northern property boundary. The existing vehicle crossing must be reconstructed and be 3.3 m wide and centred on the common accessway.
  - l) Bollard-type lighting or similar must be provided along the common accessway at 6-8 m spacing, and be shown on the Ground Floor plan.
2. The Telstra Phone box must be relocated with the consent of Telstra.
3. The Charman Rd footpath across the entire frontage must be reconstructed, with provision of a new nature strip at the expense of the owner/applicant
4. P4 Layout not altered

### 1.13 151 CHARMAN ROAD, BEAUMARIS (Continued)

5. A18 Concealment of pipes
6. A19 Plant and equipment or features on roof
7. A20 Boundary Walls
8. L1 Landscape plan required
9. L2 Completion of landscaping
10. L3 Landscaping maintenance
11. Before development starts all tree protection measures must be in accordance with AS4970- 2009 including trees on adjacent properties (within 3 metres of any common property boundary) must be adhered to before, during and after construction
12. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '**Stormwater Detention System**' installed, the design capacity to be Council approved.
13. Before the development begins, detailed plans (3 sets) indicating the method of stormwater discharge to the nominated '*Legal Point of Discharge*' (and Stormwater Detention Systems where applicable), must be lodged with Council's Engineering Services department for approval.
14. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
  - The type of water sensitive urban design stormwater treatment measures to be used;
  - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
  - 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.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.
15. 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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
16. PT1 Time for starting and completion

**1.13 151 CHARMAN ROAD, BEAUMARIS (Continued)**

Permit Notes

- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4444.
- Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the 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 Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel.

- N1 Vehicle Crossing Permit
- N2 Building approval
- N7 Retention of existing street trees/protection during construction
- N8 Sewerage

**LOST**

**Moved: Cr Cooper-Shaw**

**Seconded: Cr Hayes**

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2009/0433/1 for the land known and described as 151 Charman Road, Beaumaris, on the following grounds:-

1. The proposal does not comply with the following standards of Clause 55 of the Bayside Planning Scheme which will result in detriment to the amenity of the neighbours and the character of the area:
  - Standard B6 – Street setback
  - Standard B17 – side and rear setbacks
  - Standard B32 – front fence
2. The proposal will result in the loss of amenity for adjoining properties resulting from perceived overlooking

The Motion was Put and a **DIVISION** was called.

**DIVISION:**    **FOR:**            Crs Hayes, Cooper-Shaw, Long and del Porto (4)  
**AGAINST:**    Crs Frederico and Russell (2)

**CARRIED**

**1.14 40 SPRING ROAD, HAMPTON EAST**

*It is recorded that Mr Roger Hogg, Mr David Ballarin, Mrs Aleks Ballarin and Mr Alexander Rouditser spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2009/0682/1 for the land known and described as 40 Spring Road, Hampton East, on the following grounds:-

1. The proposal does not comply with the following standard of Clause 55 of the Bayside Planning Scheme which will result in detriment to the amenity of the neighbours and the character of the area:
  - Standard B17 – side and rear setbacks
2. The proposal does not provide sufficient separation between the proposed dwellings which will result in unreasonable visual bulk detriment to the streetscape.
3. The proposal will result in unreasonable traffic detriment that will impact on the amenity of the residents of the court.

**CARRIED**

## 1.15 134 THOMAS STREET, HAMPTON

*It is recorded that Mr Peter Goodall and Mr Saki Christou spoke in relation to this matter.*

**Moved: Cr Cooper-Shaw**

**Seconded: Cr Russell**

That Council having caused notice of Planning Application No. 2009/0566/1 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 134 Thomas Street, Hampton for the additions and alterations (including a first floor) to an existing dwelling on a lot less than 500 square metres in accordance with the application dated 28 October 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised 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 application but modified to show to the satisfaction of the Responsible Authority:
  - a) The front fence to be offset a minimum distance of 1 metre from the front title boundary to allow for a landscaping strip to be incorporated in the setback area.
  - b) The master bedroom, dress and ensuite room to be offset a minimum distance of 3.81 metres away from the western boundary.
  - c) All paving (except driveways) to be permeable. Details of the permeability of the paving must be supplied to the satisfaction of the Responsible Authority.
  - d) A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving.
  - e) The proposed landscape treatment for the site including the existing and proposed species.
  - f) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally shall be identified on the plans and located to the satisfaction of the Responsible Authority.
  - g) A report detailing the on-site stormwater treatment in accordance with Condition 9.
  - h) Tree protection and retention measures to be shown regarding the existing *Daiscontinifolia* that is located in the south east corner of the site.
2. P4 Layout not altered
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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. A18 Concealment of pipes, etc.
5. A19 Plant/equipment or features on roof
6. A20 Boundary walls
7. L1 Landscape plan required
8. T9 Retention of existing street trees

**1.15 134 THOMAS STREET, HAMPTON (Continued)**

9. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planing Scheme and 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 landscaping 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 1999.

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

10. PT1 Time for starting and completion

**CARRIED**

## **1.16 1 BUNGALOW COURT, BRIGHTON**

*It is recorded that Mrs Angela Woodman, Mr John Butselaar, Mr Malcolm Davidson, Mr James Hatherley, Mr Alexander Cock and Mr Steve Domoney spoke in relation to this matter.*

**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2009/652/1 for the land known and described as 1 Bungalow Court, Brighton, on the following grounds:-

1. The proposed north, south and west first floor setbacks do not comply with the requirements of the Schedule to the Residential 1 Zone of the Bayside Planning Scheme.
2. The proposed development will present unreasonable visual bulk and detriment to the 'backyardscapes' to the adjoining properties.
3. The proposed development is not in accordance with the existing and preferred neighbourhood character of the area as outlined in Clause 22.07 of the Bayside Planning Scheme.

**CARRIED**

## **1.17 21-25 WILSON STREET, BRIGHTON**

*It is recorded that Mrs Di Reidie, Mr Russ Jewell, Mr Stephen Taylor, Mrs Gillian Lelah, Mr Kel Twite and Mr Cieran Kayes spoke on this matter.*

**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council decides to not support the application pursuant to Section 87A of the Planning and Environment Act 1987 to Amend Planning Permit No. 2000/6179/1 in respect of the land known and described as 21-25 Wilson Street, Brighton in accordance with the application to VCAT to amend the permit and plans to allow for an additional three (3) apartments to be developed within the Khyat's Hotel building envelope whilst retaining the hotel use, and that Council advises the Tribunal, applicant and submitters accordingly.

The Motion was Put and a **DIVISION** was called.

**DIVISION:**   **FOR:**           Crs Hayes, Long and del Porto (3)  
                  **AGAINST:**       Crs Frederico, Russell and Cooper-Shaw (3)

The motion was **CARRIED** by the casting vote of the Chair

**The Chairperson declared the meeting closed at 9.20pm**