



Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre
Boxshall Street, Brighton
on Tuesday 18 January 2011
at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Shiran Wickramasinghe	Director City Strategy
Theodora Jenkin -	Statutory Planning Coordinator
Natalie O'Leary -	Statutory Planning Coordinator
Grant Michell -	Statutory Planner
Terry Callant -	Governance Manager
Janice Pouw -	Governance Officer

APOLOGIES:

An apology from Councillor Russell was submitted to this meeting.

Moved: Cr del Porto

Seconded: Cr Long

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

CARRIED

DECLARATIONS OF INTEREST:

Cr del Porto declared an Indirect Conflict of Interest by close association in Item 4.1 as Cr del Porto's son has been employed by the building company associated with the application.

TABLE OF CONTENTS

Page No

REPORTS:

4.1 358-360 HAMPTON STREET, HAMPTON – APPLICATION NO: 2008/0680/14

4.2 33-35 MELROSE STREET, SANDRINGHAM – APPLICATION NO: 2007/0820/15

4.3 49 RESERVE ROAD, BEAUMARIS – APPLICATION NO: 2010/0476/16

4.4 18 DESMOND AVENUE, HIGHETT – APPLICATION NO: 2010/0472/1 12

4.5 62 DAVID STREET, HAMPTON – APPLICATION NO: 2010/0545/1 14

4.6 47 SOUTH ROAD, BRIGHTON – APPLICATION NO: 2010/0575/1 15

4.7 16 HUNTLEY STREET, BRIGHTON –APPLICATION NO: 2010/0432/1 16

4.8 8 RESERVE ROAD, BEAUMARIS – APPLICATION NO: 2010/0381/123

4.9 1/312-314 BEACH ROAD, BLACK ROCK – APPLICATION NO: 2010/0361/129

4.10 73 WILSON STREET, BRIGHTON –APPLICATION NO: 2010/0547/132

Confirmation of the Minutes of the Planning Committee Meeting 21 December 2010

Moved: Cr Long

Seconded: Cr del Porto

That the Minutes of the Planning Committee Meeting held on 21 December 2010 be confirmed.

CARRIED

REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 clause 68, individuals cannot speak for more than 3 minutes.

Requests to be heard were received from the following people:

Item 4.4 18 Desmond Street, Highett

Mr Nick Bennett

Item 4.5 62 David Street, Hampton

Mr Alexander Gelis

Mr Chris Pippo

Item 4.6 47 South Road, Brighton

Mr Richard Umbers

Mr Bob Talbot

Item 4.7 16 Huntley Street, Brighton

Mr Laz Gracias

Item 4.9 1/312-314 Beach Road, Black Rock

Mrs Polly Pemberton

Ms Rebecca West

Item 4.10 73 Wilson Street, Brighton

Mr Gregory Hoy

Mrs Julie Smith

Mr David Haley

Mr Alan Smith

Mrs Pam Pitt

Mr Graeme Pitt

Dr Stewart Proper

OFFICERS' REPORTS:**4.1 358 – 360 HAMPTON STREET, HAMPTON**

It is recorded that Cr del Porto declared an Indirect Conflict of Interest by close association in Item 4.1 as his son has been employed by the building company associated with the application.

Cr del Porto vacated the Chamber at 7.05pm prior to the consideration of this matter.

Moved: Cr Long

Seconded: Cr Frederico

It is considered that the application for Secondary Consent for Planning Permit No: 2008/0680/1 at 358-360 Hampton Street, Hampton be supported and the following table added to the permit:

Date	Amendment
18 January 2011	<p>Secondary consent to amend plans:</p> <p>Amendment to the endorsed plans under Secondary Consent:</p> <ul style="list-style-type: none"> • Change to the FFL at Ground Floor to match AHD resulting in a change to overall heights as follows: <ul style="list-style-type: none"> - <u>North</u> – previously 15.55 metres amended to 14.305 metres (reduction of 1.205 metres) - <u>East</u> – previously 15.55 metres amended to 14.2 metres (reduction of 1.35m) - <u>South</u> – previously 15.55 metres amended to 14.2 metres (reduction of 1.05 metres) - <u>West</u> – previously 15.55 metres amended to 14.50 metres (reduction of 1.05 metres) • Reducing the overall number of apartments from 21 to 20 with reallocation of car parking to Apartment 20. • Addition of two (2) plant rooms to be located at either end of the bin storage areas located at ground floor.

CARRIED

It is recorded that Cr del Porto was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was taken on this item.

It is recorded Cr del Porto returned to the Chamber at 7.06pm.

4.2 33-35 MELROSE STREET, SANDRINGHAM

Moved: Cr del Porto

Seconded: Cr Long

That Council decides to not support the amendments to the endorsed plans under Secondary Consent of Planning Permit No 2007/0820/1 in respect of the land known and described as 33-35 Melrose Street, Sandringham in accordance with the application dated 13 December 2010 as Council considers that the proposed changes are inappropriate.

CARRIED

4.3. 49 RESERVE ROAD, BEAUMARIS

Moved: Cr Norris

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2010/0476/1 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 49 Reserve Road, Beaumaris for the construction of two (2) double storey dwellings in accordance with the application dated 4 December 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 received 3 November 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a) All measurements in metres.
 - b) The setback of Dwelling 1 to Pacific Boulevard increased to 3.0 metres
 - c) The height of the fascias of the ground floor roof that face Pacific Boulevard must be reduced.
 - d) Details of all screening to the first floor north, west and south windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) of the Bayside Planning Scheme.
 - e) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving.
 - f) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - g) Provision of a canopy tree in the front and rear set back of each dwelling to be shown on a landscaping plan and be in accordance with Condition 9 of this permit.
 - h) Each double garage must be 6m long and 5.5m wide from internal wall to wall, with at least 4.8m door opening width. These dimensions must be clearly indicated on the plan.
 - i) All garage pedestrian must swing outwards.
 - j) The front setback of each garage must be at least 5.5m. The gates at the front are to be deleted from the plans.
 - k) Driveways paved with at least 1m wide landscape area between the two driveways with at least 0.5m kerb height to separate the access.
 - l) A 3m x 3m splay on the south east corner of the property and concreted to match the existing footpath.

4.3. 49 RESERVE ROAD, BEAUMARIS (Continued)

- m) Adequate sight lines must be provided where the proposed driveways intersect the front property boundary in accordance with the requirements of AS 2890.1.
 - n) The side fence, fronting Pacific Boulevard, to be reduced to a total height of 1.5m
 - o) Compliance with Melbourne Waters' requirements, in accordance with condition 13 of this permit
2. P4 Layout not altered
 3. The proposed vehicle crossings must not impact on Council assets including street trees etc.
 4. A Construction Management plan must be submitted for Council approval, addressing all the construction and traffic management procedures prior to the commencement of works.
 5. The existing bus stop and associated infrastructure on Pacific Boulevard must not be altered without the prior written consent of the Director of Public Transport. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of the Director of Public Transport and at the cost of the Permit holder. In the event the bus stop is requested to be relocated the permit holder will be responsible for seeking permission for the relocated site to the satisfaction of the Director of Public Transport at their full cost.
 6. A18 Concealment of pipes.
 7. A19 Plant and equipment or features on roof.
 8. A20 Boundary Walls
 9. 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) Provision of an indigenous canopy tree capable of growing to a mature height of eight (8) metres in the front and rear set backs of each dwelling.
 - 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) 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. At least 60% of all planting must consist of indigenous species and at least a further 20% of native species.
 - e) landscaping and planting within all open areas of the site
 10. L2 Completion of landscaping
 11. L3 Landscaping maintenance.
 12. T9 Retention of existing street trees

4.3. 49 RESERVE ROAD, BEAUMARIS (Continued)

13. Conditions required by Melbourne Water:

- a) No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- b) Finished floor levels of each dwelling must be constructed a minimum of 300 mm above the applicable flood level.
- c) c) Any new garage must be constructed with finished floor or surface levels a minimum of 150 mm above the applicable flood level.

14. 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.

15. 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.

N1 Vehicle Crossing Permit

N2 Building approval

N6 Vehicle crossing removal

N7 Retention of existing street trees/protection during construction

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.

The applicable flood level for the property is 12.2 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 184718.

CARRIED

4.3. 49 RESERVE ROAD, BEAUMARIS (Continued)

AMENDMENT

Moved: Cr del Porto

That Council having caused notice of Planning Application No. 2010/0476/1 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 49 Reserve Road, Beaumaris for the construction of two (2) double storey dwellings in accordance with the application dated 4 December 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 received 3 November 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a) All measurements in metres.
 - b) The setback of Dwelling 1 to Pacific Boulevard increased to 3.0 metres
 - c) The height of the fascias of the ground floor roof that face Pacific Boulevard must be reduced.
 - d) Details of all screening to the first floor north, west and south windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) of the Bayside Planning Scheme.
 - e) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving.
 - f) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - g) Provision of a canopy tree in the front and rear set back of each dwelling to be shown on a landscaping plan and be in accordance with Condition 9 of this permit.
 - h) Each double garage must be 6m long and 5.5m wide from internal wall to wall, with at least 4.8m door opening width. These dimensions must be clearly indicated on the plan.
 - i) All garage pedestrian must swing outwards.
 - j) The front setback of each garage must be at least 5.5m. The gates at the front are to be deleted from the plans.
 - k) Driveways paved with at least 1m wide landscape area between the two driveways with at least 0.5m kerb height to separate the access.
 - l) A 3m x 3m splay on the south east corner of the property and concreted to match the existing footpath.

4.3. 49 RESERVE ROAD, BEAUMARIS (Continued)

- m) Adequate sight lines must be provided where the proposed driveways intersect the front property boundary in accordance with the requirements of AS 2890.1.
 - n) The side fence, fronting Pacific Boulevard, to be reduced to a total height of 1.5m.
 - o) Compliance with Melbourne Waters' requirements, in accordance with condition 13 of this permit.
2. P4 Layout not altered.
 3. The proposed vehicle crossings must not impact on Council assets including street trees etc.
 4. A Construction Management plan must be submitted for Council approval, addressing all the construction and traffic management procedures prior to the commencement of works.
 5. The existing bus stop and associated infrastructure on Pacific Boulevard must not be altered without the prior written consent of the Director of Public Transport. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of the Director of Public Transport and at the cost of the Permit holder. In the event the bus stop is requested to be relocated the permit holder will be responsible for seeking permission for the relocated site to the satisfaction of the Director of Public Transport at their full cost.
 6. A18 Concealment of pipes.
 7. A19 Plant and equipment or features on roof.
 8. A20 Boundary Walls
 9. 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) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - b) Details of surface finishes of pathways and driveways
 - c) 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. At least 60% of all planting must consist of indigenous species and at least a further 20% of native species.
 - d) Landscaping and planting within all open areas of the site.
 10. L2 Completion of landscaping.
 11. L3 Landscaping maintenance.
 12. T9 Retention of existing street trees.

4.3. 49 RESERVE ROAD, BEAUMARIS (Continued)

13. Conditions required by Melbourne Water:
- a) No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
 - b) Finished floor levels of each dwelling must be constructed a minimum of 300 mm above the applicable flood level.
 - c) c) Any new garage must be constructed with finished floor or surface levels a minimum of 150 mm above the applicable flood level.
14. 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.
15. 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.

N1 Vehicle Crossing Permit

N2 Building approval

N6 Vehicle crossing removal

N7 Retention of existing street trees/protection during construction

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.

The applicable flood level for the property is 12.2 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 184718.

The **AMENDMENT lapsed** for want of a seconder.

The **ORIGINAL MOTION** Moved by Cr Norris and Seconded by Cr Long was Put and

CARRIED.

4.4. 18 DESMOND AVENUE, HIGHETT

It is recorded that Mr Nick Bennett spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Norris

That Council having caused notice of Planning Application No. 2010/0472/1 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 18 Desmond Avenue, Highett, for the construction of two double storey attached dwellings on a lot in accordance with the application dated 20 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 but modified to show:
 - a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - b) A landscape plan in accordance with Condition 3 of this planning permit.
 - c) The garages to Unit 1 and 2 to be of an open style and with a floor to ceiling height no more than 2.2 metres from the finished floor level of the parking space.
 - d) The maximum height of the porches to Unit 1 and 2 to be no more than 3.6 metres in height as measured from natural ground level.
 - e) Screening to the first floor south, west and east elevations in accordance with Standard B22 of the Bayside Planning Scheme.
 - f) The decking to Unit 1 and 2 to be no more than 0.5 metres above natural ground level.
 - g) Side and rear fencing must be of a solid material and a minimum of 1.7 metres in height above the finished floor level of the decking.
 - h) The crossovers to Unit 1 and 2 to be a minimum of 3.3 metres wide and offset 0.5 metres from the side boundary.
 - i) The storage location of garbage and recycling bins.
 - j) First floor windows to the side and rear to comply with the requirements of Standard B22 of the Bayside Planning Scheme.
 - k) Water sensitive urban design stormwater treatment measures in accordance with Condition 8.
2. P4 Layout not altered

4.4. 18 DESMOND AVENUE, HIGHETT (Continued)

3. 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) A canopy tree in both the front and rear yard of each dwelling with a mature height of at least 8m at maturity.
 - g) Landscaping and planting within all open areas of the site
 - h) An in-ground irrigation system to all landscaped areas.

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

4. L2 Completion of landscaping
5. L3 Landscaping maintenance
6. 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.
7. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
8. 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;

4.4. 18 DESMOND AVENUE, HIGHETT (Continued)

- d) 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.

9. PT1 Time for starting and completion

Permit Notes

- N1 Crossover permit
N2 Building approval
N10 Asset Protection

CARRIED

4.5 62 DAVID STREET, HAMPTON

It is recorded that the Chairperson advised that the applicant requested deferral of this item. It is further recorded that the Chairperson advised the speakers of the Committee's intention to defer this item. Mr Alexander Gelis and Mr Chris Pippo did not pursue their right to speak.

Moved: Cr Long

Seconded: Cr del Porto

That this item be deferred for two cycles to allow further discussion between the applicant and the objector. The applicant has provided an undertaking that this application will not be appealed at VCAT for failure to determine.

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

DIVISION: FOR: Crs Long, del Porto, Norris, Hayes and Cooper-Shaw (5)
AGAINST: Cr Frederico (1)

CARRIED

4.6 47 SOUTH ROAD, BRIGHTON

It is recorded that Mr Richard Umbers and Mr Bob Talbot spoke in relation to this matter.

Moved: Cr Long

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2010/0575/1 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 47 South Road, Brighton for the use of the site (33 New Street) for education facility in accordance with the application dated 28 September 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 use 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) Alterations to the existing building in accordance with the recommendations of the acoustic report prepared by Acoustic Consulting Australia Pty Ltd dated 16 December 2010 to include but not limited to, acoustic wall treatments and double glazed windows.
2. The use must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise.
3. The hours of operation for the purposes of playing musical instruments on the site must only be occur between 8:30am and 3:30pm, Monday to Friday.
4. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 and N-2.
5. Only students and staff of Xavier College are permitted to use the premises.
6. PT1 Time for starting

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

DIVISION: **FOR:** Crs Hayes, Frederico, del Porto, Long and Cooper-Shaw (5)
AGAINST: Cr Norris (1)

CARRIED

4.7 16 HUNTLEY ROAD, BRIGHTON

It is recorded that Mr Laz Gracias spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2010/0432/1 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 16 Huntley Street, Brighton, for the construction of a single dwelling on a lot less than 500 square metres in accordance with the application dated 9 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 but modified to show:
 - a) All habitable room windows and terraces must be screened in accordance with Standard A15 of the Bayside Planning Scheme.
 - b) The front façade of the garage must be setback behind the south-western wall of the studio on the ground floor.
 - c) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - d) The wall between the street and garage along the northern edge of the driveway must be no higher than 1.2m.
 - e) Front fence to be reduced to a maximum height of 1.4m.
 - f) The bedroom wall on the second storey must be set back a minimum 3m from the north-western boundary.
 - g) The (south-eastern) bedroom wall on the second storey must be set back a minimum 2.5m from the adjoining boundary.
 - h) The (south-eastern) ensuite wall on the second storey must be set back a minimum 3m from the adjoining boundary.
 - i) The roof deck is to be set 1.3 metres in from the south-eastern second storey footprint below.
 - j) The garage must have minimum dimensions of 5.5m width by 6m length.
 - k) The locations of plant and equipment in compliance with Condition 4 of the permit.
 - l) Water Sensitive Urban Design method in compliance with Condition 11 of the permit.

4.7 16 HUNTLEY ROAD, BRIGHTON

- m) All walls opposite habitable room windows (southern boundary) must be set back a minimum of 1.0 metre from the boundary in accordance with the requirements of Clause 54 Standard A13 of the Bayside Planning Scheme.
- 2. P4 Layout not altered
- 3. Before the use of the dwelling 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. A19 Plant/equipment or features on roof
- 5. A20 Boundary walls
- 6. CP7 Vehicular crossings
- 7. CP8 Vehicle crossing removal
- 8. L2 Completion of landscaping
- 9. L3 Landscaping maintenance
- 10. T9 Retention of existing street trees
- 11. 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.

- 12. 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.

4.7 16 HUNTLEY ROAD, BRIGHTON (Continued)

13. Before the commencement of any works, a site management plan 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 site management plan must address, but not be limited to, measures to ensure that:
 - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
 - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

The Site Management Plan must be consistent with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999.
14. 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.
15. Stormwater discharge must 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.
16. Any seepage / agricultural drainage water must 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.
17. 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.
18. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
19. PT1 Time for starting and completion

4.7 16 HUNTLEY ROAD, BRIGHTON (Continued)

AMENDMENT

Moved: Cr Norris

Seconded Cr Long

That Council having caused notice of Planning Application No. 2010/0432 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 16 Huntley Street, Brighton, for the construction of a single dwelling on a lot less than 500 square metres in accordance with the application dated 9 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 but modified to show:
 - a) All habitable room windows and terraces must be screened in accordance with Standard A15 of the Bayside Planning Scheme.
 - b) The front façade of the garage must be setback behind the south-western wall of the studio on the ground floor.
 - c) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - d) The wall between the street and garage along the northern edge of the driveway must be no higher than 1.2m.
 - e) Front fence to be reduced to a maximum height of 1.4m.
 - f) The bedroom wall on the second storey must be set back a minimum 3m from the north-western boundary.
 - g) The (south-eastern) bedroom wall on the second storey must be set back a minimum 2.5m from the adjoining boundary.
 - h) The (south-eastern) ensuite wall on the second storey must be set back a minimum 3m from the adjoining boundary.
 - i) The roof deck must be deleted so as to accord with the objectives of DDO2.
 - j) The garage must have minimum dimensions of 5.5m width by 6m length.
 - k) The locations of plant and equipment in compliance with Condition 4 of the permit.
 - l) Water Sensitive Urban Design method in compliance with Condition 11 of the permit.

4.7 16 HUNTLEY ROAD, BRIGHTON (Continued)

- m) All walls opposite habitable room windows (southern boundary) must be set back a minimum of 1.0metre from the boundary in accordance with the requirements of Clause 54 Standard A13 of the Bayside Planning Scheme.
2. P4 Layout not altered
 3. Before the use of the dwelling 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. A19 Plant/equipment or features on roof
 5. A20 Boundary walls
 6. CP7 Vehicular crossings
 7. CP8 Vehicle crossing removal
 8. L2 Completion of landscaping
 9. L3 Landscaping maintenance
 10. T9 Retention of existing street trees
 11. 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.
 12. 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.

4.7 16 HUNTLEY ROAD, BRIGHTON (Continued)

13. Before the commencement of any works, a site management plan 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 site management plan must address, but not be limited to, measures to ensure that:
- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
 - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

The Site Management Plan must be consistent with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999.

14. 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.
15. Stormwater discharge must 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.
16. Any seepage / agricultural drainage water must 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.
17. 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.
18. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
19. PT1 Time for starting and completion

4.7 16 HUNTLEY ROAD, BRIGHTON (Continued)

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees

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

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

The Chairperson used her casting vote against the Amendment and was **LOST**

The **ORIGINAL MOTION** Moved by Cr del Porto and Seconded by Cr Frederico was Put and a **DIVISION** was called.

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

The Chairperson used her casting vote in favour of the motion and was **CARRIED**

4.8 8 RESERVE ROAD, BEAUMARIS

Moved: Cr Norris

Seconded: Cr Hayes

That Council having caused notice of Planning Application No. 2010/381/1 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 8 Reserve Road, Beaumaris for the construction of two (2) double storey dwellings with basement parking and roof decks in a Design and Development Overlay Schedule 1 in accordance with the application dated 7 July, 3 November and 10 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 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 received 3 November 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a) The access structure to the roof deck is to have a maximum height of 2.4m (measured from floor level at the point of access onto the roof deck).
 - b) Minimum 1.7m height screening between the roof decks of Dwellings 1 and 2 to ensure compliance with Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
 - c) Minimum 1.7m height screening on the roof deck along the northern boundary of Dwelling 2 and the southern boundary of Dwelling 1.
 - d) Details of all screening to the first floor north, east and south windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
 - e) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving.
 - f) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally.
 - g) Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 10 of this permit.
 - h) Roof decks must be designed to limit views into secluded private open space and habitable room windows of adjoining dwellings and comply with the requirements of the Design and Development Overlay Schedule 1 of the Bayside Planning Scheme.
 - i) The basement and access ramp in compliance with the requirements of Australian Standard AS 2890.1 to ensure that vehicles can enter and exit the car parks in a forwards direction.

4.8 **8 RESERVE ROAD, BEAUMARIS (Continued)**

- j) The width of the ramp to be increased to 3.6m to meet Australian Standard AS 2890.01 in regards to a ramp abutting a wall greater than 150mm.
 - k) All parking spaces must be at least 2.9m and 4.9m long and indicated on the plan.
 - l) The studies of both dwelling to be setback from the side by 2.0 metres to enable additional planting of vegetation.
 - m) re-design of the front fence to provide a 1.0 metre depth in front of it containing suitable vegetation.
2. P4 Layout not altered
 3. A18 Concealment of pipes.
 4. A19 Plant and equipment or features on roof.
 5. A20 Boundary Walls
 6. 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) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - b) details of surface finishes of pathways and driveways;
 - c) 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. At least 60% of all planting must consist of indigenous species and at least a further 20% of native species; and
 - d) landscaping and planting within all open areas of the site.
 7. Before the development starts, plans must be submitted to and approved by Telstra in regards to the pit impacted by the vehicle crossing for Unit 1. All costs for remediation or relocation of this asset must be borne by the developer.
 8. L2 Completion of landscaping
 9. L3 Landscaping maintenance.
 10. 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.
 11. Prior to 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;

4.8 8 RESERVE ROAD, BEAUMARIS (Continued)

- 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, to be a minimum of 100%, 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.

12. T9 Retention of existing street trees
13. 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.
14. 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.

N1 Vehicle Crossing Permit

N2 Building approval

N6 Vehicle crossing removal

N7 Retention of existing street trees/protection during construction

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.

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

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

The Chairperson used her casting vote against the Motion and was **LOST**

4.8 8 RESERVE ROAD, BEAUMARIS (Continued)

Moved: Cr del Porto

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2010/381/1 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 8 Reserve Road, Beaumaris for the construction of two (2) double storey dwellings with basement parking and roof decks in a Design and Development Overlay Schedule 1 in accordance with the application dated 7 July, 3 November and 10 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 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 received 3 November 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a) The access structure to the roof deck is to have a maximum height of 2.4m (measured from floor level at the point of access onto the roof deck).
 - b) Minimum 1.7m height screening between the roof decks of Dwellings 1 and 2 to ensure compliance with Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
 - c) Minimum 1.7m height screening on the roof deck along the northern boundary of Dwelling 2 and the southern boundary of Dwelling 1.
 - d) Details of all screening to the first floor north, east and south windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
 - e) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving.
 - f) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally.
 - g) Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 10 of this permit.
 - h) Roof decks must be designed to limit views into secluded private open space and habitable room windows of adjoining dwellings and comply with the requirements of the Design and Development Overlay Schedule 1 of the Bayside Planning Scheme.
 - i) The basement and access ramp in compliance with the requirements of Australian Standard AS 2890.1 to ensure that vehicles can enter and exit the car parks in a forwards direction.

4.8 **8 RESERVE ROAD, BEAUMARIS (Continued)**

- j) The width of the ramp to be increased to 3.6m to meet Australian Standard AS 2890.01 in regards to a ramp abutting a wall greater than 150mm.
 - k) All parking spaces must be at least 2.9m and 4.9m long and indicated on the plan.
 - l) Re-design of the front fence to provide a 1.0 metre depth in front of it containing suitable vegetation.
2. P4 Layout not altered
 3. A18 Concealment of pipes.
 4. A19 Plant and equipment or features on roof.
 5. A20 Boundary Walls
 6. 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) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - b) details of surface finishes of pathways and driveways;
 - c) 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. At least 60% of all planting must consist of either native or indigenous species.
 - d) landscaping and planting within all open areas of the site.
 7. Before the development starts, plans must be submitted to and approved by Telstra in regards to the pit impacted by the vehicle crossing for Unit 1. All costs for remediation or relocation of this asset must be borne by the developer.
 8. L2 Completion of landscaping
 9. L3 Landscaping maintenance.
 10. 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.
 11. Prior to 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;

4.8 8 RESERVE ROAD, BEAUMARIS (Continued)

- 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, to be a minimum of 100%, 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.

12. T9 Retention of existing street trees
13. 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.
14. 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.

N1 Vehicle Crossing Permit

N2 Building approval

N6 Vehicle crossing removal

N7 Retention of existing street trees/protection during construction

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.

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

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

The Chairperson used her casting vote in favour of the Motion and was **CARRIED**

It is recorded that Cr del Porto vacated the Chamber at 9.13pm and re-entered at 9.15pm.

4.9 1/312-314 BEACH ROAD, BLACK ROCK

It is recorded that Mrs Polly Pemberton and Ms Rebecca West spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr del Porto

That Council having caused notice of Planning Application No. 2010/0361/1 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 1/312-314 Beach Road, Black Rock for the Construction of a single dwelling and to carry out buildings and works in the common property below ground level on a lot less than 500 square metres in accordance with application dated 28 June 2010 and amended plans dated 26 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 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 but modified to show:
 - a) Minimum first floor set back of 4.8m from the eastern (rear) boundary
 - b) Height of garage to be a maximum of 3.6m
 - c) Relocation of Hot Water Unit away from the adjoining property
 - d) Details of proposed front fencing including materials and colours
 - e) Type of car stacker proposed including manufacturer specifications
 - f) Tandem car space to be shown as being within the subject property boundary
 - g) Screening of first floor windows to comply with Standard A15 of the Bayside Planning Scheme
 - h) Details of the location of all plant and equipment (air conditioning units, hot water systems)
 - i) Landscaping plan to include salt tolerant indigenous plant species and be as detailed in Condition 5 of this permit;
 - j) Water Sensitive Urban Design plan as detailed in Condition 6 of this permit;
 - k) Energy saving/solar benefiting initiatives to be included in the design details.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. 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.

4.9 1/312-314 BEACH ROAD, BLACK ROCK (Continued)

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 without the written consent of the responsible authority.
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) Details of surface finishes of pathways and driveways
- b) 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 including salt tolerant indigenous species
- c) Landscaping and planting within all open areas of the site

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. 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.

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.

Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing all works, (including the landscaping works) as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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.

4.9 1/312-314 BEACH ROAD, BLACK ROCK (Continued)

7. 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.
8. Adequate sight lines must be provided for pedestrian safety where driveways intersect the footpath at the property boundary.
9. The buildings and works are not to intrude upon or impede traffic within the common driveway.
10. 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.
11. 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.
12. 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

N2 Building approval

N10 Asset Protection

The building works associated with the new dwelling must not intrude upon the traffic flow within the common driveway.

Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of footpath. If this is the case, a '*Road Opening Permit*' must be obtained to facilitate such work.

A '*Road Opening/Stormwater Tapping Permit*' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain/kerb/channel.

CARRIED

4.10 73 WILSON STREET, BRIGHTON

It is recorded that Mr Gregory Hoy, Mrs Julie Smith, Mr David Haley, Mr Alan Smith, Mrs Pam Pitt, Mr Graeme Pitt and Dr Stewart Proper spoke in relation to this matter.

It is recorded that Cr Long vacated the Chamber at 9.32pm and re-entered at 9.40pm.

Moved: Cr del Porto

Seconded: Cr Norris

That Council having caused notice of Planning Application No. 2010/0547/1 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 73 Wilson Street, Brighton, for the use of the site for a child care centre in accordance, with the application dated 22 September 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 commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority for its approval and when approved the plans shall be endorsed and then form part of the permit. They must be drawn to scale and modified to show:
 - a) The first floor setback along the eastern boundary (stair and store room) must be increased to 2.0 metres.
 - b) All floor levels to AHD, and the finished floor levels and basement ramp levels, grades, transitions and headroom clearances in accordance with AS/NZ 2890. The provision of 1:10 at the top of the ramp must be changed to 9% (1:11.1)
 - c) A convex mirror positioned near the foot of the ramp to the basement car park.
 - d) The width of the ramp at mid section must be widened to 3.6 metres.
 - e) The column locations clearly annotated on the basement plan in accordance with the requirements of the Australian Standards. For a 90 degree, 5.4m long bay the column setback from the parking aisle is 750mm.
 - f) The two car spaces at the southern end of the basement abut a wall and must be widened by an additional 300mm in accordance with the Australian Standards requirements.
 - g) The provision of a 1.0m blind aisle beside the eastern side car space or alternatively the wall adjacent to the lift (i.e. northern side of the lift) can be shifted 0.8m to the south.
 - h) The width of the crossing must be constructed with at least 1.5m offset from the northern property boundary, centred to the ramp.
 - i) A landscape plan showing the planting for all open space areas including at least two canopy trees planted within the front setback to Wilson Street, and at least two canopy trees planted within the rear setback in accordance with the requirements of Condition 5.
 - j) Water Sensitive Urban Design storm water treatment measures in accordance with Condition 8.

4.10 73 WILSON STREET, BRIGHTON (Continued)

- k) The Wilson Street elevation to be modified to show more 'domestic' and less 'commercial architectural detailing in response to the details evident in the streetscape. The redesign must include additional north facing windows.
 - l) Acoustic fencing must be provided to perimeter fencing and second storey balcony to reduce the potential for unreasonable noise impacts upon adjoining properties in accordance with the requirements of Condition 9.
 - m) Additional windows to be included on the northern elevation so as to achieve improved energy efficiency.
2. The use and development permitted must always accord with the endorsed plans and must not be altered or modified without the further written consent of the Responsible Authority.
 3. 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
 4. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 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 landscaping plan must show:
 - a) A survey (including botanical names) of all existing vegetation in excess of two metres in height 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. Details should show porosity of surface finish and any footings or sub surfaces.
 - d) A planting schedule of all proposed trees including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) All species selected must not be environmental or noxious weeds.
 - f) The landscape plan must also indicate that an in ground irrigation system is to be provided to all landscaped areas.
 6. 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.
 7. 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.*

4.10 73 WILSON STREET, BRIGHTON (Continued)

8. In accordance with the requirements of Clause 22.10 of the Bayside Planning Scheme:
- a) Before the development starts, 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 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 1999.
- b) 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.
9. Before the development starts, an acoustic report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the report will be endorsed and will then form part of the permit. The report must include the type, size and location of acoustic fencing to reduce the potential for unreasonable noise impacts upon adjoining properties.
10. 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.
11. This permit will expire if one of the following circumstances applies:
- the use and development is not started within two years of the date of this permit.
 - the use and 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.

4.10 73 WILSON STREET, BRIGHTON (Continued)

Permit Notes

- Building approval must be obtained prior to the commencement of the above approved works.
- Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.

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

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

CARRIED

The Chairperson declared the meeting closed at 10.09pm.