



Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre
Boxshall Street, Brighton
on Tuesday 21 September 2010
at 7pm

PRESENT:

Cr Clifford Hayes (Mayor)
Cr Louise Cooper-Shaw
Cr Felicity Frederico
Cr James Long BM JP
Cr Simon Russell JP

OFFICERS IN ATTENDANCE:

Angela Meinke	-	Statutory Planning Manager
Theodora Jenkin	-	Statutory Planning Coordinator
Natalie O'Leary	-	Statutory Planning Coordinator
Janice Pouw	-	Governance Officer

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

Moved: Cr Long

Seconded: Cr Russell

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

CARRIED

APOLOGIES: An apology from Cr del Porto and Cr Norris were submitted to the meeting.

Moved: Cr Long

Seconded: Cr Russell

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

CARRIED

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DECLARATIONS OF INTEREST:

- Cr Russell declared a Direct Conflict of Interest in Item 1.4 – 184 Bluff Road Sandringham as he is the owner of the property.

**Confirmation of the Minutes of the Planning Committee Meeting
24 August 2010****Moved: Cr Frederico****Seconded: Cr Cooper-Shaw**

That the Minutes of the Planning Committee Meeting held on 24 August 2010 be confirmed.

CARRIED**Confirmation of the Minutes of the Special Planning Committee Meeting
14 September 2010****Moved: Cr Long****Seconded: Cr Frederico**

That the Minutes of the Special Planning Committee Meeting held on 14 September 2010 be confirmed.

CARRIED

REQUESTS TO BE HEARD:

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

Requests to be heard were received from the following people:

Item 1.3 21-25 Wilson Street, Brighton

Mr Ceiran Kayes Ms Danielle Martin

Item 1.4 184 Bluff Road, Sandringham

Mr Matt Taylor Ms Angela Matsikis
Ms Sirkku Davis Ms Megan Taylor
Mr Richard Umbers Mr Nigel Ashton
Mr John Bushby

Item 1.5 386-392 Balcombe Road, Beaumaris

Mr Michael Johnson

Item 1.6 4 St Ninians Court, Brighton

Mr Andrew Fletcher

Item 1.7 152 New Street, Brighton

Mr Carl Hexter Mr Haydn Mills

Item 1.8 64 Red Bluff Road, Black Rock

Mr Guiseppe Stranieri
Mr James Hill

OFFICERS' REPORTS:

1.1 170-171 BEACH ROAD, SANDRINGHAM

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

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

Date	Amendment
21 September 2010	<p>Secondary Consent to Amend Plans:</p> <p>Basement</p> <ul style="list-style-type: none"> • The layout of car parking facilities reconfigured to provide for lift access from the basement for Units 1-11 resulting in the loss of four car parking spaces. • The basement envelope at the northern corner of the site expanded to facilitate six additional car parking spaces. <p>Ground and First Floor</p> <ul style="list-style-type: none"> • Units 1-11 and Units 34 and 35 reconfigured to provide for lift access. • The ramp east of Unit 35 garage flattened. • The east elevation of Unit 35 modified to include additional screening measures (adjacent to the common driveway) to the light well and first floor windows. • On the south elevation of Unit 11 there is an additional highlight window. • Additional first floor windows facing the Beach Road and Masefield Avenue for Units 1-10 and 31-33. <p>Other Changes</p> <ul style="list-style-type: none"> • The roof top decks of Units 34 and 35 are centralised on the roof as a result of the lift access and relocated stairwells. • The roof top deck stairwells for Unit 1, 34 and 35 reconfigured as a result of the lift access. • The brown cladding treatment continued across the first floor of Unit 11 on the south elevation.

CARRIED

1.2 7 CENTRE ROAD, BRIGHTON EAST

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That the Amended Plans for the basement, first floor and second floor, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2006/1023/1 issued for Alterations and additions to an existing aged care facility, including the construction of 3 storey buildings in a Design and Development Overlay Schedule 2, basement parking in a Special Building Overlay and alterations to a crossing in Road Zone Category 1 and the creation of new access in a Road Zone Category 1 at 7 Centre Road, Brighton East, and the following table be added at the end of the permit.

Date	Amendment
21 September 2010	<p>Secondary Consent to Amend Plans:</p> <p>Basement Plan (tp 004)</p> <ul style="list-style-type: none"> • Basement plan reconfigured with two (2) additional car spaces. <p>Ground Floor (tp 005)</p> <ul style="list-style-type: none"> • Hydrotherapy pool changed to a lap pool. • Central atrium space included. • Day care, multipurpose room and gym re configured. • Four (4) apartments added that contain two (2) bedrooms each. • Relocation of car parking spaces 28, 29, 33 and 34. <p>First Floor (tp 006)</p> <ul style="list-style-type: none"> • Central atrium space linking the ground floor. • Separation created between apartments and community areas. • Apartments 1/6, 1/7 & 1/8 reconfigured. <p>Second Floor (tp007)</p> <ul style="list-style-type: none"> • Atrium continues to the second floor offering light to the spaces located below. • Apartments 2/6, 2/7 & 2/8 reconfigured. <p>West Elevation (tp008)</p> <ul style="list-style-type: none"> • Change the use of render to aluminium composite material. • Second floor aged care changed from render to brick. • Use of sandstone cladding to articulated frame. • Gate added to gas meter enclosure as required.

1.2 7 CENTRE ROAD, BRIGHTON EAST (Continued)

	<p>West Elevation (tp009)</p> <ul style="list-style-type: none"> • Fenestration detailing amended. • Balconies clad in sandstone with glass balustrades. • Carparking areas clad in metal louvers in lieu of steel louvers in precast concrete. • Solar water heating system added to the top of the roof. <p>North Elevation (tp010)</p> <ul style="list-style-type: none"> • Fenestration detailing amended. • Balconies clad in sandstone with glass balustrades. • Solar water heating system added to the top of the roof. <p>South Elevation (tp011)</p> <ul style="list-style-type: none"> • Fenestration detailing amended. • Balconies clad in sandstone with glass balustrades with columns forming a colonnade. • Car parking areas clad in metal louvers in lieu of steel louvers in precast concrete. • Solar water heating system added to the top of the roof.
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CARRIED

1.3. 21-25 WILSON STREET, BRIGHTON

It is recorded that Mr Ceiran Kayes spoke in relation to this matter.

It is further recorded that Ms Danielle Martin was not present in the Chamber.

Moved: Cr Long

Seconded: Cr Cooper-Shaw

- A. That the Amended Plans be approved in part by Council under the Secondary Consent provisions of Planning Permit 2000/6179/1 issued for twenty-one (21) dwellings and alterations to existing hotel at 21-25 Wilson Street, Brighton, and the following table be added to the permit.

Date	Amendment
21 September 2010	Roof Top Plan (Plan 6 of 9), Elevations (Plan 7 of 9) and Elevation (Plan 8 of 9) <ul style="list-style-type: none"> • Replace the southwest half of Apartment 17's and all of Apartment 19's roof deck with a communal roof deck. • Extend Apartment 17's deck across what was Apartment 18's deck

- B Advise the applicant that Council does not support the following:
- Construct a pergola and a small roofed entry space over part of the new communal deck.
 - Relocate and extend the roof top plant and equipment areas.
 - Extend the lift to provide roof access.

CARRIED

1.4. 184 BLUFF ROAD, SANDRINGHAM

It is recorded that Cr Russell declared a Direct Conflict of Interest in Item 1.4 as he is the owner of the property.

Cr Russell vacated the Chamber at 7.13pm prior to consideration of this matter.

It is recorded that Mr Matt Taylor, Ms Angela Matsikis, Ms Sirkku Davis, Mr Richard Umbers, Mr Nigel Ashton and Mr John Bushby spoke in relation to this matter.

It is further recorded that Mr Matt Taylor spoke on behalf of Ms Megan Taylor who was not present in the Chamber.

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council having caused notice of Planning Application No. 2009/0558/1 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 184 Bluff Road, Sandringham, for the Buildings and works in association with a Section 2 use and waiver of car parking in accordance with the application dated 22 October 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, 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 deletion of the 12 outdoor /footpath seating and the deletion of the three outdoor tables (Tulip Street footpath).
 - b) The outdoor decking (Bluff Road frontage) must be lowered in height to 300mm above natural ground level and reduced in area to allow sufficient areas within the front setbacks for canopy tree planting.
 - c) Landscape buffers and acoustic barriers must be provided along the north and east residential boundaries.
 - d) The planter beds along the Bluff Road frontage must be increased in size - width, and depth to ensure that they are capable of supporting substantial planting,
 - e) The location of all plant and equipment must be identified on the plans.
 - f) Provision must be made for the storage of rubbish and recycling bins. All garbage storage areas must be screened from public view.
 - g) Details of the internal works, including the new coolrooms, freezer room, store/pantry and bar areas.
 - h) Landscaping plan in accordance with the requirements of Condition 11 of this permit. The plan must show increased areas for landscaping along the northern and eastern residential abbuttals and two (2) mature canopy trees planted within the front (Bluff Road setback - one on each corner).

1.4. 184 BLUFF ROAD, SANDRINGHAM (Continued)

- i) The inclusion of rain gardens/water tanks to aid in the control stormwater discharge.
- j) A red line plan showing additional areas for sale and consumption of alcohol.
2. The development as shown on the endorsed plans must not be altered unless with prior written consent of the Responsible Authority.
3. No more than 60 seats may be made available at any one time to the patrons of the Cafe, unless with prior written consent of the Responsible Authority.
4. The Café use may operate only between the hours of 7am to 7pm seven days a week with the exception of a maximum of 24 'special occasions' in any one calendar year when the use may operate between the hours of 7am and 11.30pm. Special Occasions must be recorded in a register which is to be available for inspection on demand by the Responsible Authority.
5. All signs not approved in Planning Permit No. 2004/328/1 must be removed.
6. All works must be completed in compliance with Council's Environmental Health Department requirements.
7. The amenity of the area must not be detrimentally affected by the use and development by:
 - Transport of materials, goods or commodities to or from the land
 - Appearance of any buildings and works
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - Presence of vermin
 - By other circumstances to the satisfaction of the Responsible Authority.
8. Any new development, alterations/renovations of existing facilities must be designed so that the noise emissions do not affect the amenity of the area. The Responsible Authority may direct noise measurements to be undertaken by a suitably qualified acoustic consultant and a report be submitted to Council for compliance in relation to N1 and/or N2 policies and/or Environment Protection Authority Technical Guidelines.
9. All noise emanating from any mechanical plant (air conditioners etc) on the site must be kept at a level satisfactory to the Environment Protection Authority and the Responsible Authority.
10. Noise associated with the delivery or collection of goods from the premises or staff activity on the site must be kept at a level satisfactory to the Environment Protection Authority and the Responsible Authority.
11. Before the occupation of the development hereby permitted 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.

1.4. 184 BLUFF ROAD, SANDRINGHAM (Continued)

12. Before the occupation of the development hereby permitted commences, 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 two copies must be provided. The landscaping plan must show:-
- 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;
 - Landscaping and planting within all open areas of the site.
 - Provision of an in-ground irrigation system to all landscaped areas.

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

13. Before the development or by such 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.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
15. This permit will expire if one of the following circumstances applies:
- The development has not started within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Permit Notes

N2 Building approval
N3 Health approval
N9 Health Approval
N10 Asset Protection

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.

Cr Russell entered the chamber at 7.56pm.

1.5. 386-392 BALCOMBE ROAD, BEAUMARIS

It is recorded that Mr Michael Johnson spoke in relation to this matter.

Moved: Cr Russell

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2009/0638/1 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 Support the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 386-392 Balcombe Road, Beaumaris for the Construction of ten (10) double storey dwellings in a Special Building Overlay and removal of vegetation in a Vegetation Protection Overlay 3 and access to a Road Zone Category 1 in accordance with the plans dated 1 September 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans received by Council 1 September 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a. The built form of Dwelling 3 to be redesigned so that the front setback of Dwelling 3 matches the front setback of Dwellings 8 and 10 and simultaneously maintains a transition with the built form of the dwellings fronting Ozone Avenue.
 - b. All paving (except driveways) to be permeable.
 - c. A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - d. All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.), which is proposed to be located externally.
 - e. Water sensitive urban design stormwater treatment measures in accordance with Condition 11 of this permit.
 - f. The landscape plan to be in accordance with condition 6 and to include at least 60% of any new planting to be native or indigenous and the inclusion of canopy tree planting within the Balcombe Road frontage.
 - g. Bollard-type lighting or similar must be provided along the laneway to the north at 5-7 m spacing, and be shown on the Ground Floor plan.
 - h. The construction of the laneway immediately abutting the subject site.
 - i. A 1 metre wide pedestrian access way to all dwellings abutting the laneway and the location of the letterboxes on the corner of the Laneway and Ozone Avenue.
 - j. Dwelling 3 must be oriented toward Balcombe Road and the front setback increased to match the prevailing setback within Balcombe Road.
 - k. A landscape strip is to be provided between the porch areas of Dwelling 7 & 9.

1.5. 386-392 BALCOMBE ROAD, BEAUMARIS (Continued)

- I. The plans to be modified in accordance with the Melbourne Water conditions outlined in Condition 14.
 - m. Details of all screening to the first floor windows to ensure compliance with Clause 55.04-6 Standard B22 and B23 of the Bayside Planning Scheme.
 2. P4 Layout not altered
 3. A18 Concealment of pipes
 4. A19 Plant and equipment or features on roof
 5. A20 Boundary Walls
 6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a. a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b. buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c. details of surface finishes of pathways and driveways
 - d. 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.
 - e. landscaping and planting within all open areas of the site
 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 and no construction activity or storage of materials within the tree protection zone is to be undertaken. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites
 10. Before development starts all tree protection measures must be in accordance with AS4970- 2009 including trees on adjacent properties (within 3 metres of any common property boundary) and must be adhered to before, during and after construction

1.5. 386-392 BALCOMBE ROAD, BEAUMARIS (CONTINUED)

11. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-

- The type of water sensitive urban design stormwater treatment measures to be used;
- The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- Design details of the water sensitive urban design stormwater treatment measures, including cross sections;
- These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

12. 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.

13. Parking and Traffic Management Plan

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.

1.5. 386-392 BALCOMBE ROAD, BEAUMARIS (CONTINUED)

- 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 Balcombe Road, Ozone Avenue or the Laneway to the north during the construction period.
- All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.

14. Melbourne Water Conditions

- a) No polluted and /or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- b) Finished dwelling floor levels must be a minimum of 300mm above the applicable flood level.
- c) Finished garage floor levels must be a minimum of 150mm above the applicable flood level.
- d) Any new fences within the western portion of the development must be of an open style of construction to allow for the passage of overland flows.
- e) At least 21 days prior to commencement of works, a site management plans detailing pollution and sediment control measures, must be submitted to Melbourne Water.
- f) Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Contact Asset Services on telephone 9235 1414 for Melbourne Water's connection requirements, including payment of appropriate fees.

15. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.

16. PT1 Time for starting and completion

1.5. 386-392 BALCOMBE ROAD, BEAUMARIS (CONTINUED)**Permit Notes**

- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4444.
- Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel.

N1 Vehicle Crossing Permit

N2 Building approval

N7 Retention of existing street trees/protection during construction

Footnotes

The applicable flood level for the property is 25.5 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 121441.

CARRIED

1.6 4 ST NINIANS COURT, BRIGHTON

It is recorded that Mr Andrew Fletcher spoke in relation to this matter.

Moved: Cr Cooper-Shaw

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2010/0362/1 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 St. Ninians Court, Brighton for the construction of a roof deck in a Design and Development Overlay Schedule 1, with the application dated 28 June 2010, subject to the following conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2008:-

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans dated 28 June 2010 but modified to show:
 - a) The roof deck set back a minimum of 2 metres from the edges of the roof immediately below on all sides;
 - b) The access structure not exceeding 2.4 metres in height (above finished floor level) on the elevation plans;
 - c) Proposed screen along the eastern elevation a minimum of 1.7 metres in height (from finished floor level);
 - d) The roof deck located a minimum of 9 metres from the western title boundary or have screening to a minimum of 1.7 metres in height (above finished floor level) to be erected along the western side of the deck to prevent overlooking;
 - e) The landing area reduced in width to a maximum of 1.5m wide;
 - f) The stairwell roofline to follow the rise of the stairs;
 - g) The canopy to the west of the stairway access to be deleted.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) 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.

1.6 4 ST NINIANS COURT, BRIGHTON (Continued)**Permit Notes**

This permit does not constitute approval for siting matters pertaining to Part 4 of the Building Regulations 2006.

Building approval must be obtained prior to the commencement of the above-approved works.

The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

This decision has not been assessed against the Building Act, Building Regulations, Building Code of Australia or relevant standards.

CARRIED

1.7 152 NEW STREET, BRIGHTON

It is recorded that Mr Carl Hexter spoke in relation to this matter.

It is further recorded that Mr Haydn Mills was not present in the Chamber.

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council having caused notice of Planning Application No. 2010/0115/1 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 152 New Street, Brighton for the Construction of two (2) double storey dwellings and two (2) lot subdivision in accordance with the application dated 9 March 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a. All paving (except driveways) to be permeable including details of the permeability.
 - b. A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - c. The proposed landscape treatment for the site including the existing and proposed species in accordance with the requirements of condition 6 of this permit. Proposed planting must comprise of at least 60% native or indigenous planting.
 - d. All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - e. Water sensitive urban design stormwater treatment measures in accordance with Condition 11 of this permit.
 - f. Greater articulation (including a mix of materials and finishes) of the first floor southeast and northwest elevations to bedroom 1.
 - g. Details of all screening to the first floor windows to ensure compliance with Clause 55.04-6 Standard B22 and B23 of the Bayside Planning Scheme.
 - h. The front setback of the development must be increased to a minimum of 4 metres (as measured perpendicular from the northwest property boundary) without a decrease in the rear setback.
 - i. The pedestrian gates within the front fence to be a minimum 25% transparency.
 - j. A minimum of 6m³ of storage space for each dwelling.
2. P4 Layout not altered
3. A18 Concealment of pipes.
4. A19 Plant and equipment or features on roof.
5. A20 Boundary Walls

1.7 152 NEW STREET, BRIGHTON (Continued)

6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a. a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b. buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c. details of surface finishes of pathways and driveways
 - d. 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.
 - e. landscaping and planting within all open areas of the site
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 and no construction activity or storage of materials within the tree protection zone is to be undertaken. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites
10. Before the development begins, detailed plans (3 sets) indicating the method of stormwater discharge to the nominated '*Legal Point of Discharge*' (and Stormwater Detention Systems where applicable), must be lodged with Council's Engineering Services department for approval.
11. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
 - 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;

1.7 152 NEW STREET, BRIGHTON (Continued)

- 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.

12. 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.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
14. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
15. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
16. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways and other matters in accordance with the powers of Melbourne Water Corporation under the Water Act 1989.
17. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:
 - a. The development of Lots 1 & 2 indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit No. 2010/0115 or any amendment to the plans approved by the Responsible Authority.
 - b. The agreement shall be prepared and executed at the owners cost.
18. This permit in relation to the subdivision will expire if:
 - a. The plan of subdivision is not certified within two (2) years of the date of this permit; or
 - b. The registration of the subdivision is not completed within five (5) years of the date of this permit.

The responsible authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.

1.7 152 NEW STREET, BRIGHTON (Continued)

19. 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.

CARRIED

1.8 64 RED BLUFF STREET, BLACK ROCK

It is recorded that Mr Guiseppe Stranieri and Mr James Hill spoke in relation to this matter.

Moved: Cr Russell

Seconded: Cr Cooper-Shaw

That Council having caused notice of Planning Application No. 2010/0170/1 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 64 Red Bluff Street, Black Rock for the Construction of two (2) double storey side by side dwellings in a Design and Development Overlay 2 and Vegetation Protection Overlay 3 in accordance with the plans received 23 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 revised plans received 23 August 2010 but modified to show:
 - a) Pedestrian pathways for both townhouses to be removed and redesigned to be incorporated within the driveways.
 - b) Patio paving to be reduced at the rear and side of both townhouses by 50% and soft landscaping introduced.
 - c) The vehicle crossing for townhouse 1 (the eastern townhouse) must be reconstructed centred to the proposed driveway.
 - d) The proposed new vehicle crossing for townhouse 2 (the western townhouse) must be shown in accordance with Condition 7 of this permit.
 - e) Each unit must have access to 6 cubic metres of externally accessible, secure storage space.
 - f) The carports for both townhouses must be reduced to single carports and have an increased side setback of at least 2m to side boundaries.
 - g) The single carports must be a minimum of 6m in length and 3.5m wide with all dimensions shown on the ground floor plan.
 - h) A Schedule of Materials and Finishes to show a greater variety to break up the side elevations.
 - i) Screening to front and rear balconies to comply with Standard B22 of the Bayside Planning Scheme.
 - j) Gravel driveway to be replaced by other permeable surface.
 - k) Openable windows to be introduced above 1.7m of finished floor level along the eastern elevation of townhouse 1 and the western elevation of townhouse 2.
 - l) A transition from the pitch roof form to the flat roof.
 - m) Front fences to be no more than 1.2m.
 - n) Tree protection measures must be shown in accordance with Condition 4 of this permit.

1.8 64 RED BLUFF STREET, BLACK ROCK (Continued)

- o) A landscape plan in accordance with Condition 5 of this permit.
 - p) Water sensitive urban design measures in accordance with Condition 10 of this permit.
 - q) The doors leading from the attic to the flat roof at the rear of each dwelling reduced to service hatches.
2. The development as shown on the endorsed plans must not be altered without the written consent 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(s) without the written consent of the responsible authority.
4. Before the development (including demolition) starts, the applicant must submit a report detailing tree protection in accordance with Australian Standard 4970: Protection of Trees on Development Sites.
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. Planting to consist of mainly native and indigenous vegetation with provision of four (4) canopy trees, two (2) in the front and (2) in the rear. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) Details of surface finishes of pathways and driveways
 - d) 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 siteAll species selected must be to the satisfaction of the responsible authority.
6. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
7. Before the development starts, the proposed vehicular crossing of townhouse 2 must meet approval of South East Water. An existing sewer pit impacts on the proposed driveway for townhouse 2 (the western townhouse), and any costs associated with repositioning the pit must be borne by the applicant.
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.

1.8 64 RED BLUFF STREET, BLACK ROCK (Continued)

9. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
10. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
- 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.

11. The applicant must bear all costs associated with the removal and replacement of the street tree in accordance with Council's adopted policy. Before works start a fee must be paid to the Responsible Authority. The Responsible Authority must undertake the removal and replacement of the street tree. The replacement planting is at the discretion of the Responsible Authority. A minimum of two (2) weeks prior to when the tree is to be removed please contact Council's Parks Arborist on (03) 9599 4444.
12. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.
- The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Permit Notes

- N1 Crossover permit
N2 Building approval
N8 Sewerage
N10 Asset Protection

CARRIED

The Chairperson declared the meeting closed at 8.30pm.