



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

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

### **PRESENT:**

Cr Louise Cooper-Shaw (Chairperson)  
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
Angela Meinke	Planning Manager
Theodora Jenkin	- Statutory Planning Coordinator
Geraldine Green	- Statutory Planner
Terry Callant	- Governance Manager
Janice Pouw	- Governance Officer

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

### **DECLARATIONS OF INTEREST:**

- Cr Russell declared an Indirect Conflict of Interest in Item 4.5 where residential amenity may be altered, as he is the owner of a property that is situated close to the application site.

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## **Confirmation of the Minutes of the Planning Committee Meeting 18 January 2011**

**Moved: Cr Norris**

**Seconded: Cr Hayes**

That the Minutes of the Planning Committee Meeting held on 18 January 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 4.1 26-30 Willansby Avenue, Brighton**

Mr Jason Barnfather

**Item 4.2 10 Mills Street, Hampton**

Mr Richard Umbers

**Item 4.3 329-331 New Street, Brighton**

Ms Amanda Ring

**Item 4.4 200 Dendy Street, Brighton East**

Dr Michael Waller	Mr James Veitch
Mr Alan Kohn	Dr Peter Stanski
Mr Eric Butt	Mrs Gabrielle Walton
Mrs Melissa Carter	Mrs Judith Menzies
Mr Bruce Keen	Mr Andrew Shaw

**Item 4.5 216 Bluff Road, Sandringham**

Ms Kendra McLean	Mr Travis Finlayson
Mrs Gail Seedsman	Mr Tass Hatzis
Mr Stephen Coleiro	

**Item 4.6 11 Olympic Avenue, Cheltenham**

Mr Paul Orlandini	Mr Cameron Frazer
Mr Richard Umbers	

**Item 4.8 4/178 Church Street, Brighton**

Dr Eugene Dozortsev

**Item 4.9 3-5 Heath Street, Sandringham**

Mr Jon Brock

**Item 4.10 11 Kendall Street, Hampton**

Mr Jim de Boer

**OFFICERS' REPORTS:**

**4.1 26-30 WILLANSBY AVENUE, BRIGHTON**

*It is recorded that Mr Jason Barnfather spoke in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Hayes**

That the Amended Plans for the alterations to the plan for 26-30 Willansby Avenue, Brighton, be approved by Council under the Secondary Consent provisions of Planning Permit 2007/0225/1 issued for the development of a two (2) storey building comprising twenty-four (24) apartments and basement car parking for retrospective works, and the following table be added to the permit.

• Date	• Amendment
1 February 2011	<p>Secondary Consent to Amend Plans:</p> <p><u>Basement Plan</u></p> <ul style="list-style-type: none"> <li>• Relocation of the roller shutter over the accessway between the visitors' and residents' car spaces to over the ramp accessway.</li> <li>• Reconfiguration of the access area, service area and bin area to include two (2) additional car spaces.</li> <li>• Provision of bike racks in lieu of bike cupboards.</li> <li>• Widening the width of access ramp by 0.465 metre.</li> <li>• Relocation of columns between car spaces.</li> <li>• Addition of storage spaces next to bike rack area.</li> <li>• Relocation of air conditioning unit in common property.</li> <li>• Construction of side wall along ramp accessway comprising of a 0.4 metre rendered block work with 1.4 metre high aluminium framed obscure glass on top.</li> </ul> <p><u>Ground Floor Plan</u></p> <ul style="list-style-type: none"> <li>• The area of the laundry associated to Apartment 8 increased by 6.4 square metres with the side setback reduced from 0 to 0.4 metre and to be no higher than the boundary fence.</li> <li>• Location of services next to the pedestrian path leading to the front entry of the building.</li> <li>• Location of substation at the north-west corner of the site.</li> <li>• Reduction in the area of private open space for Apartment 8 due to the extension of the laundry.</li> <li>• Alterations to the front fence including a change in materials to rendered brick work to increase acoustic performance to Apartments 1, 2, 11 and 12.</li> </ul>

**4.1 26-30 WILLANSBY AVENUE, BRIGHTON (Continued)**

	<ul style="list-style-type: none"> <li>• Minor reduction in the areas of private open space for Apartments 2, 4, 8, 9, 11 and 12 due to the thickness of the front fence and location of the substation.</li> <li>• Construction of a 1.7 metre high boundary fence between Apartments 5 and 6.</li> <li>• Construction of a fence along the eastern property boundary of comprising of a 0.4 metre render finish block work and 1.4 metre high aluminium framed obscure glass above.</li> </ul> <p><u>First Floor Plan</u></p> <ul style="list-style-type: none"> <li>• Extension of the roof over the laundry area of Apartment 8.</li> <li>• Consolidation of Apartments 13 and 14.</li> </ul> <p><u>Roof Plan</u></p> <ul style="list-style-type: none"> <li>• Locations of air conditioning units on the roof.</li> </ul> <p><u>Eastern Elevation, South Elevation and Section C-C</u></p> <ul style="list-style-type: none"> <li>• Extension of Apartment 8’s laundry with 0.4 metre side setback from southern property boundary and to be no higher than the boundary fence.</li> </ul> <p>Condition 2 of the above permit states:</p> <ul style="list-style-type: none"> <li>• The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.</li> </ul>
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**CARRIED**

**4.2 10 MILLS STREET, HAMPTON**

*It is recorded that Mr Richard Umbers spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Long**

It is considered that the application for secondary consent for 10 Mills Street Hampton be approved and the following table added to the permit, Planning Application No. 2009/0235/1:

Date	Change to permit
1 February 2011	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• The provision of face brickwork finish to ground floor level and garages instead of render and selective use of linea cladding.</li> <li>• The provision of render to front entry porches instead of split faced rock.</li> <li>• Colour changes to the roof from colourbond "Jasper" to colourbond "Shale Grey".</li> <li>• Colour changes to gutters, fascias and garage doors from colourbond "Evening Mist" to colourbond "Shale Grey".</li> <li>• Colour change to the linea cladding from Dulux "Ghostly Green" to Dulux "Powered Rock".</li> </ul>

**CARRIED**

### **4.3. 329-331 NEW STREET, BRIGHTON**

*It is recorded that Ms Amanda Ring spoke in relation to this matter.*

**Moved: Cr Hayes**

**Seconded: Cr Long**

That Council decides to not support the substitute plans submitted on 21 January 2011 for Planning Permit Application No. 2010/0448/1 in respect of the land known and described as 329-331 New Street, Brighton as Council considers that the proposed substitute plans do not address Council's Grounds of Refusal.

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

**DIVISION:**   **FOR:**           Crs Hayes and Long (2)

**AGAINST:**   Crs Frederico, Norris, Russell, del Porto and Cooper-Shaw (5)

**LOST**

**Moved: Cr del Porto**

**Seconded: Cr Frederico**

That Council considers the substitute plans for 329-331 New Street Brighton, Planning Application No.2010/0448/1 appropriate for mediation.

That the Tribunal and the Applicant be notified of Council's opinion and that 'substitute' plans considered by Council are formally substituted prior to the forthcoming mediation hearing subject to the following conditions: (new conditions highlighted in bold)

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 on the 24 January 2011 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 to 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) The upper basement level showing twenty-nine (29) car spaces allocated for the use of hotel patrons.
  - c) A security gate at the top of the basement ramp to the lower basement level.
  - d) The lower basement level showing twenty-five (25) car spaces allocated for the use of residents of the apartments and three (3) spaces for Hotel staff.
  - e) Car spaces 16 and 44 having a minimum width of 2.9 metres.
  - f) A minimum height clearance within the basement levels of 2.2 metres.
  - g) Basement ramps in accordance with the requirements of the relevant Australian Standard.

#### **4.3. 329-331 NEW STREET, BRIGHTON (continued)**

- h) A sign identifying the location and use of the basement parking for hotel guest in accordance with the requirements of Condition 7 of Planning Permit 2009/0427/1.
  - i) Water sensitive urban design stormwater treatment measures in accordance with Condition 19 of this permit to achieve a minimum 100% STORM rating.
  - j. All alterations as required by Melbourne Water in Condition 21 of the permit.
  - k) All requirements of the Arborist's report as required by condition 3 of this planning permit.
  - l) Signage indicating that Hotel parking is provided within the basement.
  - m) The street setbacks from both Bay Street and New Street must be increased by 1.0 metre (without reducing the other setbacks) to provide for additional landscaping.**
  - n) The bin enclosure on the Bay Street frontage must be relocated and the area used for canopy tree planting.**
  - o) The floor to ceiling heights for each level to be reduced to a maximum of 2.7 metres.**
  - p) The development must be wholly contained within all title boundaries.
  - q) A Landscape plan in accordance with condition 9 of this permit. The landscape plan must show appropriate planting within the New Street and Bay Street frontages.**
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 Peppercorn tree on the adjoining property, at 65A Bay Street, is not impacted upon by the development.
  4. No flag other than the Australian Flag is to be flown from the flag pole.
  5. Signage must be provided within the NewBay Hotel directing patrons to the location of the hotel carpark to the north.
  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**

### **4.3. 329-331 NEW STREET, BRIGHTON (continued)**

- 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**
10. L2 Completion of landscaping
  11. L3 Landscaping maintenance.
  12. 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.
  13. 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.
  14. 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.
  15. 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.
  16. 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.

#### **4.3. 329-331 NEW STREET, BRIGHTON (continued)**

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

##### **17. 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.

##### **18. Parking Management Plan**

Before the commencement of works a parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must include:

- Be signed to identify that the upper basement level it is to be used by hotel patrons only;
- Be secured with gates at the entry and exit points;
- Have a ticket machine installed at the entry point; and
- Employ a "token" parking system whereby customers of the hotel can exchange their tickets for a token which provides car park exit;
- The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on and off-site.

##### **19. 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;

### 4.3 329-331 NEW STREET, BRIGHTON (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 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.

20. 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.
21. Melbourne Water
- a) No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
22. 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.

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 130334.

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

**DIVISION:**   **FOR:**           Crs Frederico, Norris, Russell, del Porto and Cooper-Shaw (5)  
**AGAINST:**   Crs Hayes and Long (2)

**CARRIED**

#### **4.4. 200 DENDY STREET, BRIGHTON EAST**

*It is recorded that Dr Michael Waller, Mr James Veitch, Mr Alan Kohn, Dr Peter Stanski, Mrs Gabrielle Walton, Mrs Melissa Carter, Mrs Judith Menzies, Mr Bruce Keen, Mr Eric Butt and Mr Andrew Shaw spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2010/0413/1 for the land known and described as 200 Dendy Street, Brighton East on the following grounds:-

1. The proposed development does not accord with the Neighbourhood Character objectives of Clause 22.07 of the Bayside Planning Scheme.
2. The proposed three (3) storey height is excessive and does not accord with the two (2) storey height objectives of the Design and Development Overlay Schedule 2 of the Bayside Planning Scheme.
3. The proposal does not comply with the following standards of Clause 55 and the Schedule to the Residential 1 Zone of the Bayside Planning Scheme:
  - a) Standard B17 - Side and rear setback requirements at both first and second floor level.
  - b) Standard B8 - Site coverage requirements.
  - c) Standard B21 – Overshadowing
  - d) Standard B22 – Overlooking
  - e) Standard B23 – Internal
4. The proposed development will result in unreasonable visual bulk when viewed from the streetscape and from adjoining properties.
5. The proposed development will result in traffic and safety conflicts within the area.
6. The proposal will result in detriment to dwellings west of the site, attributed by headlights and vehicles exiting the property.



*It is recorded that Cr Russell declared an Indirect Conflict of Interest in Item 4.5 where residential amenity may be altered, as he is the owner of a property that is situated close to the application site.*

*Cr Russell vacated the Chamber at 8.41pm prior to the consideration of this matter.*

#### **4.5 216 BLUFF ROAD, SANDRINGHAM**

*Cr Hayes vacated the Chamber at 8.41pm and re-entered at 8.43pm.*

*It is recorded that Ms Kendra McLean, Mr Travis Finlayson, Mrs Gail Seedsman and Mr Stephen Coleiro spoke in relation to this matter.*

*It is also recorded that Mr Tass Hatzis was not present in the Chamber*

**Moved: Cr Norris**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2010/0542/1 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 216 Bluff Road, Sandringham for the use of the site for the purpose of a compounding pharmacy (manufacturing sales) in accordance with the plans lodged with Council on 20 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. P4 Layout not altered
2. Not more than one (1) pharmacist may operate on the premises at any one time unless with written consent of the Responsible Authority.
3. No fewer than two (2) carapaces must be provided on the land for the use, including the following spaces clearly marked for use by:
  - One (1) space for staff
  - One (1) space for deliveries
4. CP14 Loading/unloading
5. The use may operate only between the following hours:  
Monday – Friday 9 am – 5.30 pm  
Saturday 9 am – 1 pm  
Unless the Responsible Authority gives further consent in writing for variation of these hours.
6. A10 Noise Control
7. A28 Infectious Waste
8. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
9. A1 General Amenity Provision

#### 4.5 216 BLUFF ROAD, SANDRINGHAM (continued)

10. A21 Garbage Storage  
A22 Regular Waste Removal  
Warehousing of medication (other than that required for the process of compounding) must not be stored on site.
11. 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.
12. PT1 Time for starting and completion.
13. The site must only be used as a compounding pharmacy (manufacturing sales) to retail only goods compounded on site.

#### Permit Notes

N4 No signs

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

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

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

#### **4.5 216 BLUFF ROAD, SANDRINGHAM (continued)**

**Moved: Cr del Porto**

**Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2010/0542/1 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 216 Bluff Road, Sandringham for the use of the site for the purpose of a compounding pharmacy (manufacturing sales) in accordance with the plans lodged with Council on 20 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. P4 Layout not altered
2. Not more than one (1) pharmacist may operate on the premises at any one time unless with written consent of the responsible authority.
3. No fewer than two (2) carspaces must be provided on the land for the use, including the following spaces clearly marked for use by:
  - One (1) space for staff
  - One (1) space for deliveries
4. CP14 Loading/unloading
5. The use may operate only between the following hours:  
Monday – Friday 9 am – 5.30 pm  
Saturday 9 am – 1 pm  
Unless the Responsible Authority gives further consent in writing for variation of these hours.
6. A10 Noise Control
7. A28 Infectious Waste
8. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
9. A1 General Amenity Provision
10. A21 Garbage Storage
11. A22 Regular Waste Removal
12. Warehousing of medication (other than that required for the process of compounding) must not be stored on site.
13. 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.
14. PT1 Time for starting and completion.

#### Permit Notes

N4 No signs

#### 4.5 216 BLUFF ROAD, SANDRINGHAM (continued)

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

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

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

*It is recorded that Cr Russell 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 Russell returned to the Chamber at 9.20pm.*

*It is recorded that Cr Frederico vacated Chamber at 9.20pm.*

*It is recorded that Cr del Porto vacated Chamber at 9.21pm and re-entered at 9.23pm*

#### **4.6 11 OLYMPIC AVENUE, CHELTENHAM**

*It is recorded that Mr Paul Orlandini, Mr Cameron Frazer and Mr Richard Umbers spoke in relation to this matter.*

**Moved: Cr Long**

**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. 2010/0493/1 for the land known and described as 11 Olympic Avenue, Cheltenham on the following grounds:-

1. The proposed development does not accord with the Neighbourhood Character objectives of Clause 22.07 of the Bayside Planning Scheme.
2. 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 B18 - Height of walls on boundary
  - c) Standard B6 - Street setback
  - d) Standard B28 - Secluded private open space
  - e) Standard B14 - Access
3. The proposed development will result in unreasonable visible bulk when viewed from the streetscape and the backyardscapes of the adjoining properties.

**CARRIED**

#### **4.7 372-380 BLUFF ROAD, SANDRINGHAM AND 1 REGWORTH COURT, HIGHETT**

**Moved: Cr Long**

**Seconded: Cr del Porto**

That Council having caused notice of Planning Application No. 2010/0205/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit for the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as Nos. 372-380 Bluff Road, Sandringham and No. 1 Regworth Court, Highett for alterations and additions, including second storey, to an existing residential building (aged care facility) with basement car parking in a Design and Development Overlay Schedule 2 and in a Special Building Overlay and reduction in the car parking requirements, in accordance with the application dated 19 July 2010 and revised plans received on 19 August 2010 subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application dated 19 July 2010 and revised plans received on 19 August 2010 but modified to show:
  - a) All habitable room windows and terraces to comply with Standard B22.
  - b) Provision of 1.7 metre high privacy screening to the east facing window of bedroom 35 at the second storey of the proposed addition in accordance with Standard B22 of the Bayside Planning Scheme.
  - c) Two (2) sections of the eastern boundary fence in front of the windows of Bedrooms 19, 20, 27 and 28 to be increased in height of a minimum of 1.7 metres above the finished floor level at the ground floor in accordance with Standard B22 of the Bayside Planning Scheme.
  - d) The location of an 80,000 litres rain water tank and notation of its connection to the toilets of the new additions.
  - e) The main ramp grade to be changed to 1 in 9.
  - f) The headroom clearance at the entrance to the basement car park and the height clearance throughout the basement car park to be a minimum of 2.2 metres.
  - g) A schedule of construction materials, external finishes and colours (incorporating two (2) colour samples).
  - h) Melbourne Water's requirements in accordance with Condition 28 of this permit.
2. Prior to the commencement of works, the titles of Nos. 372, 374, 376-380 Bluff Road, Sandringham and No. 1 Regworth Court, Highett must be consolidated and lodged with the Title Office.

#### **4.7 372-380 BLUFF ROAD, SANDRINGHAM AND 1 REGWORTH COURT, HIGHETT (continued)**

3. Prior to the commencement of works, the easements along the northern property boundary of Nos. 376 Bluff Road, Sandringham, along the eastern property boundary of Nos. 372, 374 and 376 Bluff Road, Sandringham and along the northern property boundary of No. 1 Regworth Court, Highett must be removed and a new easement along the eastern property boundary of 1 Regworth Court, Highett must be created. The removal and creation of easements must be approved by Bayside City Council and lodged with the Title Office.
4. P4 Layout not altered
5. A1 General amenity provision
6. Deliveries to and from the site (including waste collection) must only take place as specified in the Environment Protection Authority's Noise Control Guidelines Publication 1254 October 2008.
7. A10 Noise control
8. A14 Soundproofing of plant and equipment
9. A18 Concealment of pipes
10. A19 Plant/equipment or features on roof
11. A21 Garbage storage
12. A22 Regular waste removal
13. A25 Control of light spill
14. CP1 Car park construction
15. CP2 Vehicle manoeuvring
16. CP8 Vehicle crossing removal
17. CP14 Loading/unloading
18. 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:
  - a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
  - b) Provision of a truck wheel-wash so that vehicles leaving the site do not deposit mud or other materials on roadways.
  - c) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises.
  - d) The prohibition of delivery/tradesmen's vehicles from obstructing Regworth Court during the construction period.
  - e) All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.
19. L2 Completion of landscaping

#### **4.7 372-380 BLUFF ROAD, SANDRINGHAM AND 1 REGWORTH COURT, HIGHETT (continued)**

20. L3 Landscaping maintenance
21. T9 Retention of existing street trees.
22. 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.
23. 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.
24. 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.
25. Drainage associated with basement during construction must be pumped to the nearest Council drain/pit and not to discharge to the kerb and channel unless directed otherwise.
26. 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.
27. Prior to the commencement of any works, a waste management plan must be submitted to the Responsible Authority for approval. The waste management plan must address, but is not limited to:
  - a) The development must provide its own waste collection service carried out by a commercial waste collector;
  - b) The waste collection service must be carried out on site within the development boundaries;
  - c) Waste collection receptacles must not be stored in the road reserve at any time;
  - d) The use of commercial waste and recycle bins is subject to compliance with the guidelines in Schedule 1 of Bayside City Council Local Law No.2 Environment, Section 15.
  - e) The collection of commercial waste and recycling bins is subject to compliance with EPA noise Control Guidelines, Industrial Waste Collection, Section 6.

#### **4.7 372-380 BLUFF ROAD, SANDRINGHAM AND 1 REGWORTH COURT, HIGHETT (continued)**

##### **28. Condition required by Melbourne Water**

- a) Polluted and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- b) The new building must be constructed with finished floor levels a minimum of 300mm above the applicable flood level.
- c) The entry/exit driveway of the basement car park must be a minimum of 300mm above the applicable flood level.
- d) All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level.
- e) Any drainage system to the basement must be designed such that stormwater is unable to penetrate the basement.

##### **29. PT1 Time for starting and completion**

##### **Permit Notes**

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

Two copies of plans showing all details of internal works to be submitted to Environmental Health Unit for approval prior to work commencing. Including the main kitchen, any kitchenettes where food is distributed, kiosk, café and beauty parlour as indicated on the plan.

All works to be completed in compliance with Environmental Health requirements

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

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

**CARRIED**

## 4.8 4/178 CHURCH STREET, BRIGHTON

*It is recorded that Dr Eugene Dozortsev spoke in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Hayes**

That Council having caused notice of Planning Application No. 2010/0654/1 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 4/178 Church Street, Brighton for the alterations and additions to an existing dwelling on a lot less than 500 square metres in accordance with application dated 28 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. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. 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.
3. 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.
4. The buildings and works are not to intrude upon or impede traffic within the common driveway.
5. 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

**CARRIED**

## 4.9 3-5 HEATH STREET, SANDRINGHAM

*It is recorded that Mr Jon Brock spoke in relation to this matter.*

**Moved: Cr Russell**

**Seconded: Cr Norris**

That Council having caused notice of Planning Application No. 2010/0702/1 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 3-5 Heath Street, Sandringham for a multi-unit development, with the application date 17 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 submitted with the application but modified to show:
  - a) Each double garage to have a minimum internal width of 5.5 metres and a minimum internal length of 6 metres. The minimum garage door opening must be 4.8 metres.
  - b) Each single garage to have a minimum internal width of at least 3.5 metres and a minimum internal length of 6 metres. The minimum garage door opening must be 2.8 metres.
  - c) The vehicle crossing for Dwelling 3 is to be 3.3 metres wide, centred on the driveway with at least a 1 metre wide separator with 1 Heath Street's crossing.
  - d) The central vehicle crossing to be 5 metres wide with a minimum 0.5 metre offset from the existing power pole to the west. The access way is to be centred on the crossing.
  - e) The existing vehicle crossing to Dwelling 5 must be removed and a new 3.3 metre wide vehicle crossing to be constructed with a minimum 0.6 metre offset from the eastern property boundary.
  - f) The existing palm tree to be relocated within the front setback to the satisfaction of the Responsible Authority.
  - g) Tree protection as per Australian Standard 4970 is to be provided to the street tree to be retained prior to any works on site commencing and maintained until all works are complete.
2. P4 Layout not altered
3. A20 Boundary walls
4. CP7 Vehicular crossings
5. CP8 Vehicle crossing removal
6. L3 Landscaping maintenance
7. T4 Removal of Street Trees
8. T8 Street Tree – Owners Expense
9. E2 Stormwater Discharge

## **4.9 3-5 HEATH STREET, SANDRINGHAM**

10. E3 Kerb & Channel
11. E4 Stormwater Plans
12. E5 Graded & Drained Discharge
13. Prior to the commencement of any works, a construction management plan shall be submitted to and approved by the responsible authority. The construction management plan must address, but is not limited to:
  - i) hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
  - ii) provision of a truck wheel-wash so that vehicles leaving the site do not deposit mud or other materials on roadways;
  - iii) the covering and maintenance of all roads/storage areas/external stockpiles/vacant or grazed areas to avoid dust nuisance to any residential and commercial premises;All works must accord with the approved construction management plan to the satisfaction of the responsible authority.
14. The water sensitive urban design stormwater treatment system shown on the plans must be retained and maintained at all times in accordance with the Urban Stormwater – Best Practice Environmental Management Guidelines 1999, to the satisfaction of the Responsible Authority.
15. PT1 Time for starting and completion

### Permit Notes

- N1 Crossover Permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees/protection during construction
- N10 Asset Protection

The proposed street trees to be removed and replaced to be in Consultation with Council's Arboricultural Officer.

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**

## 4.10 11 KENDALL STREET, HAMPTON

*It is recorded that Mr Jim de Boer spoke in relation to this matter.*

**Moved: Cr Long**

**Seconded: Cr del Porto**

That Council having caused notice of Planning Application No. 2010/0546/1 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 11 Kendall Street, Hampton for the construction of two (2) double storey dwellings in accordance with the application dated 21 September 2010 and revised plans dated 15 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, 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 plans submitted on 15 October 2010 but modified to show:
  - a) The wall on the north boundary to be extended to join with the existing garage wall at No.9 Kendall Street and to be rendered on the neighbours side.
  - b) The first floor balconies to be screened to meet Standard B22 of the Bayside Planning Scheme.
  - c) The driveway of Dwelling 1 must be 3.3 metres wide at its intersection with the footpath, with a 600mm offset from the southern property boundary.
  - d) The driveway of Dwelling 2 must be 3.3 metres wide at its intersection with the footpath, with a 600mm offset from the northern property boundary.
  - e) The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 4 of this permit.
  - f) Water sensitive urban design stormwater treatment measures in accordance with Condition 8 of the permit.
2. P4 Layout not altered
3. A20 Boundary Walls
4. L1 Landscape plan required
5. L2 Completion of landscaping
6. L3 Landscaping maintenance
7. Tree protection fencing must be established around the street tree 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.

#### **4.10 11 KENDALL STREET, HAMPTON (continued)**

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;

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. 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.
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. PT1 Time for starting and completion

#### **Permit Notes**

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

**CARRIED**

**The Chairperson declared the meeting closed at 10.07pm.**