



## Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre  
Boxshall Street, Brighton  
on Wednesday 24 August 2010  
at 7pm

### PRESENT:

Cr Clifford Hayes  
Cr Louise Cooper-Shaw  
Cr Felicity Frederico  
Cr James Long  
Cr Michael Norris  
Cr Simon Russell

### OFFICERS IN ATTENDANCE:

Angela Meinke	-	Planning Manager
Theodora Jenkin	-	Planning Coordinator
Natalie O'Leary	-	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 Cooper-Shaw**

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

**CARRIED**

**APOLOGIES:** An apology from Cr del Porto was submitted to the meeting.

**Moved: Cr Norris**

**Seconded: Cr Russell**

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

**CARRIED**

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**DECLARATIONS OF INTEREST:**

There were no declarations of interest submitted to the meeting.

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

That the Minutes of the Planning Committee Meeting held on 3 August 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 - 31 Outer Crescent, Brighton**

Miss Felicity O'Sullivan

**Item 1.10 - 33 Fifth Street, Black Rock**

Ms Betty Knight  
Mr Bruce Keen

**Item 1.12 - 362 Balcombe Road, Beaumaris**

Ms Rhonda Stobart on behalf of Ms Wilma McIntyre  
Mr Lawrence Tinsley  
Mrs Marjorie Tinsley  
Mr Tom Hockley

**Item 1.13 - 339 New Street, Brighton**

Ms Marion Pennicuik  
Mr Bruce Keen

**OFFICERS' REPORTS:**

**Moved: Cr Frederico**

**Seconded: Cr Russell**

That the recommendations for Items 1.1 to 1.9 excluding Item 1.7 be adopted as a block motion

**CARRIED**

**1.1 452-456 NEW STREET, BRIGHTON**

That the Amended Plans for the relocation of air conditioning units and extension of rear deck areas to the dwellings be approved by Council under the Secondary Consent provisions of Planning Permit 2006/0997/1 issued for the use of land at 452-456 New Street, Brighton for the purpose of a takeaway food premises with reduced car parking and two dwellings, and the following table be added to the permit:

Date	Amendment
9 February 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Relocate air conditioning units from roof terraces to eastern side of ground floor roof of the dwellings.</li> <li>• Extend rear deck areas to each dwelling by approximately 9 square metres.</li> </ul>

**NOTE:** The above recommendation was **CARRIED** as part of the single motion.

**1.2 29 HEATHFIELD ROAD, BRIGHTON EAST**

That the Amended Plans which show the partial demolition of a brick wall fence be approved by Council under the Secondary Consent provisions of Planning Permit 2001/6753/1 issued for 29 Heathfield Road, Brighton East, for the use and development of the land for aged care accommodation (Hostel and Serviced Apartments) including alterations to a heritage place (Hiawatha), alterations and additions to an existing three storey building, and construction of a new three storey building with a basement car parking and associated landscaping be approved, and the following table be added to the permit:

Date	Amendment
24 August 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Partial demolition of a brick fence</li> </ul>

**NOTE:** The above recommendation was **CARRIED** as part of the single motion.

**1.3. 34 COLE STREET, BRIGHTON**

That the Amended Plans for the alterations to the plans be approved by Council under the Secondary Consent provisions of Planning Permit No. 2007/0027/1 issued for the construction of a double storey dwelling with basement parking, a roof deck in a Design and Development Overlay 1, a tennis court and associated lighting on the same lot as an existing dwelling, generally in accordance with the endorsed plans and the following table be added to the permit.

Date	Amendment
24 August 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Increase the length of the Recreation Room by 2m resulting in an increase of the northern wall of the Recreation Room by 3m.</li> <li>• Increase in the deck adjacent to the Recreation Room by 1m.</li> </ul>

**NOTE:** The above recommendation was **CARRIED** as part of the single motion.

**1.4. 1 GEORGE STREET, SANDRINGHAM**

That the Amended Plans for the renumbering of the units at fourth floor level, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2008/0368/1 issued for the construction of a four (4) storey building for use as dwellings and offices and a reduction in the Clause 52.06 car parking requirements at 1 George Street, Sandringham, and the following table be added at the end of the permit.

Date	Amendment
24 August 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Alterations to numbering of the fourth storey units.</li> </ul>

**NOTE:** The above recommendation was **CARRIED** as part of the single motion.

**1.5. 299-305 NEW STREET, BRIGHTON**

That the Amended Plans for the minor alterations, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2007/0783/1 issued for alterations and additions to existing heritage dwellings, partial demolition to the rear of a heritage building and the construction of a double storey building comprising of five (5) apartments with basement car parking in a Heritage Overlay at 299-305 New Street, Brighton, and the following table be added at the end of the permit.

Date	Amendment
24 August 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Decrease in the area of the basement.</li> <li>• Deletion of a low height dwarf wall outside Apartment G.04</li> <li>• Inclusion of metering cupboards along the laneway.</li> <li>• Deletion of a planter box to the west of the bin entry.</li> <li>• Alterations to the planters between the pedestrian entry and garden for G.02.</li> <li>• The hipped roof to the south to be extended to the full length of the building.</li> <li>• Alterations to the materials and finishes.</li> </ul>

**NOTE:** The above recommendation was **CARRIED** as part of the single motion.

**1.6 1-4/35 WILLIS STREET, HAMPTON**

That the Amended Plans for the deletion of the disabled car space within the basement and its use as a general car space be approved by Council under the Secondary Consent provisions of Planning Permit 2006/0060/1 issued for the development of a four (4) storey building with single level basement car parking with stackers, and use of the land for offices and a reduction in car parking, at the land known as 1-4/35 Willis Street, Hampton and the following table be added to the permit.

Date	Amendment
24 August 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Deletion of the disabled space within the basement to be made available for general car parking.</li> </ul>

**NOTE:** The above recommendation was **CARRIED** as part of the single motion.

**1.7 31 OUTER CRESCENT, BRIGHTON**

It is recorded that Miss O’Sullivan spoke in relation to this item.

**Moved: Cr Frederico**

**Seconded: Cr Cooper-Shaw**

That the Amended Plans be approved by Council under the Secondary Consent provisions of Planning Permit No. 2007/0923/1 issued for part demolition, alterations and additions to the existing school buildings (Firbank) at 31 Outer Crescent, Brighton and the following table be added at the end of the permit.

Date	Amendment
24 August 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> <li>• Deletion of a section of the 1.645 metres high front wall by increasing the width of the gates from 3.5 metres to 6.01 metres.</li> <li>• Increasing the height of the wall in front of the plant area from 1.645 metres to 2.61 metres (an increase of 0.965 metres) and addition of a 2.61 metres high brick wall and louver screen wall enclosing the plant area.</li> <li>• Addition of a sign (school emblem – 600mm x 600mm approx.) to the façade of the wall screening the plant area, comprising of a school name and emblem.</li> <li>• Addition of a timber lattice on top of the existing eastern boundary fence to a height level with the brick wall/louver screen enclosing the plant area.</li> <li>• Addition of two (2) full height timber batten screens on the north side of the verandah of the VCE Centre.</li> </ul>

**CARRIED**

## 1.8 16 SMALL STREET, HAMPTON

That Council in regard to the application for Secondary Consent to amend the plans endorsed under Planning Permit 2008/0747/1 for the land at 16 Small Street, Hampton for the construction of a two-storey building (plus basement) accommodating dwellings and associated car parking resolve to:

- A. **Refuse** to consent to the amendment to decrease the first floor south setback of the living rooms for dwellings 8 & 9 from 4 metres to 3.87 metres
- B. **Approve** the proposed changes listed below under secondary consent and that the permit be updated to record the list of changes considered under secondary consent (refer to table below) and that the relevant plans be endorsed.

Date	Amendment
24 August 2010	<p><b><u>Secondary Consent Approved for:</u></b></p> <p><u>Basement Level</u></p> <ul style="list-style-type: none"> <li>• Increase the size of the basement area towards the Council Carpark to the west.</li> <li>• Decrease the basement setbacks from the south boundary from 3.245 metres to 3 metres and decrease the basement setback from the east boundary from 2.02 metres to 1.82 metres.</li> <li>• Amend the basement ramp to include a curved wall.</li> <li>• Internally rearrange the storage and bicycle parking area.</li> </ul> <p><u>Ground floor</u></p> <ul style="list-style-type: none"> <li>• The front of the basement ramp changed to permeable paving.</li> <li>• Inclusion of a planter box adjacent to bedroom 1 of both dwelling 2 and 3.</li> <li>• Construction of a 1 metre split block fence on the western property boundary.</li> <li>• Construction of a water meter enclosure.</li> <li>• Decrease the ground floor east side setback of bedroom 1 and 2 of dwelling 4 from 2.18 metres to 2.17 metres.</li> <li>• Increase the ground floor east side setback of the living room of dwelling 4 from 3.615 metres to 3.66 metres.</li> <li>• Minor alterations to window/door locations and types.</li> <li>• Internal rearrangement of the dwellings.</li> </ul> <p><u>First floor</u></p> <ul style="list-style-type: none"> <li>• Minor alterations to window/door locations and types.</li> <li>• Internal rearrangement of the dwellings.</li> <li>• Decrease the north setback from the terrace of dwelling 7 from 5.9 metres to 5.87 metres.</li> </ul>

**1.8 16 SMALL STREET, HAMPTON (Continued)**

	<ul style="list-style-type: none"> <li>• Decrease the setback of the floor on the west side from bedroom 2 of dwelling 7 from 1.73 metres to 1.6 metres.</li> <li>• Decrease the setback of the floor on the west side from the living room of dwelling 8 from 2.7 metres to 2.68 metres.</li> <li>• Increase the first floor west side setback from bedroom 2 of dwelling 8 from 1 metre to 1.1 metres.</li> <li>• Decrease the first floor east side setback of bedroom 2 of dwelling 10 from 2.1 metres to 1.98 metres.</li> <li>• Decrease the first floor east side setback of bedroom the meals area of dwelling 11 from 4.075 metres to 4.025 metres.</li> <li>• Decrease in the first floor east side setback of the living area of dwelling 11 from 5.505 metres to 5.35 metres.</li> <li>• Increase the first floor east side setback of the study of dwelling 11 from 3.975 metres to 4.075 metres.</li> </ul> <p><u>Roof Level</u></p> <ul style="list-style-type: none"> <li>• Inclusion of six (6) skylights.</li> <li>• Inclusion of a 2° pitched hip roof (behind the approved parapet).</li> </ul> <p><u>Elevations</u></p> <ul style="list-style-type: none"> <li>• Alterations to the materials and finishes.</li> <li>• Alterations to the location and styles of windows and doors.</li> </ul>
<p>24 August 2010</p>	<p><u>Secondary Consent Refused for:</u>                  Amendment to decrease the first floor south setback of the living rooms for dwellings 8 &amp; 9 from 4 metres to 3.87 metres</p>

**NOTE:** The above recommendation was **CARRIED** as part of the single motion.

## 1.9 10 MCKAY AVENUE, BLACK ROCK

That the Amended Plans for the proposed verandah, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2006/0343/2 issued for the construction of a double storey dwelling to the front and a single storey dwelling to the rear and basement car parking at 10 McKay Avenue, Brighton, and the following table be added at the end of the permit.

Date	Amendment
23 August 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"><li data-bbox="464 506 1334 568">• A 23.1 sqm louvered verandah within the front setback of the property. (Drawing No. A01- A02)</li></ul>

**NOTE:** The above recommendation was **CARRIED** as part of the single motion.

## **1.10 33 FIFTH STREET, BLACK ROCK**

*It is recorded that Ms Betty Knight and Mr Bruce Keen spoke in relation to this item.*

**Moved: Cr Russell**

**Seconded: Cr Norris**

That Council having caused notice of Planning Application No. 2009/0392/1 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 33 Fifth Street, Black Rock for the Construction of two (2) double storey dwellings on Lot 2 of PS635124Q in accordance with the application dated 13 August 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 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. The rear second storey setback increased to comply with Schedule 1 to the Residential 1 Zone Standard B17 of the Bayside Planning Scheme (with the ground floor rear wall to be no higher than 3 metres and not built on the boundary).
  - b. All paving (except driveways) to be permeable including details of the permeability.
  - c. 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).
  - d. The proposed landscape treatment for the site including the existing and proposed species in accordance with the requirements of condition 9 of this permit. Proposed planting must comprise of at least 60% native or indigenous planting.
  - e. All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
  - f. Details of all screening to the first floor North and West windows to ensure compliance with Clause 55.04-6 Standard B22 Overlooking of the Bayside Planning Scheme.
  - g. Water sensitive urban design stormwater treatment measures in accordance with Condition 16.
  - h. The proposed crossovers for both Dwelling 1 and Dwelling 2 are to be located as noted in the plans dated 13 August 2009 and must be constructed at grade with no strip or sheet excavation greater than 100mm.
  - i. Retention of the Melaleuca located towards the northern end of the Keating Street naturestrip as shown on the plans dated 13 August 2010.

**1.10 33 FIFTH STREET, BLACK ROCK (Continued)**

2. The two (2) new crossovers hereby permitted must be constructed prior to works on site commencing and all entry into and out off the site restricted to the crossovers. In the event it is not feasible to construct the crossovers in their entirety some other temporary construction must be laid down to disperse the weight of construction vehicles and reduce compaction to the nature strip. If a temporary solution is utilised this must be approved by Council's Arborist prior to works commencing.
3. Prior to any excavation in the nature strip for underground services must be approved by Council's Arborist.
4. The removal of the street trees must be done to the satisfaction of the Responsible Authority and all costs associated are to be borne by the Applicant/owner including the replacement planting.
5. P4 Layout not altered
6. A18 Concealment of pipes.
7. A19 Plant and equipment or features on roof.
8. A20 Boundary Walls
9. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
  - a. 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
  - f. Details required for pruning of the street trees to Council's satisfaction.
10. L2 Completion of landscaping
11. L3 Landscaping maintenance.
12. Tree protection fencing must be established around the street trees being retained prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
13. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a 'Stormwater Detention System' installed, the design capacity to be Council approved.

## 1.10 33 FIFTH STREET, BLACK ROCK (Continued)

14. 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.
15. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge neither onto front footpath nor into adjacent properties.
16. 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.

17. 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.
18. The applicant must pay all costs associated with the removal of the street trees in accordance with Council's Street Tree Management Strategy 2008.
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.

## **1.10 33 FIFTH STREET, BLACK ROCK (Continued)**

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**

## **1.11 18 GEORGE STREET, HIGHETT**

**Moved: Cr Cooper-Shaw**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2009/0615/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 18 George Street, Highett for the additions and alterations to an existing dwelling (including a carport) and the construction of a new double storey dwelling to the side of the existing dwelling in accordance with the revised plans dated 23 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 advertised plans dated 24 December 2009 and the revised plans dated 23 July 2010 but modified to show to the satisfaction of the Responsible Authority:
  - a. A notation that all screening must comply with Standard B22 of the Bayside Planning Scheme.
  - b. The location of garbage and recycling bin shown on the plans.
  - c. Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 16 of this permit.
  - d. The ground floor setback of the proposed dwelling (from George Street) must be increased to a minimum of 5 metres to provide sufficient area to support the planting of at least one (1) canopy tree capable to grow to a maximum height of eight (8) metres at maturity.
  - e. The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 8 of this permit.
  - f. The provision of 6 cubic metres of storage for each dwelling.
2. P4 Layout not altered
3. Before the occupation of the site commences or by such a later date as approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. A18 Concealment of pipes
5. A19 Plant / Equipment or features on roof

**1.11 18 GEORGE STREET, HIGHETT (Continued)**

- 6. A20 Boundary walls
- 7. CP7 Vehicular crossing
- 8. L1 Landscape plan required
- 9. L2 Completion of landscaping.

Before the development starts a tree protection fence must be erected around the centre of the following trees:

Tree Name / Approximate Location	Tree Protection Zone Requirements
Streets Trees	Tree protection fence to encompass the entire nature strip must be erected to the satisfaction of the Responsible Authority prior to any demolition works and must be maintained until all works are completed.

- 10. T9 Retention of existing street trees
- 11. The proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply point of discharge and local drain information, if available, otherwise on site verification should be undertaken by the applicant.
- 12. 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.
- 13. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
- 14. E4 Stormwater plans
- 15. E5 Graded and drained discharge.
- 16. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be appropriate by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show: -
  - a) The type of water sensitive urban design stormwater treatment measures to be used;
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
  - c) Design details of the water sensitive urban design stormwater treatments, including cross sections.

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

- 17. PT1 Time for starting and completion.

## **1.11 18 GEORGE STREET, HIGHETT (Continued)**

### Permit Notes

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

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

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

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

**CARRIED**

## 1.12 362 BALCOMBE ROAD, BEAUMARIS

*It is recorded that Ms Rhonda Stobart on behalf of Ms Wilma McIntyre, Mr Lawrence Tinsley, Mrs Marjorie Tinsley and Mr Tom Hockley spoke in relation to this item.*

**Moved: Cr Russell**

**Seconded: Cr Norris**

That Council having caused notice of Planning Application No. 2009/0148/1 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 362 Balcombe Road, Beaumaris for the construction of three (3) double storey attached dwellings with basement car parking, 1.8 metre high fence access to a road in a Road Zone Category 1 and three (3) lot subdivision in accordance with the advertised plans dated 23 March 2009 and the revised plans dated 4 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 three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the advertised plans dated 23 March 2009 and the revised plans dated 4 June 2010 but modified to show to the satisfaction of the Responsible Authority:
  - a. The ensuite and walk-in-robe of Bedroom 1 of Dwelling 1 must be deleted or relocated a minimum of 2 metres and replaced with open space containing native landscaping.
  - b. A 1.7 metre high privacy screen to be erected between the roof decks of Dwellings 1 and 2 and the southern side of the roof deck of Dwelling 3 to comply with Standard B22 of the Bayside Planning Scheme.
  - c. The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 7 of this permit including one (1) native canopy tree to be planted within the front setback of Dwelling 1 and one (1) native canopy tree to be planted within the rear setback of Dwelling 2. Both native trees must be able to grow to a maximum of eight (8) metres in height at maturity.
  - d. Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 14 of this permit.
  - e. The basement car park must be designed to ensure the protection of the root system of the neighbouring trees, in particular the Lilly Pilly located approximately 0.9 metres from the western property boundary and approximately 13 metres from the Balcombe Road frontage to address this matter.
  - f. Compliance with the requirements of VicRoads in accordance with Condition 16 of this permit.
2. P4 Layout not altered

## 1.12 362 BALCOMBE ROAD, BEAUMARIS (Continued)

3. Before the occupation of the site commences or by such a later date as approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. A18 Concealment of pipes
5. A19 Plant / Equipment or features on roof
6. CP7 Vehicular crossing
7. L1 Landscape plan required
8. L2 Completion of landscaping.
9. T9 Retention of existing street trees
10. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed – the design capacity to be Council approved.
11. Drainage associate with the basement during construction (seepage and agricultural water must be filtered to rain water clarity) and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
12. E4 Stormwater plans
13. E5 Graded and drained discharge.
14. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be appropriate by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show: -
  - a. The type of water sensitive urban design stormwater treatment measures to be used;
  - b. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
  - c. Design details of the water sensitive urban design stormwater treatments, including cross sections.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
15. PT1 Time for starting and completion
16. Condition required by VicRoads
  - a. The width of the vehicle crossing at Balcombe Road to be a minimum of 5.5 metres.
  - b. Edge of the crossing to be angled at 60 degrees.

**1.12 362 BALCOMBE ROAD, BEAUMARIS (Continued)**

- c. A basement slope not greater than 1:20 for the first 6 metres inside the property and the provision of adequate sightlines for vehicles exiting from the property.

**17. Subdivision Conditions required by Melbourne Water**

- a. Prior to the 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 site directly or indirectly into Melbourne Water's drainage system and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- b. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- c. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

**18. Subdivision Conditions required by South East Water**

- a. The owner of the subject land must enter into an agreement with South East Water for the provision of water supply and fulfil all requirements to its satisfaction.
- b. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
- c. Prior to Certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
- d. The Plan of Subdivision must be accompanied by an Owner Corporation Schedule. All lots shown on the Plan of Subdivision must be included in the Owners Corporation Schedule.

**19. Subdivision Conditions required by Multinet Gas**

- a. The plan of subdivision submitted for certification must be referred to Multinet Gas in accordance with Section 8 of the Subdivision Act 1988.

**20. Subdivision Conditions required by Telstra**

- a. That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

**21. Subdivision Conditions required by United Energy**

- a. The applicant shall enter into an agreement with UEL for extension, upgrading or re-arrangement of the electricity supply to lots on the plan as required. (A payment to cover the cost of such work will be required).

**22. This permit will expire if:**

- a. The plan of subdivision is not certified within 5 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 periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**1.12 362 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 4638.

N1 Vehicle Crossing Permit

N2 Building approval

N6 Vehicle crossing removal

N7 Retention of existing street trees/protection during construction

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

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

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

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

**CARRIED**

## 1.13 339 NEW STREET, BRIGHTON

*It is recorded that Ms Marion Pennicuik and Mr Bruce Keen spoke in relation to this item.*

**Moved: Cr Norris**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2009/0487/1 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 339 New Street, Brighton for the use of the site for a medical centre and associated reduction for car parking and partial demolition and buildings and works in a Heritage Overlay and Special Building Overlay including the erection of advertising signage in a Residential 1 Zone with the application dated 3 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 application but modified to show to the satisfaction of the Responsible Authority:
  - a. A replacement front fence to reflect the original heritage character of the precinct subject to Council approval and subject to Melbourne Water consent as outlined within Condition 2 of this permit.
  - b. Signage as nominated as number two on the application plans and located on the fence frontage to New Street, and all other signage deleted.
  - c. The provision for three (3) tandem spaces to the south of the subject dwelling with a minimum width of 3.5 metres and length of 5 metres and to be setback from the New Street frontage as practicable.
  - d. The provision of one (1) patient car space within the front setback of the property with a minimum width of 3.5 metres and length of 5 metres and to be setback as far back from the New Street frontage as practicable and surfaced with a permeable surface.
  - e. The proposed landscape treatment to include a minimum two (2) metre buffer to the side and rear boundaries in accordance with Condition 9.
2. Unless with the prior written approval of the Responsible Authority the medical centre must only be used as an osteopathy practice
3. **Melbourne Water Conditions**
  - a. Any new fences within the Special Building Overlay must be of an open style of construction to allow for the passage of floodwaters/overland flow.
  - b. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water. Detailed terms and conditions will be forwarded for works to be undertaken upon receipt of a formal application.
  - c. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

**1.13 339 NEW STREET, BRIGHTON (Continued)**

4. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
5. The use may only operate between the hours of Monday to Friday 8 am – 6 pm and Saturday 8 am – 1 pm unless with the prior written consent of the Responsible Authority. .
6. Not more than two (2) practitioners may operate on the premises at any one time without the written consent of the responsible authority and consultations must be by appointment only.
7. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce Industry and Trade), No. N – 1.
8. Any infectious waste or potentially infectious waste (as defined by the EPA) shall be properly segregated in container colour coded yellow for infectious wastes and orange potentially infectious wastes. Any prescribed waste which lease the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements/
9. Before the development of the site commences or by such a 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.
10. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - i. Constructed;
  - ii. Properly formed to such levels that they can be used in accordance with the plans;
  - iii. Surfaced with an all-weather-seal coat (with the exception of the car space to be located within the new Street frontage);
  - iv. Drained;
  - v. Line marked to indicate each car space and all access lanes;
  - vi. Clearly marked to show the direction of traffic along access lanes and driveways;

And must be to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

11. Before the development starts, a landscape plan in relation to the proposed car parking area of the site is to be provided to the satisfaction of 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:
  - i. A survey (including botanical names) of all existing vegetation in excess of two metres in height to be retained and or removed.

**1.13 339 NEW STREET, BRIGHTON (Continued)**

- ii. Details of surface finishes of pathways and driveways. Details should show porosity of surface finish and any footings or sub surfaces.
  - iii. A planting schedule of all proposed trees including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - iv. All species selected must not be environmental or noxious weeds.
  - v. The landscape plan must also indicate that an in ground irrigation system is to be provided to all landscaped areas.
12. No fewer than three (3) car parking spaces must be provided on site for staff use and one (1) space for patient parking.
  13. The location and details of the sign, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
  14. The sign must be constructed and maintained thereafter to the satisfaction of the Responsible Authority.
  15. 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.
  16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority.
  17. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
  18. This permit will expire if one of the following circumstances applies:
    - a. The development and use 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.
  19. This permit for signage will expire in 15 years from date of this permit.

**Permit Notes**

- N2 Building approval  
N10 Asset Protection

**CARRIED**

**The Chairperson declared the meeting closed at 8.20pm**