



Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre
Boxshall Street, Brighton
on Wednesday 30 March 2010
at 7pm

PRESENT:

Cr Alex del Porto (Chairperson)
Cr Clifford Hayes (Mayor)
Cr James Long
Cr Michael Norris
Cr Simon Russell

OFFICERS IN ATTENDANCE:

Angela Meinke	-	Planning Manager
Natalie O'Leary	-	Planning Coordinator
Hugh Charlton	-	Acting Statutory Planning Coordinator
Janice Pouw	-	Governance Officer

APOLOGIES:

An apology from Cr Louise Cooper-Shaw and Cr Felicity Frederico was submitted to this meeting.

Moved: Cr Norris

Seconded: Cr Russell

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

CARRIED

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DECLARATIONS OF INTEREST:

There were no declarations of interest submitted to this meeting.

Confirmation of the Minutes of the Planning Committee Meeting 9 March 2010

Moved: Cr Russell

Seconded: Cr Long

That the Minutes of the Planning Committee Meeting held on 9 March 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 1.1 – 37 – 39 Cromer road, Beaumaris

1. Ms Claire Betteridge

Item 1.3 – 386 – 388 Hampton Street, Hampton

1. Mr Julian Rowell
2. Mr Robert Long

Item 1.4 – 363 Beach Road, Black Rock

1. Mr John Fitzgerald
2. Mr William Chow
3. Mr Frank Garrubba

Item 1.8 –24-G30 Esplanade, Brighton

1. Mr William Hemming
2. Mr Lance Chu
3. Mr Vaughan Connor

OFFICERS' REPORTS:

1.1 37 – 39 CROMER ROAD, BEAUMARIS

It is recorded that Ms Claire Betteridge spoke in relation to this item.

Moved: Cr Russell

Seconded: Cr Norris

That the amended plans be approved under the Secondary Consent Provisions of Planning Permit 2006/944/1 issued for the Construction of a double storey building containing four (4) apartments and basement parking and the construction of three (3) double storey dwellings to the site and rear and the removal of vegetation in a Vegetation Protection Overlay at 37 – 39 Cromer Road, Beaumaris, and the following table be added to the permit:

Date	Amendment
30 March 2010	<p>Secondary consent to amend plans:</p> <p>Basement:</p> <ul style="list-style-type: none"> • The relocation of the rainwater tank within the basement level to be the south east corner of the basement and to the north west of basement level for Townhouse 1. (Plan TP04 – Rev D). • Column added to the western side of the basement for apartment parking. (Plan TP04 – Rev D). • Two (2) car parking exhaust ducts to the south west corner of basement near visitor space. (Plan TP04 – Rev D). • East facing wall to basement stair adjusted to be in line with basement wall. (Plan TP04 – Rev D). • Repositioning of stairwell in basement to Townhouse 1 and adjusted to basement wall. (Plan TP04 – Rev D). <p>Ground Floor:</p> <ul style="list-style-type: none"> • Internal rearrangement of Townhouse 2 and 3 (re bedroom and ensuite). (Plan TP03 – Rev D). • Rainwater tank added to north east corner of Apartment 2. (Plan TP03 – Rev D). • Vertical blades deleted to east facing wall of dining to Apartment 3 and east facing wall of stair to lobby and piers widened. (Plan TP03 – Rev D) • Service cupboard and gate added to the east of Apartment 1. (Plan TP03 – Rev D). • Increase of stairwell to Townhouse 1 to the south. (Plan TP03 – Rev D). • Window treatment revised to Townhouse 1 to the east wall of living area. (Plan TP03 – Rev D).

1.1 37 – 39 CROMER ROAD, BEAUMARIS (Continued)

	<p>First Floor:</p> <ul style="list-style-type: none"> • Flat roof section added to Townhouse 2 & 3. (Plan TP05 – Rev D). • Townhouse 1 stairwell roof updated to match level below and window treatment revised to east facing wall of Bedroom 1. (TP05 – Rev D). • Vertical blades deleted to east facing wall of Apartment 4 and east facing wall of stair to lobby. (TP05 – Rev D). <p>Roof Plan:</p> <ul style="list-style-type: none"> • Outline of building updated to match level below. (TP05 – Rev D). <p>South and East Elevation:</p> <ul style="list-style-type: none"> • Townhouse 1 stair updated to south elevation. (Plan TP07 – Rev D). • Townhouse 2 roof updated on south elevation. (Plan TP07 – Rev D). • East elevation of Apartment 1 and Townhouse 1 updated to match floor plans (TP07 – Rev D). <p>North and West Elevation</p> <ul style="list-style-type: none"> • Roof revised to north elevation of Townhouse 2 and 3. (Plan TP08 – Rev D). • Revised west elevation and Section CC ramp levels updated. (Plan TP08 – Rev D).
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CARRIED

1.2 17 MILLER STREET, SANDRINGHAM

Moved: Cr Norris

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2009/0626/1 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 17 Miller Street, Sandringham for the construction of one (1) single storey and one (1) double storey dwelling in accordance with the application date 23 November 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) 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 to be provided to the buildings and works on the land. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing). The walls of the dwellings must be constructed from brick or brick veneer.
 - d) The proposed landscape treatment for the site including the existing and proposed species.
 - 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 16 of this permit.
 - g) The landscape plan to be in accordance with condition 6 and to include at least 60% of any new planting to be native or indigenous.
 - h) The side setback of the kitchen and dining room of Dwelling 2 increased to a minimum of 2 metres from the south property boundary.
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

1.2 17 MILLER STREET, SANDRINGHAM (Continued)

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. T9 Retention of existing street trees.
11. 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, 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 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.
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.

1.2 17 MILLER STREET, SANDRINGHAM (Continued)

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. 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
- N8 Sewerage

CARRIED

1.3. 386 – 388 HAMPTON ROAD, HAMPTON

It is recorded that Mr Julian Rowell and Mr Robert Long spoke in relation to this item.

Moved: Cr Long

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2009/0557/1 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 386-388 Hampton Road Hampton for the construction of a three (3) storey building comprising a shop and six (6) dwellings and an associated reduction in the car parking requirement in accordance with the revised plans received on 2 March 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the revised plans dated 22 March 2010 but modified to show:
 - a) Southern elevation must incorporate a range of materials, finishes and colours to provide satisfactory visual relief when viewed from the public realm.
 - b) Water sensitive urban design stormwater treatment measures must be shown in accordance with Condition 15 of this permit.
 - c) All first and second floor windows facing Hampton Street must be treated with double glazing.
2. P4 Layout not altered
3. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
5. Before the development is occupied, a waste management plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - i. the times during which waste will be collected;
 - ii. provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.

1.3. 386 – 388 HAMPTON ROAD, HAMPTON (Continued)

The waste management plan must be implemented to the satisfaction of the responsible authority. The waste management plan must not be modified unless with the consent of the responsible authority.

6. Prior to the commencement of any works, a construction management plan shall be submitted to and approved by the responsible authority. The construction management plan must address, but is not limited to:
 - i. hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - ii. provision of a truck wheel-wash so that vehicles leaving the site do not deposit mud or other materials on roadways;
 - iii. the covering and maintenance of all roads/storage areas/external stockpiles/vacant or grazed areas to avoid dust nuisance to any residential and commercial premises;

All works must accord with the approved construction management plan to the satisfaction of the responsible authority.

7. A19 Plant/equipment or features on roof
8. A20 Boundary walls
9. CP1 Car park construction
10. A8 Parking and traffic management plan
11. E1 Drainage Plans
12. E2 Stormwater Discharge
13. E3 Kerb & Channel
14. E4 Stormwater Plans
15. 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.

1.3. 386 – 388 HAMPTON ROAD, HAMPTON (Continued)

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

16. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
17. PT1 Time for starting and completion

Permit Notes

- N2 Building approval
- N8 Sewerage
- N10 Asset Protection

CARRIED

1.4. 363 BEACH ROAD, BLACK ROCK

It is recorded that Mr John Fitzgerald and Mr William Chow spoke in relation to this item. Mr Frank Garrubba did not pursue his right to speak.

Moved: Cr Norris

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2010/001/1 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 363 Beach Road, Black Rock for construction of a two (2) double storey side by side dwellings, alteration to road access in a Road Zone Category 1 and removal of native trees in a Vegetation Protection Overlay – Schedule 3, with the application dated 4 January 2010, subject to the following conditions, including the conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006: -

1. Before the use and/or 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 first floor eastern setback to be increased to three (3) metres for the living, study and powder room of Dwelling 2 so as to reduce the perception of visual bulk to the adjoining properties.
 - b) The first floor western setback increased to three (3) metres for the living area, meals area, study and balcony of Dwelling 1 so as to reduce the perception of visual bulk to adjoining properties.
 - c) An increase to the balcony balustrade to Dwelling 2 along the northern elevation to a height of 1.7 metres in accordance with Standard B22 of clause 55 to the Bayside Planning Scheme.
 - d) A decrease to the length of the central dividing wall from the northern boundary by 2.85 metres at ground floor and 3.5 metres at first floor.
 - e) Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 19 of this permit.
 - f) The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 10 of this permit.
 - g) Compliance with Vic Roads requirements in accordance within Condition 2 of this permit.
 - h) The ground floor entry for Dwelling 1 should be setback 1 metre from the western boundary.
 - i) Screening to Dwelling 1 with obscure glazing to a minimum of 1.7 metres above the finished floor level to the second storey rear balcony (to the north and western side).
 - j) Retention of the existing front brick fence and footings (as appropriate) with a notation on the plans that no further works are to occur within the critical root zone of the banksia tree.

1.4. 363 BEACH ROAD, BLACK ROCK (Continued)

2. Vic Roads
 - a) The proposed vehicle crossover on Beach Road shall be constructed at least 6 metres wide as measured at the property boundary, to the satisfaction of the Responsible Authority.
 - b) The edges of the vehicular crossover shall be angled at 60 degrees to the road reserve boundary, to improve entry and exit conditions.
 - c) Car parking spaces must be designed to allow vehicles to drive forward direction when entering and exiting to the property, to the satisfaction of the responsible authority.
 - d) To ensure traffic movements associated with the development area in a forward manner, that paved common property area in front of the dwellings must be kept free of any obstacles, at all times.
 - e) The development must pay the full costs of all road works, drainage, service relocation and any other associated costs.
 - f) Any redundant existing vehicular crossover on Beach Road shall be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
3. P4 Layout not altered
4. Before the development 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.
5. A18 Concealment of pipes
6. A19 Plant / Equipment or features on roof
7. A20 Boundary walls
8. CP1 Carpark construction
9. CP7 Vehicular crossing
10. Before the occupation 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:
 - i. At minimum of five (5) native or indigenous trees to be located on site to replace the five (5) existing trees proposed for removal to the satisfaction of the responsible authority.
 - ii. A survey (including botanical names) of all existing vegetation in excess of two metres in height to be retained and or removed.
 - iii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iv. Details of surface finishes of pathways and driveways. Details should show porosity of surface finish and any footings or sub surfaces.

1.4. 363 BEACH ROAD, BLACK ROCK (Continued)

- v. A planting schedule of all proposed trees including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - vi. All species selected must not be environmental or noxious weeds.
 - vii. The landscape plan must also indicate that an in ground irrigation system is to be provided to all landscaped areas.
11. L2 Completion of landscaping.
 12. T9 Retention of existing street trees
 13. T10 Retention of existing trees.
 14. 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.
 15. 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.
 16. 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.
 17. E4 Stormwater plans
 18. E5 Graded and drained discharge.
 19. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be appropriate by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show: -
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatments, including cross sections.

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

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
 20. PT1 Time for starting and completion.

1.4. 363 BEACH ROAD, BLACK ROCK (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

N8 Sewerage

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

1.5. 2/79 FOURTH STREET, BEAUMARIS

Moved: Cr Norris

Seconded: Cr Russell

That Council having caused notice of Application to Amend a Permit No. 2006/0446/2 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 Amend a Permit 2006/0446/1 under the provisions of the Bayside Planning Scheme in respect of the land known and described as 2/79 Fourth Street, Beaumaris for Alterations and additions to an existing dwelling on a lot less than 500 square metres to Alterations and additions (including a second storey) to an existing dwelling on a lot less than 500 square metres in accordance with the application dated 18 November 2009, subject to conditions placed on the original permit and the following additional conditions (in bold) and table being added to the permit:

Addition of Condition 3, which reads as follows:

Any part of a window located within 1.7 metres of the finished floor level must not openable by more than 100mm, to the first floor.

Addition of Condition 4, which reads as follows:

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.

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 Planing 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.

Addition of Condition 5, which reads as follows:

The bathroom window located on the south elevation must be deleted.

Date	Amendment
30 March 2010	Section 72 to Amend a Permit: <ul style="list-style-type: none"> • change to preamble to allow a second storey. • addition of conditions 3,4 and 5.

CARRIED

1.6 50 EBDEN AVENUE, BLACK ROCK

Moved Cr Norris

Seconded Cr Russell

That Council having caused notice of Planning Application No. 2009/630/1 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 50 Ebden Avenue, Black Rock for the construction of a roof deck in a Design and Development Overlay Schedule 1, with the application date 27 November 2009, subject to the following 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 application dated 27 November 2009 but modified to show:
 - a) the roof deck materials and finishes of the privacy screen to be redesigned so as to increase the obscure glass component and minimise the rendered component. The privacy screen must be a minimum height of 1.7 metres above the finished floor level of the roof deck.
2. G1 Layout not altered
3. G5 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 4638.

N2 Building approval

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

CARRIED

1.7 35 CLOYNE STREET, HIGHETT

Moved: Cr Long

Seconded: Cr Norris

That Council having caused notice of Planning Application No. 2009/0488/1 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 35 Cloyne Street, Highett for the construction of two (2) dwellings on a lot in accordance with the application dated 21 September 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) All first floor north-facing windows of Dwelling 1 to be screened in accordance with the requirements of Standard B22 of the Bayside Planning Scheme to prevent unreasonable overlooking.
 - b) The first floor west-facing window of Bedroom 3 of Dwelling 1 to be screened in accordance with the requirements of Standard B22 of the Bayside Planning Scheme to prevent overlooking.
 - c) The driveway for Dwelling 1 must be 3.3m wide at its intersection with the footpath, with a 1.2 metres offset from the northern property boundary. The existing vehicle crossover must be reconstructed to be 3.3m wide and centred on the driveway. All dimensions must be shown on the ground floor plan.
 - d) The dimension of the garage door openings (2.8m minimum) must be shown on the ground floor plan.
 - e) The driveway for Dwelling 2 must be 3.0 metres wide at its intersection with the footpath, with a 1.75 m offset from the southern property boundary. The proposed vehicle crossing must be 3.3m wide and centred on the driveway, with the provision of a 1.6m wide separator. All dimensions must be shown on the ground floor plan.
 - f) A tree protection zone for the existing street tree, 2 metres to the north and 2 metres to the south in accordance with Conditions 11, 12 and 13.
 - g) Errors on the plans to be corrected including street numbering, the location of habitable room windows on adjoining properties, the location of the spa at 33 Cloyne Street, the correct annotations regarding building materials of surrounding properties.
 - h) The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 8 of this permit.
 - i) Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 19 of this permit.

1.7 35 CLOYNE STREET, HIGETT (Continued)

- j) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally must be identified on the plans.
- 2. P4 Layout not altered
- 3. Before the use and/or occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority
- 4. A20 Boundary walls
- 5. CP7 Vehicle crossings
- 6. CP8 Vehicle crossing removal
- 7. L1 Landscape plan required
- 8. L2 Completing of landscaping
- 9. L3 landscaping maintenance
- 10. T1 Tree protection during construction
- 11. T2 Regulation of activities in Tree Protection Zone
- 12. T10 Retention of existing trees
- 13. Prior to the commencement of any development works, Tree Protection Zones must be erected to the satisfaction of Council's Arborist.
- 14. As this is an established site; the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, if available; otherwise on site verification should be undertaken by the applicant.
- 15. Stormwater discharge is to be retained on site to the development level of peak stormwater discharge. The development is to have a 'Stormwater Detention System' installed, the design capacity to be Council approved.
- 16. 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.
- 17. 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.
- 18. The driveway/Parking areas/paved courtyards/paths and 'pervious' pavement must be graded/drained to prevent stormwater discharge neither onto footpath not into adjacent properties.

1.7 35 CLOYNE STREET, HIGHETT (Continued)

19. 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.

20. 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 4638.

- N1 Vehicle Crossing Permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees/protection during construction
- N8 Sewerage

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.

Building Over Easement

There are easements indicated on the submitted plans, but there are no proposals within this planning permit to build over or encroach into the easement. Any future proposals require formal application for Bayside City Council's consent as part of the Building Permit process.

CARRIED

1.8 24 – 30 ESPLANADE, BRIGHTON

It is recorded that Mr William Hemming, Mr Lance Chu and Mr Vaughan Connor spoke in relation to this item.

Moved: Cr Long

Seconded: Cr Hayes

That Council having caused notice of Application to Amend a Permit No. 2005/0110/3 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 Refusal to Grant an Amendment under the provisions of the Bayside Planning Scheme in respect of the land known and described as 24-30 Esplanade, Brighton for the development of nineteen (19) apartments, basement car parking, and access to a declared main road to thirty-two (32) apartments, basement car parking, and access to a declared main road in accordance with the application dated 23 December 2009 on the following grounds:-

1. The proposal will present unreasonable visual bulk to the 'backyardscapes' of the adjoining neighbours.
2. The proposed changes will result in a loss of amenity for adjoining dwellings.
3. The proposed side and rear setbacks do not comply with the requirements of the Schedule to the Mixed Use Zone
4. The proposed visitor car parking does not comply with the requirements of Clause 52.06 of the Bayside Planning Scheme.

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

DIVISION **FOR:** Crs Hayes, Norris, Long and del Porto (4)
AGAINST: Crs Russell (1)

CARRIED

The Chairperson declared the meeting closed at 8.15pm