



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

held in the Council Chambers, Civic Centre  
Boxshall Street, Brighton  
on Tuesday 16 November 2010  
at 7.00pm

### **PRESENT:**

Cr Clifford Hayes (Mayor)  
Cr Louise Cooper-Shaw  
Cr Alex del Porto  
Cr Felicity Frederico  
Cr James Long BM JP  
Cr Michael Norris  
Cr Simon Russell JP

### **OFFICERS IN ATTENDANCE:**

Angela Meinke	-	Statutory Planning Manager
Theodora Jenkin	-	Statutory Planning Coordinator
Natalie O'Leary	-	Statutory Planning Coordinator
Terry Callant	-	Governance Manager

**APOLOGIES:** There were no apologies submitted to the meeting.

### **DECLARATIONS OF INTEREST:**

- Cr del Porto declared a direct interest in item 1.2 – 36 Well Street and 26 Munro Street Brighton, given he owns a property in the vicinity of the subject matter.
- Cr Cooper-Shaw declared a direct interest in item 1.14 given she owns a property in close proximity of the proposed development.
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**OFFICERS' REPORTS:**

**1.1 21-25 WILSON STREET, BRIGHTON**

*It is recorded that Mr Kel Twite spoke for three minutes in relation to this matter.*

**Moved: Cr Hayes**

**Seconded: Cr Cooper-Shaw**

That the Amended Plans submitted in relation to 21-25 Wilson Street Brighton, be approved under the Secondary Consent Provisions of Planning Permit 2000/6179/1 and the following chart be added to the permit.

Date	Amendment
16 November 2010	<p><b>Secondary consent</b></p> <p>The amendments proposed are as follows:</p> <ul style="list-style-type: none"> <li>• Replace the southwest half of Apartment 17's and all of Apartment 19's roof deck with a communal roof deck (supported).</li> <li>• Relocate and extend the roof top plant and equipment areas.</li> <li>• Relocate and reconfigure the stair access from Apartment 17, together with consequential internal alterations to Apartment 17.</li> <li>• Extend Apartment 17's deck across what was Apartment 18's deck</li> <li>• Delete the swimming pool from what is proposed to be the common deck</li> <li>• Amend the hip roof as it presents to Wilson Street, as a consequence of the stair to Apartment 17 being set further back from Wilson Street</li> <li>• Additional portal/column provided in front of others to assist in further defining the pedestrian entry point and articulate the front elevation</li> <li>• Portal frames maintained in height at 2.2m to underside of L02 projection</li> <li>• Portal frames to be coloured dark to add contrast to entry</li> <li>• The stair access structure from Apt 17 to the roof terrace clad to in copper to match L02 below</li> <li>• Stair access structure articulated to read as modern chimney or similar</li> <li>• Extent of L02 copper cladding changed to match current plans</li> <li>• Colour of L01 render modified to add more contrast to building</li> <li>• Install air conditioning system in the pool area.</li> </ul>

**CARRIED**

**Moved Cr Long**

**Seconded Cr Russell**

That the Mayor take the Chair for the consideration of item 1.2

**CARRIED**

**1.2 36 WELL STREET AND 26 MUNRO STREET, BRIGHTON**

*It is recorded that Cr del Porto declared a direct conflict of interest in this item given he owns a property in the vicinity of the subject matter and vacated the Chamber prior to the discussion taking place on this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That the Amended Plans in relation to 36 Well Street and 26 Munro Street Brighton for the installation of an air conditioner unit and screen, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2004/371/1 issued for Alterations and additions to a dwelling in a Heritage Overlay, in accordance with the endorsed plans, on 12 October 2004 at 36 Well Street & 26 Munro Street Brighton, and the following table be added at the end of the permit.

Date	Amendment
16 November 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Installation of an air conditioning unit and screen located on the south west elevation of the dwelling.</li> </ul>

**CARRIED**

*It is recorded that Cr del Porto vacated the Chamber prior to the discussion on this matter and was not present in the Chambers whilst the vote was taken on this matter.*

**Moved Cr Russell**

**Seconded Cr Long**

That Cr del Porto resume the Chair for the remainder of the meeting.

**CARRIED**

**1.3. 45 BLUFF ROAD, BLACK ROCK**

**Moved: Cr Norris**

**Seconded: Cr Frederico**

That the amended plans in relation to 45 Bluff Road Black Rock for the basement, first floor and second floor, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2006/637/1 issued for the Construction of a double storey building with seven (7) apartments, basement parking, access to a Road Zone Category 1 and removal of vegetation in a Vegetation Protection Overlay, in accordance with the endorsed plans and the following table be added at the end of the permit.

Date	Amendment
16 November 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Addition of a louvered verandah over part of an existing first floor balcony located on the west elevation of Unit 6.</li> </ul>

**CARRIED**

**1.4. 49-53 BAY ROAD, SANDRINGHAM**

**Moved: Cr Norris**

**Seconded: Cr Frederico**

A. That the Amended Plans in relation to 43-53 Bay Road Sandringham be approved under the Secondary Consent Provisions of Planning Permit 2003/0365/1 for the construction of a four storey building with basement car park.

Date	Amendment
16 November 2010	<b>Secondary consent</b> The amendments proposed are as follows: <ul style="list-style-type: none"> <li>• Installation of air conditioning system in the pool area.</li> </ul>

B. That the applicant be reminded of their obligation with respect to hours of operation of the air conditioning unit.

**CARRIED**

**1.5. 22 EXON STREET, BRIGHTON**

**Moved: Cr Norris**

**Seconded: Cr Frederico**

That the amended plans in relation to 22 Exon Street Brighton for the replacement of metal louvers to the first floor windows north elevation with obscure glazing to a height of 1.7 metres from finished floor level, be approved by Council under the Secondary Consent provisions of Planning Permit 2005/0241/1 issued for the construction of two (2) double storey dwellings with one (1) dwelling having a basement car park and the following table be added to the permit.

• Date	• Amendment
16 November 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Replacement of metal louvers to the first floor windows north elevation with obscure glazing to a height of 1.7 metres from finished floor level.</li> </ul>

**CARRIED**

**1.6 9 TRAMWAY PARADE, BEAUMARIS**

**Moved: Cr Norris**

**Seconded: Cr Frederico**

That the Amended Plans in relation to 9 Tramway Parade Beaumaris for the relocation of the basement and consequential internal modifications, and modification to the landscape plan to show previously approved stone cladding as a render finish to match the main building walls, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2008/0157/1 issued for the development of a double storey building containing four (4) apartments with basement car parking and roof top decks, and for the removal of vegetation in a Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans, at 9 Tramway Parade, Beaumaris, and the following table be added at the end of the permit.

Date	Amendment
16 November 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• The basement to be located 1.293m further forward on the site, which will result in a small reveal to be tiled to create a transition between the indoor and outdoor elements.</li> <li>• Modification to the location of the lift shaft and stairs as a consequence of the basement location (no further forward that previously approved).</li> <li>• Modification to the landscape plan to show the stone cladding as a render finish with the colour to match the main building walls.</li> </ul>

**CARRIED**

## 1.7 261 BEACH ROAD, BLACK ROCK

*It is recorded that Mr Denis Livis spoke in relation to this matter. It is recorded that Ms Lisa Livis was not present in the Chamber.*

**Moved: Cr Russell**

**Seconded: Cr Cooper-Shaw**

That Council having considered the Application to Amend the Permit under Section 87A of the Planning and Environment Act 1987 advises the Victorian Civil and Administrative Tribunal as follows in respect to the proposed changes to Planning Permit 2005/0873 issued for construction of a double storey plus attic building with six (6) apartments, basement parking, roof terraces and access to a main road in a Design and development Overlay 1 and Vegetation Protection Overlay in accordance with the application dated 8 July 2010 but amended as follows:

1. Does support the proposed rewording of the permit preamble to read 'Construction of a double storey plus attic building with eight (8) apartments, basement parking, roof terraces and access to a main road in a Design and Development Overlay 1 and Vegetation Protection Overlay in accordance with the endorsed plans and subject to the following conditions:'
2. Does not support the deletion of Conditions
3. Does support the proposed amendments to the plans

**CARRIED**

## 1.8 1-18/18-20 FEWSTER ROAD, HAMPTON

*It is recorded that Mr Keith Parker spoke for three minutes in relation to this matter.*

### **Moved: Cr Cooper-Shaw**

### **Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2010/0363/1 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 1-18/18-20 Fewster Road, Hampton for the building and works to construct carports to a site with more than one dwelling in accordance with the amended plans dated 28 June 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 plans dated 28 June 2010 but modified to show to the satisfaction of the Responsible Authority:
  - a) The roof of the carport must be setback 2.5 metres from the eastern boundary so as to provide adequate space for tree/shrub canopy.
  - b) A minimum of twelve (12) parking spaces on the property.
  - c) A landscaping plan in accordance with Condition 3 of this permit.
2. P4 Layout not altered
3. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
  - a) The retention of the *Syzigium paniculatum* (Lilly Pilly) in the front garden area and tree protection measures in accordance with Australian Standard 4970 2009.
  - b) A landscape treatment adjacent to the east of Unit 1, to act as a screening buffer.
  - c) A survey (including botanical names) of all existing vegetation to be retained and/or removed.

All species selected must be to the satisfaction of the Responsible Authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

4. Within the Tree Protection Zones (as defined by AS 4970) of any tree to be retained the following applies.
  - a) Any excavation within the Tree Protection Zone of any tree must be done by hand to a minimum depth of 500mm below surface level and in the presence of a Qualified Arborist.
  - b) Mechanical assistance can be provided to remove the asphalt layer. Care must be taken to minimise the impact to any root located immediately below the asphalt surface.

**1.8 1-18/18-20 FEWSTER ROAD, HAMPTON (continued)**

- c) Any roots encountered must be cut cleanly with a sharp implement.
- d) Excavations may continue with machinery below the 500mm minimum depth, once the 500mm minimum depth by hand has been achieved.
- e) Excavations and root pruning must be documented (photographs and notes) and documentation must be submitted to Council within 28 days of request for such documentation.

5. PT1 Time for starting and completion

Permit Notes

N2 Building approval

**CARRIED**

## 1.9 329-331 NEW STREET, BRIGHTON

*It is recorded that Mr Keith Salter, Mrs Ann Regos and Mr Kel Twite all spoke for three minutes in relation to this matter. Mr Michael Regos 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. 2010/0448/1 for the land known and described as 329-331 New Street, Brighton on the following grounds:-

1. The proposed reduced setbacks will result in a loss of amenity for adjoining properties.
2. 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:
  - a) Standard B6 – Street setback
  - b) Standard B7 – Building Height
  - c) Standard B8 – Site Coverage
  - d) Standard B9 – Permeability
  - e) Standard B13 – Landscaping
  - f) Standard B17 – Side and rear setbacks
3. The proposal development does not accord with the purpose and objectives of the Design and Development Overlay Schedule 2, in particular preserving the area as low rise.
4. The proposed development will result in unreasonable visible bulk impacts to the streetscape and to the backyardscapes of the adjoining properties.
5. The proposed development is not in accordance with the existing and preferred character of the area as outlined in Clause 22.07 of the Bayside Planning Scheme.

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

**DIVISION: FOR:** Crs Hayes, Norris, Long and del Porto (4)

**AGAINST:** Crs Frederico, Russell and Cooper-Shaw (3)

**CARRIED**

## 1.10 28 PINE STREET, BRIGHTON EAST

*It is recorded that Mr Donal Flanagan spoke for three minutes in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council having caused notice of Planning Application No. 2010/0135 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 28 Pine Street, Brighton East for the Construction of three (3) double storey dwellings in a Design and Development Overlay 2 and Special Building Overlay in accordance with the amended plans received on 3 November 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 2008:-

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 revised plans received on 3 November 2010 but modified to show:
  - a) Each unit must have access to 6 cubic metres of externally accessible, secure storage space.
  - b) The dimension of the garage door openings for all dwellings (4.8m minimum) must be shown on the ground floor plan.
  - c) Bollard-type lighting to be provided along the length of the accessway at 6-8m intervals.
  - d) The eastern vehicle crossover to be 3.3m wide with a 0.9m offset from the eastern property boundary.
  - e) The western vehicle crossover to be 3.3m wide with an 8m offset from the edge of the eastern crossover.
  - f) Melbourne Water conditions as outlined in Condition 3 of this permit.
  - g) Tree protection measures must be shown in accordance with Condition 5 of this permit.
  - h) A landscape plan in accordance with Condition 6 of this permit.
  - i) Water sensitive urban design measures in accordance with Condition 10 of this permit.
  - j) Landscaping to be provided along the length of driveway along the eastern edge with a widened bed opposite the double garages and to the rear of the driveway adjacent to the secluded private open space of Unit 3. In addition landscaping to continue along the western boundary of the driveway adjacent to the secluded private open space of Unit 2.
2. P4 - Layout no altered
3. Melbourne Water Conditions:
  - a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
  - b) The dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level.

## 1.10 28 PINE STREET, BRIGHTON EAST (continued)

- c) The garages must be constructed with finished floor levels a minimum of 150mm above the applicable flood level.
  - d) Prior to the Issue of a Certificate of Occupancy for the dwellings, a certified survey plan, showing finished floor levels (as constructed) reduced to Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
  - e) Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
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. Before the development (including demolition) starts, the applicant must submit a Tree Protection Management Plan by a qualified arborist detailing tree protection measures in accordance with Australian Standard 4970: Protection of Trees on Development Sites and addressing the following:
    - a) Design details for works inside the Tree Protection Zone (TPZ) of Trees 1 and 2 (tree numbering as set out in the Arborist report prepared by ArbEcology, Dave Williams, 28 Pine Street, Brighton East, 29 October 2010). This must include footings to Unit 3, landscaping proposals, the location of any installation of underground services or similar. This must also include the extent of any required excavations for any works required inside the TPZs.
    - b) The design details must show a footing system that will minimise the impact of construction on the trees and be designed to accommodate the continued existence of the trees.
    - c) Tree protection conditions should be established on all ground floor and sub-ground building plans.
    - d) Different protection conditions required for the three stages of development – demolition, construction and landscaping.
  6. L1 – Landscape Plan required
  7. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
  8. Before the development begins, three sets of detailed plans 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.
  9. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

## 1.10 28 PINE STREET, BRIGHTON EAST (continued)

10. 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.

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

### Permit Notes

N1 Crossover permit  
N2 Building approval  
N10 Asset Protection

### Melbourne Water Notes:

The designated flood level for the property is 16.11m to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's conditions shown above, please contact Land Development on telephone 9235 2517 quoting Melbourne Water's Reference 178029.

**LOST**

**1.10 28 PINE STREET, BRIGHTON EAST (continued)****Moved Cr Hayes****Seconded Cr Norris**

That this item be deferred for one cycle to enable further clarification of the siting of the first floor of the rear unit to improve the setbacks and ensure the protection and health of the Elm tree.

**AMENDMENT****Moved Cr Russell****Seconded Cr Cooper-Shaw**

That this item be deferred for one cycle to enable further consideration.

**LOST**

The Motion moved by by Cr Hayes and seconded by Cr Norris was **PUT** and **CARRIED**

*It is recorded that Cr Norris vacated the Chamber at 8.24pm and re-enter the Chamber at 8.27pm.*

## 1.11 5 TYNEFIELD COURT, BRIGHTON

*It is recorded that Dr Patrick Field, Mrs Marilyn field, Mr George Voyage and Ms Susan Brealey spoke for three minutes each in relation to this matter.*

### **Moved: Cr Hayes**

### **Seconded: Cr Frederico**

That Council having caused notice of Section 72 Application to Amend Planning Permit No 2008/0375/6 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under the *Planning and Environment Act 1987* decides to refuse the retrospective amendments to the permit and plans - changes to front fence, pedestrian gates and solid wall to the west of the garage for No 5, and approve the minor changes to the plans and refuse changes to the front fence, gates and west wall of garage to No:5 under the provisions of the Bayside Planning Scheme in respect of the land known and described 5 Tynefield Court Brighton and the permit with all original conditions to be issued including the following chart detailing the amendments that have been approved that must be added to the end of the permit.

Date	Amendment
<b>16 November 2010</b>	<i>E.5 (No.5) A/C Condenser Unit behind garage in garden bed.</i>
	<i>E.7 (No.5A) Stacker Sliding Door to Meals area in lieu of Single Sliding Door.</i>
	<i>E.8 (No.5) Remove structure housing mechanical services above garage outside Bedrooms 2 &amp; 3.</i>
	<i>E.9 (No.5) Window reinstated at front of First Floor Living Room.</i>
	<i>E.10 (No.5) Air Condenser Units indicated on roof above reduced to one (1) unit in lieu of two (2) side by side units.</i>
	<i>E.11 (No.5) Skylights to WIR</i>
	<i>E.12 (No.5) Single Sliding Door &amp; Window to Bedroom 1 Balcony in lieu of Sliding Door &amp; two (2) Windows.</i>
	<i>E.13 (No.5A) Windows to South-West Corner of First Floor Living Room reinstated and sill height raised by 1.0 metre.</i>
	<i>E.14 (No.5A) Remove Structure housing mechanical services above garage outside Bedrooms 2 &amp; 3</i>
	<i>E.15 (No.5A) A/C Condenser Units indicated on roof above relocated.</i>
	<i>E.16 (No.5A) Skylights to WIR.</i>
	<i>E.17 (No.5A) Single Sliding Door &amp; Window to Bedroom 1 Balcony in lieu of Sliding Door &amp; two (2) Windows.</i>
	<i>E.18 (No.5) Window behind screen above entry door) shown in dashed line type (4 pane window with two awning sashes).</i>
	<i>E.19 (No.5) Sashless double Hung Window removed from corner window to First Floor Living Room.</i>
	<i>E.20 (No.5A) Sashless double Hung Window removed from corner window to First Floor Living Room.</i>
	<i>E.21 (No.5A) Entry Door and Windows to Formal Living Room raised to 3.0 metres in height.</i>
	<i>E.22 (No.5A) Raked parapet to roofline reinstated.</i>

**1.11 5 TYNEFIELD COURT, BRIGHTON (continued)**

	<p>E.23 (No.5A) Window behind screen (above entry door) shown in dashed line type (4 pane window with 2 awning sashes).</p> <p>E.24 (No.5A) Install Translucent Glazed Privacy Screen to South Side of Bedroom 1 Balcony.</p> <p>E.25 (No.5A) Install Translucent Glazing to Door at rear of Garage in lieu of Clear Glass.</p> <p>E.26 (No.5A) Fixed top panel to Sashless Window at north wall of Living Room.</p> <p>E.27 (No.5A) Fixed top panel to Sashless Window at north wall of Kitchen.</p> <p>E.28 (No.5A) Swimming Pool to be constructed.</p> <p>E.29 (No.5) Sashless Sliding Window in lieu of Double Hung Window at north wall of Kitchen.</p> <p>E.30 (No.5) Translucent Glazing to Door at rear of Garage in lieu of Clear Glass.</p> <p>E.32 (No.5A) Translucent Glazing to Ground Floor Laundry Door in lieu of Clear Glass.</p> <p>E.33 (No.5A) Window to Stair in Clear Glass Glazing in lieu of Translucent Glazing.</p> <p>E.35 (No.5) Awning Sashes to Ground Floor Dining Room Windows glazed in Translucent Glass in lieu of Clear Glass (Translucent Glass below transom).</p> <p>E.36 (No.5) Translucent Glazing to Ground Floor Laundry Door in lieu of clear glass</p> <p>E.37 (No.5) First Floor Bathroom Window Awning Sash glazed in Clear Glass in lieu of Translucent Glass (translucent glass below transom)</p> <p>E.38 (No.5) First Floor Powder Room Window Awning Sash glazed in Clear Glass in lieu of Translucent Glass (translucent glass below transom)</p> <p>E.40 (No.5) First Floor Bedroom Window Awning Sash glazed in Clear Glass in lieu of Translucent Glass (translucent glass below transom).</p> <p>E.41 (No.5) Remove Clerestory Roof to Stairwell.</p> <p>E.42 (No.5A) Remove Clerestory Roof to Stairwell.</p> <p>E.43 (No.5) Remove Upper Roof Structure.</p>
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**CARRIED**

## **1.12 5 TYNEFIELD COURT, BRIGHTON**

*It is recorded that Dr Patrick Field, Mrs Marilyn Field, spoke for three minutes each in relation to this matter. It is recorded that Mr George Voyage and Ms Susan Brealey did not wish to pursue their right to speak to this item.*

**Moved: Cr Hayes**

**Seconded: Cr Norris**

That Council having caused notice of Section 72 Application to Amend Planning Permit No 2008/0375/7 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under the *Planning and Environment Act 1987* decides to refuse the Application to Amend Planning Permit No 2008/0375/7 under the provisions of the Bayside Planning Scheme in respect of the land known and described 5 Tynefield Court Brighton on the following ground:

1. The proposed amendments (items F1 to F16 inclusive) will add 'bulk' to the approved development and will result in setting the development further forward to the detriment of the streetscape.

**CARRIED**

### **1.13 17 BODLEY STREET, BEAUMARIS**

*It is recorded that Mr Murray Davies spoke for three minutes in relation this matter.*

*It is recorded that Cr Frederico vacated the Chamber at 9.04pm and re-entered the Chamber at 9.06pm..*

**Moved: Cr Norris**

**Seconded: Cr Russell**

That this item be deferred for one cycle to enable further consideration of correspondence received on this matter.

**CARRIED**

### **1.14 220-228 BAY ROAD, SANDRINGHAM**

*It is recorded that Cr Cooper-Shaw declared a direct conflict of interest in this item given she owns a property in close proximity of the proposed development and vacated the Chamber prior to the discussion taking place on this matter..*

*It is recorded that, Ms Peggy Woods, Mrs Carola Glatz, Mrs Trish Boase, Mr David Rowley, Ms Kim Stewart, Mr William Meares, Mr Jamie Paterson and Ms Heather Duncan did not pursue their right to speak on this matter. It is further recorded that Ms Sue Hardiman and Miss Julie Quirk were not present in the Chamber.*

**Moved: Cr Russell**

**Seconded: Cr Norris**

That Council, having considered the substitute plans submitted to Council on 14 October 2010 in respect of Application 2010/0232/1, for 220 – 228 Bay Road Sandringham, resolve to not support these substitute plans having regard to the analysis contained in this report, as the issues of concern raised by Council primarily, have not been appropriately addressed by the substitute plans.

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

**DIVISION:** **FOR:** Crs Hayes, Frederico, Norris, Russell, Long and del Porto (6)  
**AGAINST:** Nil

**CARRIED**

*It is recorded that Cr Cooper-Shaw vacated the Chamber prior to the discussion on this item and was not present in the Chamber whilst the vote was taken on this matter.*

## 1.15 23 CLONMILT AVENUE, HIGHTT

*It is recorded that Ms Jennifer James, Mrs P Kodogiorgos and Ms Jimena Acevedo spoke for three minutes in relation to this matter. Mr A Kodogiorgos did not pursue his right to speak to this item.*

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That Council having caused notice of Planning Application No. 2010/325/1 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 23 Clonmilt Avenue, Hightt for the construction of two (2) double storey dwellings, with the application dated 25 June 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 26 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 substituted plans submitted to Council but modified to show to the satisfaction of the Responsible Authority:
  - a) The proposed bay window to dwelling two to be setback a minimum of 1.5 metres from the eastern boundary and the proposed family room to be located a minimum of 2 metres from the eastern boundary.
  - b) The dimensions of the carports must be clearly shown on the plans. Each carport must be at least 3.5 metres in width and 6 metres in length.
  - c) The clearance between the two posts (at the entrance to the carports) to be at least 2.8 metres.
  - d) The storage location of the garbage and recycling bins and at least 6m<sup>3</sup> storage space for each dwelling.
  - e) The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 4 of this permit.
  - f) All first floor windows and screens are to be in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme. Details of the screens are to be provided to the satisfaction of the Responsible Authority.
  - g) Tree protection as per Australian Standard 4970 is to be provided to the street tree prior to any works on site commencing and maintained until all works are complete.
2. P4 Layout not altered
3. A20 Boundary walls
4. CP7 Vehicular crossings
5. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.  
The plan must show:
  - a) A survey of all existing vegetation to be retained and/or removed
  - b) Buildings and trees on neighbouring properties within three metres of the boundary.
  - c) Details of surface finishes of pathways and driveways

## 1.15 23 CLONMILT AVENUE, HIGHETT

- d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
- e) Landscaping and planting within all open areas of the site.
- f) Two (2) suitable canopy trees capable of growing to 6 metres at maturity to be provided in the front setback of each dwelling.

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

- 6. T9 Retention of existing street trees
- 7. CP8 Vehicle crossing removal
- 8. T10 Retention of existing trees
- 9. E2 Stormwater Discharge
- 10. E3 Kerb & Channel
- 11. E5 Graded & Drained Discharge
- 12. The water sensitive urban design stormwater treatment system shown on the plans 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.
- 13. PT1 Time for starting and completion.

### Permit Notes

- N1 Crossover Permit
- N2 Building approval
- N7 Retention of existing street trees
- N10 Asset Protection

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**

## 1.16 10 ST ANDREWS STREET, BRIGHTON

*It is recorded Mr Bruce Keen and Mr Rob Mills spoke for three minutes each in relation to this matter. It is recorded that Ms Suzy Watt was not present in the Chamber.*

**Moved: Cr Hayes**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2010/0452/1 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 for the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 10 St Andrews Street, Brighton for the construction of a three (3) storey building containing eleven (11) apartments with basement car park in accordance with the application dated 6 August 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, 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 dated 6 August 2010 but modified to show:
  - a) The basement layout and any other elements to be redesigned to accommodate for a Tree Protection Zone (including a maximum 10% encroachment) as defined by Australian Standard 4970 so as to ensure the protection of the neighbouring Willow Myrtle at No. 14 St Andrews Street.
  - b) A Tree Management Plan for the Willow Myrtle at No. 14 St Andrews Street must be prepared by Greenwood Consulting and outline tree management measures for all critical stages of the development.
  - c) The front setback of the third storey of the proposed development must be increased to 4 metres behind the front wall of the level immediately below.
  - d) Deletion of the terrace associated with Apartment A7, which adjoins the common boundary with 6 Black Street and provision of 1.7 metre high screening to the kitchen window, in accordance with Standard B22 of the Bayside Planning Scheme.
  - e) Provision of 1.7 metre high screening to all terraces and windows which have outlook towards 6 Black Street in accordance with Standard B22 of the Bayside Planning Scheme.
  - f) The width of the terrace that abuts the living area of Apartment 7 must be increased to a minimum of 1.6 metres.
  - g) Provision of a minimum setback of 2.6 metres to Apartment A10 from the 13.5 metre wide south-east rear boundary of the subject site (of which approximately 8.5 metres adjoins 6 Black Street with the remainder adjoining the laneway).
  - h) An increased side setback from the common property with 6 Black Street to the terrace provided to Apartment A10 from 2.6 to 3.3 metres to provide increased separation.
  - i) Provision of an 8.356 metre setback to the kitchen of Apartments A3 and A7 from the north-eastern property boundary (common boundary with 14 St Andrews Street). This is to ensure that no part of the proposed development adjoins the common boundary with 6 Black Street and will involve a reduction in the size of the kitchen provided for Apartment A 3 by 656mm and the removal of the nib wall provided to the north-east of the kitchen for ApartmentA7.
  - j) All column locations must be clearly annotated on the basement plan and designed to meet the AS 2890-1-2004.

## 1.16 10 ST ANDREWS STREET, BRIGHTON (continued)

- k) The headroom clearance throughout the basement car park to be a minimum of 2.2 metres.
  - l) Car spaces abutting a wall (allocated to Apartments 5, 8 and 9) must be increased to 2.9 metres in width.
  - m) The redesign of a substandard car space for Apartment A7 abutting the bin enclosure area.
  - n) The ramp gradient must be redesigned with 1 in 16 for the first 4 metres, 1 in 5.33 for the second 2 metres, 1 in 4 for the main grade and 1 in 8 for the final 2.4 metres.
  - o) Landscape plan to be in accordance with Condition 12 and 14 of this permit.
  - p) Replacement of the three (3) deciduous upright maple trees adjacent to the common boundary with 6 Black Street with three (3) evergreen *Syzygium smithii* (*Acmena smithii*) trees, planted at a height of between 1.5 metres and 2 metres. These trees will be maintained at a height of eight (8) metres and will have a spread of 2.5 metres.
  - q) Water Sensitive Urban Design measures in accordance with Condition 21 of this permit.
  - r) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. The owner/applicant must pay all costs associated with linemarking for the bus bay on the road to the satisfaction of the Responsible Authority.
4. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
6. 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.
7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
8. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles as shown on the endorsed plans must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather-seal coat;
  - d) Drained;
  - e) Line marked to indicate each car space and all access lanes;
  - f) Clearly marked to show the direction of traffic along access lanes and driveways;
- To the satisfaction of the responsible authority.
- Car spaces, access lane and ramp must be kept available for these purposes at all times.
9. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

## 1.16 10 ST ANDREWS STREET, BRIGHTON (continued)

10. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:
  - Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
  - Provision of a truck wheel-wash so that vehicles leaving the site do not deposit mud or other materials on roadways.
  - The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises.
  - The prohibition of delivery/tradesmen's vehicles from obstructing St Andrews Street and the rear laneway during the construction period.
  - All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.
11. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
12. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
  - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
  - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - c) Details of surface finishes of pathways and driveways
  - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used
  - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - f) Landscaping and planting within all open areas of the site
  - g) An in-ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the Responsible Authority.
13. Before the development (including demolition) starts, a tree protection fence must be erected around the street tree fronting the site at 2 metres on either side from the base of the trunk and to define a 'Tree Protection Zone'. The fence must be constructed of (star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed.

The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.
14. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

## **1.16 10 ST ANDREWS STREET, BRIGHTON (continued)**

15. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.
16. 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 to the satisfaction of the Responsible Authority.
17. Drainage associated with basement during construction (seepage and agricultural water are to be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
18. Before the development begins, three sets of detailed plans 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.
19. Ramp/paved courtyards /paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. Prior to the commencement of any works, a waste management plan must be submitted to the Responsible Authority for approval. The waste management plan must address, but is not limited to:
  - a) The development must provide its own waste collection service carried out by a commercial waste collector;
  - b) The waste collection service must be carried out on site within the development boundaries;
  - c) Waste collection receptacles must not be stored in the road reserve at any time;
  - d) The use of commercial waste and recycle bins is subject to compliance with the guidelines in Schedule 1 of Bayside City Council Local Law No.2 Environment, Section 15.
  - e) The collection of commercial waste and recycling bins is subject to compliance with EPA noise Control Guidelines, Industrial Waste Collection, Section 6.
21. 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:-
  - 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, CSIRO 1999.

## 1.16 10 ST ANDREWS STREET, BRIGHTON (continued)

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.

22. This permit will expire if one of the following circumstances applies:

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

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.

### Permit Notes

N1	Crossover permit
N2	Building approval
N7	Retention of existing street trees
N8	Sewerage
N10	Asset Protection

**CARRIED**

**The Chairperson declared the meeting closed at 9.50pm.**