



## Minutes of the Planning Committee Meeting

held in the Brighton Town Hall  
Corner Wilson and Carpenter Streets, Brighton  
on Tuesday 1 March 2011  
at 7.00pm

### PRESENT:

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

### OFFICERS IN ATTENDANCE:

Shiran Wickramasinghe	Director City Strategy
Theodora Jenkin -	Acting Planning Manager
Natalie O'Leary -	Statutory Planning Coordinator
Paul Truong -	Acting Senior Planning Co-ordinator
Clare Beames -	Senior Statutory Planner
Terry Callant -	Manager Governance
Janice Pouw -	Governance Officer

In the absence of the Chairman the Manager Governance called for nominations for the position of Acting Chairperson for the meeting.

**Moved: Cr Hayes**

**Seconded: Cr Russell**

That the Mayor be nominated as Acting Chairperson for the meeting.

**CARRIED**

**APOLOGIES:** An apology from Cr Cooper-Shaw was submitted to the meeting.

**Moved: Cr Norris**

**Seconded: Cr Long**

That the apology from Cr Cooper-Shaw be received and leave of absence be granted.

**CARRIED**

**DECLARATIONS OF INTEREST:**

- Cr del Porto declared a Direct Conflict of Interest in Item 4.6 as he owns a property directly opposite the subject site.

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## **Confirmation of the Minutes of the Planning Committee Meeting 1 February 2011**

**Moved: Cr Long**

**Seconded: Cr Norris**

That the Minutes of the Planning Committee Meeting held on 1 February 2011 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 4.3 464 St Kilda Street Brighton**

Ms Ruth Avery  
Mr Richard Foley  
Mr Peter Owen

#### **Item 4.4 5 Rippon Grove Brighton**

Mr Peter Hayden  
Ms Linda Bakarnis  
Mr David Hickey

#### **Item 4.5 6 Trafalgar Street Brighton**

Ms Louise Scully

#### **Item 4.6 2 Male Street Brighton**

Mr Barrie Sheppard  
Mrs Natalie Corke  
Mr Ilya Fisher

#### **Item 4.7 29-33 Beaumaris Parade Highett and 34 Tibrockney Street Highett**

Mr Ross Newton  
Miss Sue Hughes  
Mr Roger Hargreaves  
Mr David Rowley  
Mr David Tolj  
Dr Anne Riggs  
Mrs Jayma Nann

Ms Maree Bowker  
Mr Dean Pollard  
Ms Trish Boase  
Mr Don Percy  
Ms Kerryn Thorson  
Mrs Heather Dinas

**OFFICERS' REPORTS:****4.1 32 CHARLES STREET, BRIGHTON EAST****Moved: Cr Hayes****Seconded: Cr Norris**

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

Date	Amendment
1 March 2011	Secondary consent to amend plans: <ul style="list-style-type: none"><li data-bbox="395 696 1457 768">• The swimming pool to Dwelling 2 to be setback approximately 1.275 metres from the east boundary.</li></ul>

**CARRIED**

## 4.2 62 DAVID STREET, HAMPTON

**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2010/0545/1 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 Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 62 David Street, Hampton for the construction of two (2) double storey dwellings in accordance with the plans lodged with Council on 20 October 2010 and Amended Plans dated 9 February 2011, 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 advertised plans dated 20 October 2010 and amended plans dated 9 February 2011 but modified to show to the satisfaction of the Responsible Authority:
  - a) The dimensions of the garage nominated on the ground floor plans. Each single garage must have a minimum internal length of 6 metres and an internal width of 3.5 metres with at least a 2.8 metre wide door opening.
  - b) The existing crossover for Dwelling 1 removed and replaced with a new 3.3 metre wide crossing to be constructed approximately 1 metre from the power pole to the east, centred to the driveway. The existing separator with the new crossing and No. 60 must be retained.
  - c) A 3.3 metre wide vehicle crossing Dwelling 2, offset from the eastern property boundary.
  - d) The Telstra pit to be redesigned to a trafficable pit subject to the approval of Telstra and the Responsible Authority.
  - e) Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 16 of this permit.
  - f) The proposed landscape treatment for the site to include at least two canopy trees one within the front and one within the rear setback of each dwelling in accordance with Condition 10 of this permit.
  - g) The porches / balconies projecting into the front setbacks of both dwellings must be set back to achieve a front setback of 7 metres.
2. P4 Layout not altered
3. Before the occupation of the site commences or by such a later date as approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. A18 Concealment of pipes
5. A19 Plant / Equipment or features on roof
6. A20 Boundary walls

**4.2 62 DAVID STREET, HAMPTON (Continued)**

- 7. CP7 Vehicular crossing
- 8. L1 Landscape plan required
- 9. L2 Completion of landscaping.
- 10. Before the development starts a tree protection fence must be erected around the centre of the following trees:

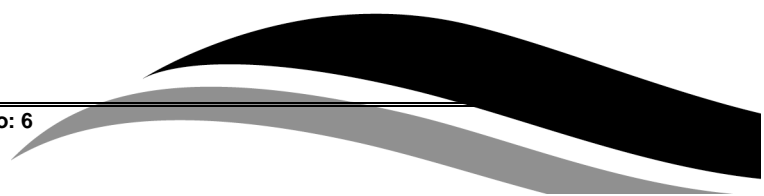
<b>Tree Name / Approximate Location</b>
Street Tree
<b>Tree Protection Zone Requirements</b>
<p>Tree protection fence to encompass the entire nature strip and to be erected prior to demolition and to be maintained until all works are complete.</p> <p>The fencing must be constructed and secured so its positioning cannot be modified by site workers.</p> <p>The Tree Protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development site.</p>

- 11. T9 Retention of existing street trees
- 12. E4 Stormwater plans
- 13. E5 Graded and drained discharge.
- 14. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be appropriate by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show: -
  - a) The type of water sensitive urban design stormwater treatment measures to be used;
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
  - c) Design details of the water sensitive urban design stormwater treatments, including cross sections.

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

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

- 15. PT1 Time for starting and completion.



## **4.2 62 DAVID STREET, HAMPTON (Continued)**

### Permit Notes

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

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.

**CARRIED**

### **4.3. 464 ST KILDA STREET, BRIGHTON**

*It is recorded that Ms Ruth Avery, Mr Richard Foley and Mr Peter Owen spoke in relation to this matter.*

**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2010/0627/1 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 464 St Kilda Street, Brighton for a Liquor License (for a Tennis Club) in accordance with the application dated 20 October 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:-

A:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The licensed area to be reduced so as to exclude the area located between the tennis courts and the western site boundary.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. A maximum number of 200 patrons can be served liquor and all functions must be tennis club related activities.
4. The sale and consumption of liquor must only occur between the hours of:
  - Good Friday and Anzac Day                      Between 12 noon and 11:00 pm
  - On any other day                                      Between 12 noon and 11:00 pmAlcohol must not be sold or consumed in areas where the crèche is operating
5. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager').

The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.
6. 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 State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2.

### **4.3. 464 ST KILDA STREET, BRIGHTON (Continued)**

7. The tenant must display a sign at the exit of the club building and associated car park advising patrons to respect the amenity of the adjacent residential areas and to leave in a quiet and orderly manner.
8. Before the use starts, a noise and amenity/patron management 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 include:
  - a) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons, including use of crowd controllers.
  - b) Signage to be used to encourage responsible off-site patron behaviour.
  - c) The training of staff in the management of patron behaviour.
  - d) Staff communication arrangements.
  - e) Details of any management measures required to control noise emissions from the premises. (E.g. operation of volume limiter if installed)
  - f) The nomination of the person responsible for the implementation of this management plan.

The plan must be implemented to the satisfaction of the Responsible Authority.

9. Other than in association with the cardio tennis program, no external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
10. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
11. Empty bottles and cans shall only be removed from within the building between the hours of 9.00am and 9pm Sunday to Thursday and between the hours of 9am and 10pm on Friday and Saturday.
12. No gaming/amusement machine activities or accommodation are to be undertaken on-site without the consent of the Responsible Authority
13. This permit will expire if one of the following circumstances applies:
  - the use is not started within two years of the date of this permit.
  - the use 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.

- B: That the license holder undertake consultation with the immediate adjoining neighbours and that a contact number of the license holder be provided.

**CARRIED**

#### 4.4. 5 RIPPON GROVE, BRIGHTON

*It is recorded that Mr Peter Hayden, Ms Linda Bakarnis and Mr David Hickey spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2010/0724/1 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 5 Rippon Grove, Brighton for the construction of five (5) double storey dwellings with basement car parking and roof decks in a Design and Development Overlay Schedule 1 in accordance with the application dated 30 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 dated 19 August 2010 and the but modified to show:
  - a) All habitable room windows and terraces must be screened in accordance with Clause 55, Standards B22 and B23 of the Bayside Planning Scheme including the provision of a privacy screen to the south facing bedroom window of Dwelling 1.
  - b) All louver screens to north, south and west facing windows and roof decks of the dwellings be in accordance with Clause 55, Standard B22 of the Bayside Planning Scheme
  - c) The height clearance at the entrance to the basement and throughout the car park must be at least 2.2 metres as per AS2890.1. A provision of 1 in 30 ramp grade throughout the entire parking aisle must not obstruct upon the minimum headroom clearance.
  - d) The first 2 metres of ramp grade be at least 9%. The second ramp grade be changed to 1 in 5.
  - e) The height of the kerb abutting the ramp on both sides be limited to 150mm.
  - f) The redundant vehicular crossover be removed and reinstated with kerb and channel.
  - g) The proposed landscape treatment for the planter boxes on the roof decks must be included in the landscape plan in accordance with Condition 4 of this permit.
2. P4 Layout not altered
3. A20 Boundary Walls
4. L1 Landscape plan required
5. L2 Completion of landscaping
6. L3 Landscaping maintenance

#### **4.4. 5 RIPPON GROVE, BRIGHTON (Continued)**

7. Drainage associated with basement during construction (seepage and agricultural waters are to be filtered to rain water clarity) must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
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. 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 Rippon Grove and the laneway during the construction period.
  - All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.
10. 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:
  - The development must provide its own waste collection service carried out by a commercial waste collector;
  - The waste collection service must be carried out on site within the development boundaries;
  - Waste collection receptacles must not be stored in the road reserve at any time;
  - 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.
  - The collection of commercial waste and recycling bins is subject to compliance with EPA noise Control Guidelines, Industrial Waste Collection, Section 6.
11. All water sensitive urban design stormwater systems including the water tank to be maintained to the satisfaction of the Responsible Authority.
12. PT1 Time for starting and completion

#### 4.4. 5 RIPPON GROVE, BRIGHTON (Continued)

##### Permit Notes

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

**CARRIED**

## 4.5 6 TRAFALGAR STREET, BRIGHTON

*It is recorded that Ms Louise Scully spoke in relation to this matter.*

**Moved: Cr Hayes**

**Seconded: Cr Norris**

That Council having caused notice of Planning Application No. 2010/0482/1 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 6 Trafalgar Street, Brighton, for the construction of a double storey dwelling on a lot less than 500 square metres in accordance with the application dated 16 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 5 of this planning permit.
  - c) Compliance with the Standard A15 (Overlooking) of Clause 54 of the Bayside Planning Scheme.
  - d) Water sensitive urban design stormwater treatment measures in accordance with Condition 7 of this planning permit.
  - e) All wall heights and lengths of wall on boundaries to be nominated on the plans and elevations.
  - f) The garage door opening with a minimum width of 4.8 metres.
  - g) Deletion of the pedestrian step on the western side of the garage.
  - h) The first 2.5 metres of the existing fence beside the driveway (i.e. on the south side of the driveway) with a maximum height of 1 metre.
  - i) The first floor south-west setback to comply with the requirements of the schedule to the Residential 1 Zone of the Bayside Planning Scheme.
2. P4 Layout not altered
3. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. A20 Boundary walls

#### **4.5 6 TRAFALGAR STREET, BRIGHTON (Continued)**

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) 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) Details of water sensitive urban design elements to be incorporated and the plant species to be used
  - 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) An in-ground irrigation system to all landscaped areas.

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

6. T9 Retention of existing street trees

7. 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.

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.

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.

#### 4.5 6 TRAFALGAR STREET, BRIGHTON (Continued)

9. Tree protection fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete.
- The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - The fencing is to encompass the entire nature strip under the drip-line of the trees.
  - The Tree Protection Zone is to be established and maintained in accordance with *Australian Standards 4970 Protection of Trees on Development Sites*.
10. PT1 Time for starting and completion

#### Permit Notes

- N1 Crossover permit  
N2 Building approval  
N6 Vehicle crossing removal  
N7 Retention of existing street trees  
N10 Asset Protection

**CARRIED**

*It is recorded that Cr del Porto declared a Direct Conflict of Interest in Item 4.6 as he owns a property directly opposite the subject site.*

**Moved: Cr Norris**

**Seconded: Cr Russell**

That Cr Frederico take the chair for consideration of Item 4.6 – 2 Male Street Brighton.

**CARRIED**

*Cr del Porto vacated the Hall at 7.53pm prior to the consideration of this matter.*

#### **4.6 2 MALE STREET, BRIGHTON**

*It is recorded that Mr Barrie Sheppard, Mrs Natalie Corke and Mr Ilya Fisher spoke in relation to this matter.*

**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2010/0638/1 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 2 Male Street, Brighton for the Construction of a three (3) storey apartment building (6 apartments) with basement car parking in accordance with the application dated 26 October 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 lodged with application but modified to show to the satisfaction of the Responsible Authority:
  - a) A schedule of all external materials and finishes to be provided for the buildings and works on the land. The schedule must show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
  - b) Basement ramps in accordance with the requirements of the relevant Australian Standard (AS2890.1). A longitudinal section must be provided.
  - c) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
  - d) Details of all screening to the first and second floor windows and balconies to ensure compliance with Clause 55.04-6 Standard B22 and B23 of the Bayside Planning Scheme.
  - e) Water sensitive urban design stormwater treatment measures in accordance with Condition 15 of this permit to achieve a minimum 100% STORM rating.
  - f) All requirements of the Arborist's report as required by condition 3 of this planning permit.

#### 4.6 2 MALE STREET, BRIGHTON (continued)

- g) The first and second floor southeast (rear) setbacks must comply with the requirements of the Schedule to the Residential 1 Zone of the Bayside Planning Scheme.
  - h) A 1 metre blind aisle beside car space 5, 8 and 12 must be provided pursuant to AS2890.1.
  - i) The site permeability must be a minimum of 20% to comply with the requirements of Standard B9 of the Bayside Planning Scheme.
  - j) The site coverage must be reduced to a maximum of 60%.
  - k) The setback of the south-west second and third storeys must comply with the ResCode setback requirements of Standard B17, Clause 55 of the Bayside Planning Scheme.
  - l) Highlight windows to the rear second and third storeys must have a minimum sill height of 1.8 metres above the finished floor level.
  - m) Landscaping must include the provision of canopy trees to the rear boundary.
  - n) All wall heights above natural ground level must be dimensioned on the plans.
2. P4 Layout not altered
  3. Prior to the commencement of works an Arborist report must be provided to the satisfaction of the Responsible Authority which details the methods of construction and tree protection to ensure that the Mexican Elder tree on the adjoining property, at 47 Well Street, is not impacted upon by the development.
  4. A18 Concealment of pipes.
  5. A19 Plant and equipment or features on roof.
  6. A20 Boundary Walls
  7. L2 Completion of landscaping
  8. L3 Landscaping maintenance.
  9. Tree protection fencing must be established around the street trees being retained prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
  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. Drainage associated with basement during construction (seepage and agricultural waters are to be filtered to rain water clarity) must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.

#### **4.6 2 MALE STREET, BRIGHTON (continued)**

12. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge neither onto front footpath nor into adjacent properties.

13. Construction Management Plan

Prior to the commencement of any works, a construction management plan must be submitted to and be approved by the Responsible Authority. The construction management plan must address, but is not limited to:

- Control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
- No water containing oil, foam, grease, scum or litter to be discharged to the stormwater drainage system from the site;
- All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- 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.
- No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- 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.

All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.

14. Waste Management Plan

Before the use or occupation of the development starts, a waste management 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. Three copies of the plan must be submitted. The plan must include but is not limited to:

- Provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
- All waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless with the written consent of the Responsible Authority.

## 4.6 2 MALE STREET, BRIGHTON (continued)

### 15. Water Sensitive Urban Design

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 a minimum 100% STORM rating 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.

16. 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.

17. 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

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.

## 4.6 2 MALE STREET, BRIGHTON (continued)

### AMENDMENT

#### Moved: Cr Norris

That Council having caused notice of Planning Application No. 2010/0638/1 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 2 Male Street, Brighton for the Construction of a three (3) storey apartment building (6 apartments) with basement car parking in accordance with the application dated 26 October 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 lodged with application but modified to show to the satisfaction of the Responsible Authority:
  - a) A schedule of all external materials and finishes to be provided for the buildings and works on the land. The schedule must show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
  - b) Basement ramps in accordance with the requirements of the relevant Australian Standard (AS2890.1). A longitudinal section must be provided.
  - c) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
  - d) Details of all screening to the first and second floor windows and balconies to ensure compliance with Clause 55.04-6 Standard B22 and B23 of the Bayside Planning Scheme.
  - e) Water sensitive urban design stormwater treatment measures in accordance with Condition 15 of this permit to achieve a minimum 100% STORM rating.
  - f) All requirements of the Arborist's report as required by condition 3 of this planning permit.
  - g) The first and second floor southeast (rear) setbacks must comply with the requirements of the Schedule to the Residential 1 Zone of the Bayside Planning Scheme.
  - h) A 1 metre blind aisle beside car space 5, 8 and 12 must be provided pursuant to AS2890.1.
  - i) The site permeability must be a minimum of 20% to comply with the requirements of Standard B9 of the Bayside Planning Scheme.
  - j) The site coverage must be reduced to a maximum of 60%.

#### 4.6 2 MALE STREET, BRIGHTON (continued)

- k) Highlight windows to the rear second and third storeys must have a minimum sill height of 1.8 metres above the finished floor level.
  - l) Landscaping must include the provision of canopy trees to the rear boundary.
  - m) All wall heights above natural ground level must be dimensioned on the plans.
2. P4 Layout not altered
  3. Prior to the commencement of works an Arborist report must be provided to the satisfaction of the Responsible Authority which details the methods of construction and tree protection to ensure that the Mexican Elder tree on the adjoining property, at 47 Well Street, is not impacted upon by the development.
  4. A18 Concealment of pipes.
  5. A19 Plant and equipment or features on roof.
  6. A20 Boundary Walls
  7. L2 Completion of landscaping
  8. L3 Landscaping maintenance.
  9. Tree protection fencing must be established around the street trees being retained prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
  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. Drainage associated with basement during construction (seepage and agricultural waters are to be filtered to rain water clarity) must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
  12. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge neither onto front footpath nor into adjacent properties.
  13. Construction Management Plan  
Prior to the commencement of any works, a construction management plan must be submitted to and be approved by the Responsible Authority. The construction management plan must address, but is not limited to:
    - Control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
    - No water containing oil, foam, grease, scum or litter to be discharged to the stormwater drainage system from the site;
    - All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;

#### 4.6 **2 MALE STREET, BRIGHTON (continued)**

- 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.
- No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- 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.

All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.

#### 14. Waste Management Plan

Before the use or occupation of the development starts, a waste management 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. Three copies of the plan must be submitted. The plan must include but is not limited to:

- Provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
- All waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless with the written consent of the Responsible Authority.

#### 15. Water Sensitive Urban Design

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;

#### 4.6 2 MALE STREET, BRIGHTON (continued)

- These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved a minimum 100% STORM rating 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.

16. 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.

17. 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

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 Amendment **LOST** for want of a Secunder.

The Original Motion moved by Cr Hayes and seconded by Cr Long was Put and a **DIVISION** was called.

**DIVISION:**    **FOR:**            Crs Hayes, Russell, Norris and Frederico (4)

**AGAINST:**    Crs Long (1)

**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 hall at 8.35pm.*

**Moved: Cr Russell**

**Seconded Cr Norris**

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

**CARRIED**

*It is recorded that Cr Long vacated the hall at 8.35pm and re-entered at 8.38pm.*

#### **4.7 29-33 BEAUMARIS PARADE AND 34 TIBROCKNEY STREET, HIGHETT**

*It is recorded that Mr Ross Newton, Ms Maree Bowker, Miss Sue Hughes, Mr Dean Pollard, Mr Roger Hargreaves, Ms Trish Boase, Mr David Rowley, Mr Don Percy, Mr David Tolj, Ms Kerry Thorson, Dr Anne Riggs, Mrs Heather Dinas and Mrs Jayma Nann spoke in relation to this matter.*

**Moved: Cr Long**

**Seconded: Cr Frederico**

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. 2010/0629/1 for the land known and described as 29-33 Beaumaris Parade and 34 Tibrockney Street, Highett on the following grounds:-

1. The proposal does not accord with the two (2) storey height objectives of the DDO2 of the Bayside Planning Scheme.
2. The proposed development does not accord with the Neighbourhood Character objectives of Clause 22.07 of the Bayside Planning Scheme.
3. The proposed development does not accord with following standards of Clause 55 and the Schedule to the Residential 1 Zone of the Bayside Planning Scheme:
  - a) Standard B1 - Neighbourhood Character
  - b) Standard B7 – Building Height
  - c) Standard B17- Side and Rear Setback
  - d) Standard B18 – Walls on boundary
  - e) Standard B8 – Site coverage
4. The proposed development will result in unreasonable visible bulk when viewed from the streetscape and the backyardscapes of the adjoining properties. The proposal results in an inappropriate intensity of built form.
5. The proposal presents as an overdevelopment of the site.
6. The proposal fails to meet Standard B14 Access objectives to ensure vehicle access to and from a development is safe, manageable and convenient.
7. The proposal does not provide an adequate amount of communal open space.
8. The proposal does not accord with the strategic redevelopment sites objective and strategies of Clause 16.01-03.
9. The proposal does not accord with the urban design strategies and objectives of Clause 15.01 to create urban environments that have a sense of place, a cultural identity and contribute positively to local character.

#### **4.7 29-33 BEAUMARIS PARADE AND 34 TIBROCKNEY STREET, HIGHETT (continued)**

### **AMENDMENT**

**Moved: Cr Hayes**

**Seconded: Cr Norris**

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. 2010/0629/1 for the land known and described as 29-33 Beaumaris Parade and 34 Tibrockney Street, Highett on the following grounds:-

- A:
1. The proposal does not accord with the two (2) storey height objectives of the DDO2 of the Bayside Planning Scheme.
  2. The proposed development does not accord with the Neighbourhood Character objectives of Clause 22.07 of the Bayside Planning Scheme.
  3. The proposed development does not accord with following standards of Clause 55 and the Schedule to the Residential 1 Zone of the Bayside Planning Scheme:
    - a) Standard B1 - Neighbourhood Character
    - b) Standard B7 – Building Height
    - c) Standard B17- Side and Rear Setback
    - d) Standard B18 – Walls on boundary
    - e) Standard B8 – Site coverage
  4. The proposed development will result in unreasonable visible bulk when viewed from the streetscape and the backyardscapes of the adjoining properties. The proposal results in an inappropriate intensity of built form.
  5. The proposal presents as an overdevelopment of the site.
  6. The proposal fails to meet Standard B14 Access objectives to ensure vehicle access to and from a development is safe, manageable and convenient
  7. The proposal does not provide an adequate amount of communal open space.
  8. The proposal does not accord with the strategic redevelopment sites objective and strategies of Clause 16.01-03.
  9. The proposal does not accord with the urban design strategies and objectives of Clause 15.01 to create urban environments that have a sense of place, a cultural identity and contribute positively to local character.
- B: That Council engage external legal representation and expert witnesses (if required) at any future VCAT hearing.

The Amendment was Put and **CARRIED**

**4.7 29-33 BEAUMARIS PARADE AND 34 TIBROCKNEY STREET, HIGHETT (continued)**

The **AMENDMENT** became the Motion before the Chair.

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

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

**CARRIED**

The Chairperson declared the meeting closed at 9.57pm.