



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

held in the Council Chambers, Civic Centre  
Boxshall Street, Brighton  
on Tuesday 21 December 2010  
at 7.00pm

### **PRESENT:**

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

### **OFFICERS IN ATTENDANCE:**

|                       |   |                                |
|-----------------------|---|--------------------------------|
| Shiran Wickramasinghe |   | Director City Strategy         |
| Angela Meinke         | - | Statutory Planning Manager     |
| Theodora Jenkin       | - | Statutory Planning Coordinator |
| Natalie O'Leary       | - | Statutory Planning Coordinator |
| Nicholas McLennan     | - | Statutory Planner              |
| Terry Callant         | - | Governance Manager             |
| Janice Pouw           | - | Governance Officer             |

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

**DECLARATIONS OF INTEREST:** There were no declarations of interest submitted to the meeting.

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## **Confirmation of the Minutes of the Planning Committee Meeting 7 December 2010**

**Moved: Cr del Porto**

**Seconded: Cr Long**

That the Minutes of the Planning Committee Meeting held on 7 December 2010 be confirmed.

**CARRIED**

### **REQUESTS TO BE HEARD:**

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

Requests to be heard were received from the following people:

**Item 1.7      21 David Street, Hampton**

Mr Simon Hare                      Ms Fiona Hare  
Mr Michael Coman                Mr Martin Alcott  
Mr Matthew Adams

**Item 1.8      4 Coronation Street, Brighton East**

Mr David Nock

**Item 1.9      19 Holzer Street, Sandringham**

Mr Andrew Bendell                Mrs Elizabeth Walsh  
Mrs Kathryn Curnow

**Item 1.10     7 Mair Street, Brighton**

Mrs Leonie Schween                Mr John Darmody  
Mrs B van Pelt                      Mr R van Pelt  
Mrs M Long

**Item 1.11     9 Wattle Avenue, Beaumaris**

Mr Tim Radisich                      Mr Spiros Verguinis

**Item 1.12     2 Thistle Grove, Highett**

Mr Mal Clarke

**OFFICERS' REPORTS:**

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

That the recommendations contained in Items 1.1 to 1.4 be adopted as a block motion.

**CARRIED**

**1.1 259-279 BAY STREET, BRIGHTON**

That the Amended Plans for minor alterations be approved under the Secondary Consent Provision of Planning Permit No. 2001/6199/1 issued for the use and development of land for shops and an Aged Care Facility (Residential Village) at 259 - 279 Bay Street, Brighton and the following table be recorded at the end of the permit:

| <b>Date</b>      | <b>Amendment</b>  |
|------------------|---|
| 21 December 2010 | Secondary Consent to Amended Plans: <ul style="list-style-type: none"> <li>• Increase in size of the balconies to Units 24, 26, 27.</li> <li>• Increase in timber slat screens from 1.68 metres to 1.7 metres in height to Units 24, 26 and 27, 28.</li> <li>• Frosted glass privacy screen to 1.7 metres in height to the southern edge of Unit 39.</li> <li>• Glass door to provide access onto new balcony to Unit 53.</li> <li>• New balcony to Unit 76/77.</li> <li>• Increase in size of balcony to Unit 72.</li> </ul> |

**Note:** The above recommendation was **CARRIED** as part of a single motion.

## 1.2 16 LAWRENCE STREET, BRIGHTON

That the application for Secondary Consent can only be partly supported under the Secondary Consent provisions of Planning Permit No 2008/0787/1 issued for alterations and additions to an existing dwelling (including a first floor) on a lot less than 500<sup>m</sup><sup>2</sup> in a Heritage Overlay at 16 Lawrence Street Brighton and the following table be added to the permit.

| Date             | Amendment   |
|------------------|---|
| 21 December 2010 | <p><b>Secondary consent to amend plans:</b></p> <p>Amendment to the endorsed plans under Secondary Consent:</p> <ul style="list-style-type: none"> <li>• Relocating store room to the south eastern (side) boundary with a maximum wall height of 3 metres</li> <li>• New brick wall on south eastern elevation</li> <li>• Deletion of store room and replacement with timber fence to 1.8m to south west of carport</li> <li>• Aluminium skylight on south eastern elevation.</li> </ul> <p>Refusal to Amend Plans under Secondary Consent:</p> <ul style="list-style-type: none"> <li>• Location of the air conditioning units on the roof. These must be relocated within six (6) months of the date of this amendment.</li> </ul> |

**Note:** The above recommendation was **CARRIED** as part of a single motion.

### **1.3. 7 HOLMHURST COURT, BRIGHTON EAST**

That the Amended Plans for alterations to the front fence, driveways and deck be approved by Council under the Secondary Consent provisions of Planning Permit No. 2007/0414/1 issued for the construction of two (2) double storey attached dwellings at 7 Holmhurst Court, Brighton East, and the following table be added at the end of the permit.

| <b>Date</b>      | <b>Amendment</b>   |
|------------------|--|
| 21 December 2010 | Secondary Consent to Amend Plans: <ul style="list-style-type: none"><li>• Increase height of front fence to 1.8 metres.</li><li>• Increase decking area.</li></ul> |

**Note:** The above recommendation was **CARRIED** as part of a single motion.

### **1.4. 13 DALGETTY ROAD, BEAUMARIS**

That the Amended Plans to construct a pergola at the rear of the dwelling, be approved by Council under the Secondary Consent provisions of Planning Permit No. 1998/3599/1 issued for the development of three (3) two-storey dwellings in accordance with the endorsed plans, at 13 Dalgetty Road, Beaumaris, and the following table be added at the end of the permit.

| <b>Date</b>      | <b>Amendment</b>   |
|------------------|--|
| 21 December 2010 | Secondary Consent to Amend Plans: <ul style="list-style-type: none"><li>• To construct a pergola at the rear of the existing residence</li></ul> |

**Note:** The above recommendation was **CARRIED** as part of a single motion.

## 1.5. 1 BURWAH AVENUE, BRIGHTON EAST

**Moved: Cr Frederico**

**Seconded: Cr Norris**

That Council having considered the Application to Amend the Permit under Section 87A of the Planning and Environment Act 1987 advises the Victorian Civil and Administrative Tribunal as follows in respect to the proposed changes to Planning Permit 2008/0464/1 issued for construction of two (2) double storey attached dwellings with basement car parking in accordance with the application dated 15 September 2010 but amended as follows:

### Amendment of Conditions

Amendment of the following conditions of the permit:

- Condition 1d states that *“The side setbacks to the lounge/dining/laundry room at the ground level of both dwelling must be increased to a minimum of 1 metre from the northern and southern property boundaries.”*

Condition 1d amended to read: *“The side setbacks to the **sitting, master guest/ensuite and laundry rooms** at the ground level of both dwelling must be increased to a minimum of 1 metre from the northern and southern property boundaries.”*

- Condition 1k states that *“The ramp and basement of Dwelling 1 within 24 metres from the frontage must be setback a minimum of 1 metre from the southern property boundary.”*

Condition 1k amended to read: *“The ramp and basement of Dwelling 1 within 19.5 metres from the frontage must be setback a minimum of 1 metre from the southern property boundary.”*

- Condition 1l states that *“The wall of the den on the ground level of Dwelling 1 must be setback a minimum of 1 metre from the southern property boundary.”*

Condition 1l amended to read: *“The wall of the master guest room on the ground level of Dwelling 1 must be setback a minimum of 1 metre from the southern property boundary.”*

- Condition 1n states that *“The north wall of the kitchen and meals area of unit 2 shall be set back 500 mm from the north boundary, commencing in line with the eastern reveal of the kitchen window of no 3 Burwah Avenue and for its entire length to the west of that commencement point.”*

- Condition 1n amended to read: *“The north wall of the kitchen and part of the meals area of unit 2 (directly opposite the kitchen window of No. 3 Burwah Avenue) shall be set back 500 mm from the north boundary.”*

The applicant seeks to amend the above mentioned conditions to reflect the proposed changes to the amended plans.

## **1.5. 1 BURWAH AVENUE, BRIGHTON EAST (continued)**

### **Amendments to the Endorsed Plans**

Amend the endorsed plans as follows:

#### **Basement**

- The two (2) access ramps leading to the separate basement garages on both sides of the street frontage to be replaced with a common access central ramp.
- The turn tables of vehicles in front of garages to be replaced with common turning area.
- The locations of the storerooms and staircases to be altered or relocated.

#### **Ground floor**

- The layout of the front fence to be altered to reflect the changes to the number and location of crossing.
- The two (2) separate crossings for the access ramps to be replaced with one (1) common crossing.
- The front entries of both dwellings to be relocated to the sides of the dwellings and the paths leading to these entries also to be relocated to the sides.
- The front setbacks of the dwellings to be increased from 9.5 metres to 11.5 metres for Dwelling 1 and from 10.5 metres to 10.6 metres for Dwelling 2.
- Terraces to be added in front of both dwellings.
- The lengths of both dwellings at the ground floor to be increased from 26.5 metres to 27.7 metres.
- The layouts of the ground floor of both dwelling to be altered.
- The sizes of the court yards to the sides of the dwelling to be reduced.
- The terraces at the rear of both dwellings to be enlarged.
- The rear setbacks of the dwellings to be reduced from 11 metres to 8.5 metres for Dwelling 1 and from 10 metres to 9 metres for Dwelling 2.
- Skylights to be added above the roofs over the kitchen and meal areas of both dwellings.

#### **Second storey**

- The layouts of the second storey of both dwellings to be altered.
- The front setbacks of the dwellings to be increased from 8.5 metres to 11.5 metres for Dwelling 1 and from 9.5 metres to 10.6 metres for Dwelling 2.
- The rear setbacks of the dwellings to be reduced from 11 metres to 8.5 metres for Dwelling 1 and from 10 metres to 9 metres for Dwelling 2.

#### **East elevation**

- The front elevation to be altered to include changes to the locations of the front fence, access ramp, front entries, windows, materials and finishes.

## 1.5. 1 BURWAH AVENUE, BRIGHTON EAST (continued)

### West elevation

- The terraces at the rear of the dwellings to be enlarged.
- The meals area wall to be built to the southern property boundary.
- The rear elevation to be altered to include changes to the windows, materials and finishes.

### North elevation

- The side elevation to be altered to include changes to the windows, materials and finishes.

### South elevation

- The side elevation to be altered to include changes to the windows, materials and finishes.
- The meals area wall to be built to the southern property boundary.

### **Additional Conditions**

- Condition 1r. The overall height of both dwellings reduced to a maximum of 7 metres to be similar in height with the previously approved development.
- Condition 1s. The side setback of Bedroom 3, ensuites, bedroom 2 and study at the second storey of both dwellings increased to a minimum of 3 metres from the northern and southern property boundaries to have the same setbacks as the previously approved development.
- Condition 1t. The rear balconies at the second storey of both dwellings deleted.

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**

## 1.6 30 FLOWERDALE ROAD, HAMPTON EAST

**Moved: Cr Frederico**

**Seconded: Cr Russell**

That Council having caused notice of Planning Application No. 2010/0071/1 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 30 Flowerdale Road, Hampton East for the construction of two (2) double storey dwellings in accordance with the application dated 23 February 2010 and amended 30 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 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 wall heights to be measured from natural ground levels to be nominated on the plans.
  - b) All paving (except driveways) to be permeable.
  - c) A schedule of all external materials and finishes including the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
  - d) The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 6 of this permit. The landscape plan must show a minimum of two (2) spreading canopy trees within the front setback and one (1) canopy tree within the rear setback.
  - e) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.), which is proposed to be located externally.
  - f) Water sensitive urban design stormwater treatment measures in accordance with Condition 13 of this permit.
  - g) Details of all screening to the first floor North, East and South windows to ensure compliance with Clause 55.04-6 Standard B22 Overlooking of the Bayside Planning Scheme.
  - h) The driveway must be 3 metres wide at its intersection with the footpath, with a 1.0 metre offset from the southern property boundary, the existing half of the double vehicle crossing must be removed, with a new 3.3 metre wide crossing constructed that is centred on the accessway, with provision of a 1 metre wide separator.
  - i) The common driveway must be 3 metres wide with a 0.5 metre landscape strip on both edges and include appropriate lighting.
  - j) A minimum 6 metre parking aisle must be provided (measured from the garage to the southern edge of the driveway).

## 1.6 **30 FLOWERDALE ROAD, HAMPTON EAST (continued)**

- k) The first floor north and south side setbacks must comply with the requirements of the Schedule to the Residential 1 Zone.
  - l) The length of wall on the northern property boundary must comply with the requirements of Clause 55.04-2 Standard B18 Walls on Boundaries of the Bayside Planning Scheme.
  - m) Deletion of the ground floor lounge window for dwelling 1 facing the access way.
  - n) Alterations to the front entries of each dwelling which improves their sense of address.
  - o) An internal boundary fence must be provided between dwelling 2 and the southern boundary.
  - p) The landscaping buffer along the southern property boundary adjacent to the garages must be widened to allow for greater landscaping while still allowing vehicles to enter and exit the site in a forward direction.
  - q) The landscape plan must accurately locate trees within 3 metres of the northern boundary and demonstrate tree protection methodology.
2. P4 Layout not altered
  3. A18 Concealment of pipes
  4. A19 Plant and equipment or features on roof
  5. A20 Boundary Walls
  6. L1 Landscape plan required
  7. L2 Completion of landscaping
  8. L3 Landscaping maintenance
  9. 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) must be adhered to before, during and after construction
  10. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a 'Stormwater Detention System' installed, the design capacity to be Council approved.
  11. Any seepage / agricultural drainage water are to be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
  12. 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.

## 1.6 30 FLOWERDALE ROAD, HAMPTON EAST (continued)

13. 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.

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

15. PT1 Time for starting and completion

### Permit Notes

- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4444.
- 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

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

**DIVISION:**   **FOR:**           Crs Frederico, Norris, Russell and Cooper-Shaw (4)  
**AGAINST:**   Crs Hayes, del Porto and Long (3)

**CARRIED**

## **1.7 21 DAVID STREET, HAMPTON**

*It is recorded that Mr Simon Hare, Mr Michael Coman, Mr Martin Alcott and Mr Matthew Adams spoke in relation to this matter.*

*It is further recorded that Ms Fiona Hare did not pursue her right to speak.*

**Moved: Cr Long**

**Seconded: Cr del Porto**

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. 2010/0199/1 for the land known and described as 21 David Street, Hampton on the following grounds:-

1. The proposal does not respect the existing or preferred future neighbourhood character of the area as stated within Clause 22.07 – Neighbourhood Character of the Bayside Planning Scheme.
2. The proposal does not comply with the following standards of Clause 55 of the Bayside Planning Scheme which will result in detriment to the amenity of the neighbours and the character of the area:
  - a) Standard B6 - Street setback
  - b) Standard B17 - Side and rear setbacks
  - c) Standard B22 - Overlooking
  - d) Standard B23 - Internal overlooking
  - e) Standard B32 - Front Fence
3. The proposal will result in unreasonable visual bulk impacts to backyardscapes of adjoining properties.

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

**DIVISION:**   **FOR:**           Crs Hayes, Norris, del Porto and Long (4)  
                  **AGAINST:**       Crs Cooper-Shaw, Frederico and Russell (3)

**CARRIED**

## 1.8 4 CORONATION STREET, BRIGHTON EAST

*It is recorded that Mr David Nock spoke in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Hayes**

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. 2010/0346/1 for the land known and described as 4 Coronation Street, Brighton East on the following grounds:-

1. The proposal does not accord with the existing and preferred Neighbourhood Character objectives as outlined in Clause 22.07 of the Bayside Planning Scheme.
2. The proposal will result in visual bulk detriment to the streetscape and to the backyardscapes of the adjoining properties.
3. The proposal does not comply with the following standards of Clause 55 of the Bayside Planning Scheme which will result in detriment to the amenity of the neighbours and the character of the area:
  - a) Standard B6 – Street setback
  - b) Standard B17 – Side and rear setbacks
  - c) Standard B19 - Daylight to existing windows
  - d) Standard B32 - Front fence.
  - e) Standard B8 – Site coverage
4. The proposal will result in the loss of a mature walnut tree.

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

**DIVISION:**   **FOR:**           Crs Hayes, del Porto, Long and Cooper-Shaw (4)  
                  **AGAINST:**   Crs Frederico, Norris and Russell (3)

**CARRIED**

## 1.9 19 HOLZER STREET, SANDRINGHAM

*It is recorded that Mr Andrew Bendell, Mrs Elizabeth Walsh and Mrs Kathryn Curnow spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Hayes**

That Council having caused notice of Planning Application No. 2010/0064/1 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 19 Holzer Street, Sandringham for the development of three (3) double storey dwellings in accordance with the application dated 11 February 2010 and the revised plans received on stamp 21 May 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 on 21 May 2010 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 replacement plant species in accordance with the requirements of Condition 8 of this permit. The landscape plan must show a minimum of one (1) canopy tree within the northern setback of each dwelling capable of growing to a minimum height of 8m at maturity.
  - 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) Details of all screening to the first floor north, east and south windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
  - f) All garage door openings to be a minimum of 4.8 metres.
  - g) The locations of bollard type lighting at 7 metre intervals.
  - h) The crossing to the laneway from Holzer Street to be re-constructed.
  - i) The median strip located in front of the garage of the rear dwelling must be deleted so as to allow a vehicle space for passing.
  - j) The 1.5 metre wide pedestrian path (easement) to be formed to a higher level than the finished surface of the land, except at the driveway sections to each garage.
  - k) The site coverage reduced to a maximum of 50%.

## 1.9 19 HOLZER STREET, SANDRINGHAM (continued)

- l) The front fence to be semi-transparent (with a minimum 25% opening).
  - m) The locations of plant and equipment in accordance with Condition 6 of this permit.
  - n) The location of the Water Sensitive Urban Design measures on the plans.
2. P4 Layout not altered
  3. The laneway along the length of the southern property boundary to be constructed and drained to the Responsible Authority's satisfaction considering water sensitive urban design, traffic and the existing character of the laneway, at the full cost of the developer/owner. All construction works are undertaken to ensure the protection of vegetation along the southern boundary of the laneway to the relevant Australian Standard(s).
  4. Prior to the commencement of the development, civil engineering drawing must be submitted to and be approved by Bayside City Council showing construction details of the laneway and pedestrian path including longitudinal section, typical cross-sections and drainage design.
  5. A18 Concealment of pipes.
  6. A19 Plant and equipment or features on roof.
  7. A20 Boundary Walls
  8. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
    - a) a survey (including botanical names) of all existing vegetation in excess of two meters in height to be retained and/or removed
    - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
    - c) details of surface finishes of pathways and driveways. Details should show porosity of surface finish and any footings or sub surfaces.
    - d) a planting schedule of all proposed trees including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. 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
    - f) All species selected must not be environmental or noxious weeds.
    - g) The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.
  9. L3 Landscaping maintenance.

**1.9 19 HOLZER STREET, SANDRINGHAM (continued)**

10. Tree protection fencing must be established around the street trees 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.

11. Before the development (including demolition) starts, a tree protection fence must be erected inside the property from the centre of the following trees:

Note: locations are approximate with existing boundary details as no further information has been supplied. Tree numbers as per Landscape plan – Zenith Concepts December 2008.

| Tree Name Approximate location                                     | Tree Protection Zone Distances |
|--|--------------------------------|
| T2 <i>Washingtonia robusta</i> (Washington Palm) in front setback. | 2.5 metres                     |

- The fence must be constructed of star pickets and chain mesh or similar to a minimum height of 1.8m.
- The tree protection fence must remain in place until construction is completed.
- A 100mm deep layer of mulch must cover the ground surface of the Tree Protection Zone before the development starts.
- Watering of trees must occur as directed by any written request from Council.
- Must be covered by 100mm of mulch and covered with a solid board, or by a structure that will provide protection from compaction.
- No heavy machinery, excavator or similar is to operate in this area.
- No storage or dumping of tools, equipment or waste is to occur within this area.

12. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist. Excavations must be documented (photographs and notes) and documentation must be submitted to Council within 28 days of request for such documentation.

13. In the event that the *Eucalyptus robusta* (Swamp Mahogany) located in the front setback adjacent to the existing driveway declines in health or dies, it must be replaced by a native tree capable of growing to 8 metres at maturity.

14. 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.

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

## 1.9 19 HOLZER STREET, SANDRINGHAM (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.

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

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

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

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

**DIVISION:**   **FOR:**           Crs Frederico, Norris and Cooper-Shaw (3)  
                  **AGAINST:**   Crs Hayes, Russell, del Porto and Long (4)

**LOST**

**Moved: Cr Long**

**Seconded: Cr del Porto**

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. 2010/0064/1 for the land known and described as 19 Holzer Street, Sandringham on the following grounds:-

1. The proposal does not accord with the existing and preferred Neighbourhood Character objectives as outlined in Clause 22.07 of the Bayside Planning Scheme.
2. The proposal will result in an overdevelopment of the site.
3. The proposal will result in visual bulk detriment to the streetscape and to the backyardscapes of the adjoining properties.
4. The proposal does not comply with the following standards of Clause 55 of the Bayside Planning Scheme which will result in detriment to the amenity of the neighbours and the character of the area:
  - a) Standard B6 – Street setback
  - b) Standard B17 – Side and rear setbacks
  - c) Standard B19 - Daylight to existing windows
  - d) Standard B32 - Front fence.
  - e) Standard B8 – Site coverage
  - f) Standard B26 – Dwelling entry
5. The proposal does not provide an adequate sense of address .

## 1.9 19 HOLZER STREET, SANDRINGHAM (continued)

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

**DIVISION:**   **FOR:**           Crs Hayes, Russell, del Porto and Long (4)  
                  **AGAINST:**   Crs Frederico, Norris and Cooper-Shaw (3)

**CARRIED**

*Cr Norris vacated the Chamber at 9.09pm and re-entered at 9.11pm.  
Cr Long vacated the Chamber at 9.09pm and re-entered at 9.11pm.  
Crs del Porto vacated the Chamber at 9.11pm and re-entered at 9.14pm.  
Cr Hayes vacated the Chamber at 9.11pm and re-entered at 9.15pm.*

## 1.10 7 MAIR STREET, BRIGHTON

*It is recorded that Mrs Leonie Schween, Mrs B. van Pelt, Mr R. van Pelt and Mrs M Long spoke in relation to this matter.*

*It is further recorded that Mr John Darmody was not present in the Chamber.*

**Moved: Cr Frederico**

**Seconded: Cr Russell**

That Council having caused notice of Planning Application No. 2010/0293/1 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 7 Mair Street, Brighton for an extension to an existing residential building (aged care facility) with floor to floor above height exceeding 3.5 metres in a Design and Development Overlay Schedule 1, in accordance with the application dated 7 June 2010 subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, 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 7 June 2010 but modified to show:
  - a) An increase in the side setback of Bedrooms 4 to 11 to 5.83 to 6.86 to match the side setback of Bedrooms 1 to 3.
  - b) Provision of 1.7 metre high privacy screening to all south facing windows of Bedrooms 1 to 11 in accordance with Standard B22 of the Bayside Planning Scheme.
  - c) Landscape plan to be in accordance with Condition 11 of this permit and must include an additional dense screening planting and 6 canopy trees to be located between the car park and the southern and eastern property boundaries.
  - d) Water Sensitive Urban Design measures in accordance with Condition 15 of this permit including the location of a 10 square metres rain garden to be shown on the plan.
  - e) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. No deliveries to occur prior to 7am or after 8pm in the car park area below the proposed addition.
4. Waste must be collected from the site in a manner that does not result in detriment to the neighbouring properties.
5. Access via the doorway to the rear staircase access must only be used in the event of an emergency and not as a short cut access to the car park by staff members, occupiers and visitors.
6. A25 Control of light spill

## **1.10 7 MAIR STREET, BRIGHTON (continued)**

7. 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.
8. 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.
9. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
10. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:
  - 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) All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.
11. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
12. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:

A survey (including botanical names) of all existing vegetation to be retained and/or removed

  - a) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - b) Details of surface finishes of pathways and driveways
  - c) Details of water sensitive urban design elements to be incorporated and the plant species to be used
  - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant

## 1.10 7 MAIR STREET, BRIGHTON (continued)

- e) Landscaping and planting within all open areas of the site
- f) An in-ground irrigation system to all landscaped areas.

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

13. 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.
14. 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.
15. 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.
16. 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.

17. 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.

## **1.10 7 MAIR STREET, BRIGHTON (continued)**

### Permit Notes

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

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

**DIVISION:**   **FOR:**       Crs Frederico, Norris, Russell and Cooper-Shaw (4)  
                  **AGAINST:**   Crs Hayes, del Porto and Long (3)

**CARRIED**

## 1.11 9 WATTLE AVENUE, BEAUMARIS

*It is recorded that Mr Tim Radisich and Mr Spiros Verguinis spoke in relation to this matter.*

**Moved: Cr Norris**

**Seconded: Cr Russell**

That Council having caused notice of Planning Application No. 2009/0444/1 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 9 Wattle Avenue, Beaumaris for the construction of two (2) double storey attached dwellings and removal of native vegetation in a Vegetation Protection Overlay Schedule 3 in accordance with the plans dated 2 July 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 amended plans dated 2 July 2010 but modified to show to the satisfaction of the Responsible Authority:
  - a) A schedule of all external materials and finishes including materials, colours and finishes of all external walls, roof, fascias, window frames and paving.
  - b) Location of all plant and equipment with the air conditioning units to dwelling two to be relocated to the ground floor and appropriately screened.
  - c) Landscape plan to show a minimum of seventy (70%) percent indigenous or native plant species and show planting along the side boundaries as required by Condition 5 of this permit
  - d) Water sensitive urban design stormwater treatment measures to be provided as required Condition 11 of this permit.
  - e) The driveway of Dwelling 1 must be 3.3 metres wide at its intersection with the footpath, with a 1.1 metre offset from the western property boundary.
  - f) A dedicated pedestrian path must be provided for Dwelling 1.
  - g) The driveway of Dwelling 2 must be 3.3 metres wide at its intersection with the footpath, with a 0.6 metre offset from the eastern property boundary.
  - h) All lengths and heights of walls proposed on the east boundary to be indicated on the plan and elevation.
  - i) The front setback of dwelling 2 to be increased by 500mm.
2. P4 Layout not altered
3. A19 the location of all plant and equipment to be shown on the plans.
4. A20 Boundary Walls

## 1.11 9 WATTLE AVENUE, BEAUMARIS

5. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
- a) a survey (including botanical names) of all existing vegetation 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 70% of all planting must consist of either native or indigenous species.
  - e) landscaping and planting within all open areas of the site with substantial shrubbery provided within the front setback in order to respect the prevailing neighbourhood character.
  - f) Tree protection methods for the *Corymbia maculate* (Tree 14 per Treescape Report by Peter Clarke) located at 7 Wattle Avenue must be provided, indicating the successful protection of the tree during any building works (including any demolition). This must be in the form of an arboricultural report that includes results of some form of tree sensitive exploratory excavations to determine impacts on the tree.
  - g) Any proposed excavation around the *Corymbia maculate located at 7 Wattle Avenue* should be at or above grade unless it has been shown that excavations will not cause a significant impact to the root system of the tree.
  - h) Construction of the garage and all landscaping must indicate that no excavations can occur within 8.8 metres of the tree (the *Corymbia maculate located at 7 Wattle Avenue*) unless it is shown that excavations will not impact on the tree's root system.
  - i) The Hakea (Tree 15 as per the Treescape Report prepared by Peter Clarke) must be removed and replaced with a native or indigenous tree that is capable of growing to a minimum mature height of 8 metres.
  - j) Replacement planting to the rear and to the front of the subject site must include the planting of at least two (2) trees. The minimum size for these plantings should be a minimum height of 8 metres and a minimum width of 6 metres at maturity.
  - k) Tree protection fencing is to be established around the street tree prior to demolition and maintained until all works are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers and must encompass the entire naturestrip under the dripline of the tree. All works must be in accordance with Australian Standard 4970 *Protection of trees on development sites*.

## 1.11 9 WATTLE AVENUE, BEAUMARIS

6. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
8. 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 must 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. No excavation is to occur within a radius of 1.5 metres of any street tree.
9. 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.
10. 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.
11. Prior to the commencement of works, consent in writing must be gained from the responsible authority approving any construction (or alteration) and approving the use of the area over the existing Telstra pit for the purposes of a crossover.
12. PT1 Time for starting and completion

**1.11 9 WATTLE AVENUE, BEAUMARIS (continued)**Permit Notes

- N1 Crossover permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Street Tree

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**

## 1.12 2 THISTLE GROVE, HIGHETT

*It is recorded that Mr Mal Clarke spoke in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Hayes**

That Council having caused notice of Planning Application No. 2010/0079/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 2 Thistle Grove, Highett for the construction of storey multi-unit apartment building with sixteen (16) dwellings and basement carparking in accordance with the application dated 17 February 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 on 24 September 2010 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.
  - c) The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 7 of this permit.
  - 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) Details of all screening to the first floor east, and west windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
  - f) Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 12 of this permit.
  - g) The basement and access ramp must comply with the requirements of Australian Standard AS 2890.1 to ensure that vehicles can enter and exit the car parks in a forwards direction.
  - h) Tree protection zone in accordance with Australian Standard 4970 around Tree 1 and Tree 2.
  - i) The ground and first floor west setbacks to comply with the Bayside Planning Scheme requirements.
2. Should either Tree 1 or Tree 2 within the front setback die as a result of the development the applicant/owner must provide replacement planting to the satisfaction of the Responsible Authority.
3. P4 Layout not altered
4. A18 Concealment of pipes.
5. A19 Plant and equipment or features on roof.

## 1.12 2 THISTLE GROVE, HIGHETT (continued)

6. A20 Boundary Walls
7. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
  - a) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - b) details of surface finishes of pathways and driveways
  - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
8. L2 Completion of landscaping
9. L3 Landscaping maintenance.
10. Tree protection fencing must be established around the street trees 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.
11. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed - the design capacity to be Council approved.
12. Prior to the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
  - The type of water sensitive urban design stormwater treatment measures to be used;
  - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
  - Design details of the water sensitive urban design stormwater treatment measures, including cross sections;
  - These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved, to be a minimum of 100%, and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

