



Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre
Boxshall Street, Brighton
on Wednesday 3 August 2010
at 7pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Angela Meinke	-	Planning Manager
Theodora Jenkin	-	Planning Coordinator
Grant Michell	-	Planning Officer
Janice Pouw	-	Governance Officer

APOLOGIES:

There were no apologies submitted to the meeting.

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DECLARATIONS OF INTEREST:

Cr Russell declared an Indirect Conflict of Interest in Item 1.3 as the application is in close proximity to Cr Russell's home at 184 Bluff Road, Sandringham.

**Confirmation of the Minutes of the Planning Committee Meeting
13 July 2010****Moved: Cr Hayes****Seconded: Cr Frederico**

That the Minutes of the Planning Committee Meeting held on 13 July 2010 be confirmed.

CARRIED**REQUESTS TO BE HEARD:**

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

Requests to be heard were received from the following people:

Item 1.3 – 216 Bluff Road, Sandringham

Mr Travis Finlayson

Item 1.4 – 657 Nepean Highway, Brighton East

Mr Leon Komm

Item 1.6 - 9 Rose Street, Brighton

Ms Jillian Sands

Mr William Gemmell

Mr Michael Meyer

Item 1.7 - 11 Railway Crescent, Hampton

Mr John Anderson

Item 1.8 - 554 – 562 Hampton Street, Hampton

Miss Cassie Sellman

Mrs Sue Christopherson

Mrs Kirstin Heiland

Ms Rosanne Green

Mr Claude Roda

Item 1.9 - 20 Prospect Grove, Black Rock

Mrs Sarah Rosaia

Mrs Wendy Hinde

Mrs Toni Meath

Mrs Dimitra Sakelaridis

Mr John Harrap

Mr Cameron Gently

OFFICERS' REPORTS:

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That the recommendations contained in Items 1.1 and 1.2 be adopted as a block motion.

CARRIED

1.1 47 SERVICE STREET, HAMPTON

That the amended plans for the changes to the basement, ground floor, and first floor plans be approved by Council under the Secondary Consent provisions of Planning Permit 2007/0843/1 issued for construction of two double storey attached units with basement car parking at 47 Service Street Hampton, and the following table be added to the permit

Date	Amendment
3 August 2010	<p>Secondary Consent to Amend Plans:</p> <p><u>Basement:</u></p> <ul style="list-style-type: none"> • Increase in length of basement floor area to incorporate 2 storeroom • Increase in width of basement to improve car parking movements <p><u>Ground floor:</u></p> <p>Unit 1 :</p> <ul style="list-style-type: none"> • Internal revision to stair to reflect revised basement layout • Revision of laundry window and deletion of stair window <p><u>North Elevation</u></p> <p>Unit 1 :</p> <ul style="list-style-type: none"> • Increase of painted timber cladding to 1st floor level below window sills • 1st floor windows revised from double hung to awning • Head height of first floor window increased from 2100mm to 2250mm AFL <p><u>South Elevation:</u></p> <p>Unit 1:</p> <ul style="list-style-type: none"> • Revised window sill height to bedroom at ground level. • Deletion of the handrail to the first floor balcony. Increase of height of the solid balustrade in response. • Increase of painted timber cladding to 1st floor level below window sills. • Deletion of the handrail to the ground floor courtyard, increase in the height of the solid balustrade in response. <p><u>East Elevation:</u></p> <p>Unit 1:</p> <ul style="list-style-type: none"> • Increase of painted timber cladding to 1st floor level below window sills.

1.1 47 SERVICE STREET, HAMPTON (Continued)

	<ul style="list-style-type: none"> • 1st floor windows revised from double hung to awnings. • Revision to laundry window and deletion of stairwell window. • Length of 1st floor windows increased • Additional window at ground level to basement storage area. • Head height of first floor window increased from 2100mm to 2250mm AFL (obscure glazing to be retained to 1.7m). <p><u>West Elevation:</u> Unit 2: Additional window at ground level to basement storage area.</p>
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Note: The above recommendation was **CARRIED** as part of the single motion.

1.2 15 BEACH ROAD, HAMPTON

That the Amended Plans for the alterations to the landscape plan, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2005/0875/1 issued for construction of a double storey building with basement and attic levels with seventy (70) apartments plus six (6) townhouses with roof terraces access to a main road in a Design and Development Schedule 1 and Special Building Overlay and demolition of a building in a Heritage Overlay in accordance with the endorsed plans and the following table be added to the permit.

Date	Amendment
3 August 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> • Alterations to the Landscape Plan • Additional entrance (from Beach Road) and deck modifications for Unit 16 • Minor modifications to the deck layout for Unit 23.

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

1.3. 216 BLUFF ROAD, SANDRINGHAM

Cr Russell declared an Indirect Conflict of Interest in Item 1.3 as the application is in close proximity to Cr Russell's home at 184 Bluff Road, Sandringham.

Mr Finlayson was not present in the Chamber.

Cr Russell vacated the Chamber at 7.03pm prior to the consideration of this matter.

Moved: Cr Norris

Seconded: Cr Federico

That Council having caused notice of Planning Application No. 2010/0168/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 216 Bluff Road, Sandringham for the use of a medical centre (chiropractor) with a reduction in car parking and business identification signage in accordance with the with the application dated 31 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 use and erection of signage commences, amended 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 generally in accordance with the plans submitted with the application but modified to show:
 - a) Deletion of the above verandah signs and replacement with one (1) small sign placed on the parapet (proportionate with the parapet size).
 - b) The verandah fascia sign must not protrude above the existing fascia and must have a height no greater than 500mm.
2. The use and signage as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Only one (1) medical practitioner (chiropractor) may operate on the premises at any one time except with the prior written consent of the Responsible Authority.
4. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
5. P4 Layout not altered.
6. The signs must not be illuminated by external or internal light except with the prior written consent of the Responsible Authority.
7. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
8. This permit in so far as it relates to signage, will expire within fifteen (15) years of the date of this permit.
9. PT1 Time for starting and completion

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

Permit Notes

N3 Health approval

CARRIED

It is recorded that Cr Russell was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was taken on this item.

Cr Russell entered the Chamber at 7.06pm.

1.4. 657 NEPEAN HIGHWAY, BRIGHTON EAST

Mr Komm was not present in the Chamber

Moved: Cr Hayes

Seconded: Cr Long

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2010/0191/1 for the land known and described as 657 Nepean highway, Brighton, on the following grounds:-

1. The proposal development does not accord with the purpose and objectives of the Design and Development Overlay Schedule 2, in particular preserving the area as low rise.
2. The proposal is an overdevelopment and will result in unreasonable traffic congestion and will adversely affect the amenity of the surrounding residential properties.
3. The proposed development will result in unreasonable visible bulk impacts to the streetscape and to the adjoining properties.
4. The proposed development lacks a sense of address for the rear apartments.

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

DIVISION: **FOR:** Crs Hayes, Norris and Long (3)

AGAINST: Crs Frederico, Russell, Cooper-Shaw and del Porto (4)

LOST

Moved: Cr Frederico

Secunder: Cr Russell

That Council having caused notice of Planning Application No. 2010/0191/1 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 657 Nepean Highway, Brighton East for the use and development of the site for a mixed use three (3) storey building comprising of shops and car parking at the ground storey and sixteen (16) apartments at the second and third storeys in a Design and Development Overlay Schedule 2, reduction of car spaces, waiver of loading/unloading bay requirements and alteration to access to a road in a Road Zone Category 1 in accordance with the application dated 9 April 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:-

1.4. 657 NEPEAN HIGHWAY, BRIGHTON EAST (Continued)

1. Before the use and 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 dated 9 April 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a) A 1.7 metres high privacy screen is required to the north-eastern balconies of Apartments 7, 8, 15 and 16 and south-eastern courtyards of Apartments 4 and 8 to comply with Standard B22 of the Bayside Planning Scheme.
 - b) A 2.1 metre high privacy screen is required to the south-eastern balconies of Apartments 4, 8, 12 and 16.
 - 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 (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - d) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.), which is proposed to be located externally shall be identified on the plans and located to the satisfaction of the Responsible Authority.
 - e) Water Sensitive Urban Design measures to comply with Condition 8 of this permit.
 - f) The widths of the vehicular accessway and vehicular crossover for the proposed development must be increase to a minimum of 5 metres to comply with the requirements of VicRoads at Condition 9.
 - g) The provision of two car stackers within the car parking area, with all car spaces clearly allocated to either a shop, residence or for visitor car parking.
 - h) An improved sense of address for the residential entries areas within the ground level car parking area, with these to be clearly defined and identifiable as providing access to the residential apartments above.
2. P4 Layout not altered
3. A18 Concealment of pipes
4. CP1 Car park construction
5. CP7 Vehicular crossings
6. Prior to the commencement of works a Construction Management Plan showing how building materials will be delivered and removed from the site and the location of car parking for construction and associated vehicles, must be provided to the satisfaction of the Responsible Authority.
7. E2 Drainage Plan
8. Before the development starts, detailed plans to the satisfaction of the Responsible Authority in accordance with the requirements of Clause 22.10 of the Bayside Planning Scheme:
 - a) Before the development starts, 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 show:

 - The type of water sensitive urban design stormwater management measures to be used;

1.4. 657 NEPEAN HIGHWAY, BRIGHTON EAST (Continued)

- The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

9. Condition required by VicRoads

- a) The two-way access and vehicular crossover to be increased to a minimum of 5 metres, measured at the property boundary.
10. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Bayside City Council's Engineering Services department for approval.
 11. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The plan must include details of private waste management and collection. The service must not use the rear laneway at any time.
 - All waste collection must be carried out on site by a Commercial Waste Collector in accordance with the Waste Management Plan.
 - Garbage receptacles are not to be stored in the road reserve at any time.
 12. 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

The use of commercial waste and recycling bins must be in compliance with the guidelines in Schedule 1 of Bayside City Council Local Law, No 2 Environment, Section 15 as amended from time to time.

The collection of commercial waste and recycling bins is subject to compliance with EPA Noise Control Guidelines, "Industrial Waste Collection, Section 6.

CARRIED

1.5. 2 WILLIS LANE, HAMPTON**Moved: Cr Frederico****Seconded: Cr Cooper-Shaw**

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Not Support the Application in respect of application number 2010/0174/1 for the land known and described as 2 Willis Lane, Hampton dated 1 April 2010, on the following grounds:

1. The proposal fails to achieve the objectives of Clause 12.05 – A great place to be, of the Bayside Planning Scheme, which seek to create a quality, attractive, safe, functional, and liveable environment for future dwelling occupant, adjoining properties, and users of the activity centre.
2. The proposal fails to achieve the objectives of Clause 19.03 of the Bayside Planning Scheme as it fails to create a high quality urban design response which does not enhance the liveability, safety and amenity of the activity centre.
3. The proposal does not respect the design elements outlined with the Design Guidelines for Higher Density Housing 2004, DSE.
4. The proposed six (6) storey building, which is located within sub-precinct 1B (preferred height of 4 storeys) is excessive in height, and has failed to create a transition between sub-precinct 1A (5 storeys) and 1C (3 storeys) of the Hampton Street Major Activity Centre as identified in Amendment C103 of the Bayside Planning Scheme.
5. Access using the single width laneway is inappropriate and will create unreasonable traffic conflicts.
6. The internal layout of the dwellings and recreational spaces are inadequately designed for the needs of future occupants.
7. The proposed development will exacerbate conflict between traffic and pedestrian movements within the immediate vicinity.

CARRIED

1.6 9 ROSE STREET, BRIGHTON

It is recorded that Ms Jillian Sands, Mr William Gemmell and Mr Michael Meyer spoke in relation to this matter.

Moved: Cr Hayes

Seconded: Cr Long

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2009/0461/1 for the land known and described as 9 Rose Street, Brighton on the following grounds:-

1. The proposed reduced setbacks will result in a loss of amenity for adjoining properties.
2. The proposed development will result in unreasonable visible bulk impacts to 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 B7 – Building Height
 - c) Standard B17 – side and rear setbacks
 - d) Standard B32 – front fence

LOST

Moved: Cr Frederico

Seconder: Cr Russell

That Council having caused notice of Planning Application No. 2009/0461/1 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 Rose Street, Brighton for the Construction of five (5) double storey dwellings with basement carparking and in a Design and Development Overlay 2 in accordance with the plans received 22 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 revised plans received by Council on 22 June 2010 but modified to show:
 - a) The ramp to the basement carpark must be 3.5m wide at its intersection with the footpath, with a 0.5m offset from the western property boundary. A new 3.5m vehicle crossing must be constructed that is centred on the ramp. The gate on the ramp must have a setback of 6m from the property frontage. All dimensions must be shown on the Ground Floor Plan.

1.6 9 ROSE STREET, BRIGHTON (Continued)

- b) A longitudinal section of the ramp must be provided at a scale of 1:100 that shows all relevant design level, grades, transition and main ramp lengths and headroom clearance. The top transition must be at least 2m long at a maximum grade of 9% (1 in 11.1).
 - c) All paving (except driveways) must be permeable. Details of the permeability of the paving must be supplied.
 - d) Site permeability must be increased to at least 20%.
 - e) A schedule of all external materials, finishes and colours to be provided for the buildings and works on the land. The schedule must show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving.
 - f) All plant and equipment (including air conditioning units, heating units, hot water systems, etc.), which are proposed to be located externally to be shown located on the Nepean Highway side (east) of the development.
 - g) Water sensitive urban design stormwater treatment measures submitted in accordance with Condition 7.
 - h) A landscape plan in accordance with Condition 3.
 - i) The overall building height must be reduced to 9m.
2. 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 prior written consent of the responsible authority.
 3. 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 plan must show:
 - a) All vegetation to be retained and/or removed
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) Details of surface finishes of pathways and driveways
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) Landscaping and planting within all open areas of the site
 - f) The provision of a tree with a height of at least 10m at maturity within the front setbackAll species selected must be to the satisfaction of the responsible authority.
 4. 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.
 5. The existing street tree must not be removed or damaged.

1.6 9 ROSE STREET, BRIGHTON (Continued)

6. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
7. In accordance with the requirements of Clause 22.10 of the Bayside Planning Scheme:
 - a) Before the development starts, 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 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 1999.

8. 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 1999, to the satisfaction of the Responsible Authority.
9. 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.
10. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Bayside City Council's Engineering Services department for approval.
11. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The plan must include details of private waste management and collection.
12. Trees on the adjoining properties (including car park area – Vic Roads) must be protected with appropriate tree protection zones (to the satisfaction of the Responsible Authority). In the event of any of the trees die as a result of the development, trees must be replaced (size, species and location to the satisfaction of the Responsible Authority).

1.6 9 ROSE STREET, BRIGHTON (Continued)

13. This permit will expire if one of the following circumstances applies:

- The development is not started within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

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

Permit Notes

- N1 Crossover permit
N2 Building Approval

CARRIED

1.7 11 RAILWAY CRESCENT, HAMPTON

*It is recorded that Mr John Anderson spoke in relation to this matter.
Cr Long vacated the Chamber at 7.48pm and re-entered at 7.52pm.*

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council having caused notice of Planning Application No. 2009/0689/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 11 Railway Crescent, Hampton for the construction of a three (3) storey apartment building with basement parking and a reduction in parking requirements in accordance with the application dated 24 December 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) Alterations as indicated within the revised plans dated 12 June 2010 Revision C.
 - b) All wall heights above ground level to be nominated on the plans
 - c) A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - d) Provision of one (1) car space per dwelling (14 in total) and provision of total of four (4) bicycle spaces.
 - e) The location and operation details of a signalling system so as to minimise traffic conflicts in the laneway.
 - f) Deletion of the turntable within the blind aisle area of the basement.
 - g) The turntable located near the basement ramp relocated so that its centroid is in line with the line separating car space 13 and 14. There is to be a minimum 3 metre radial clearance to any obstruction measured from its centroid.
 - h) The specification of the turntables proposed.
 - i) Water sensitive urban design stormwater treatment measures in accordance with Condition 14 and any other Environmentally Sustainable Design features.
 - j) Parking and traffic management plan in accordance with Condition 15.
 - k) The setbacks on the northern elevation (2nd and 3rd levels) to be increased to provide appropriate separation from the title boundary to the north to the satisfaction of the Responsible Authority.
2. P4 Layout not altered
3. A18 Concealment of pipes.
4. A19 Plant and equipment or features on roof.

1.7 11 RAILWAY CRESCENT, HAMPTON (Continued)

5. A20 Boundary Walls
6. 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.
7. 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.
8. Drainage associated with basement during construction (seepage and agricultural waters are to be filtered to rain water clarity) must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
9. 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.
10. Before the development begins, detailed plans (3 sets) indicating the method of stormwater discharge to the nominated '*Legal Point of Discharge*' (and Stormwater Detention Systems where applicable), must be lodged with Bayside City Council's Engineering Services department for approval.
11. 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.
12. Construction Management Plan
Prior to the commencement of any works, a construction management plan must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:
 - Control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.
13. Waste Management Plan
Before the use or occupation of the development starts, a waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - Provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
 - All waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless with the written consent of the Responsible Authority.

1.7 11 RAILWAY CRESCENT, HAMPTON (Continued)

14. Water Sensitive Urban Design

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

- The type of water sensitive urban design stormwater treatment measures to be used;
- The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- 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.

15. Parking and traffic management plan

Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:

- Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
- Provision of a truck wheel-wash so that vehicles leaving the site do not deposit mud or other materials on roadways.
- The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises.
- The prohibition of delivery/tradesmen's vehicles from obstructing Railway Crescent and the rear car park and associated laneway during the construction period.
- All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.

16. Before the commencement of any works, a site 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. The site management plan must address, but not be limited to, measures to ensure that:

- No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;

1.7 11 RAILWAY CRESCENT, HAMPTON (Continued)

- All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

The Site Management Plan must be consistent with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999

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 Asset Protection Administrator.

- N1 Vehicle Crossing Permit
N2 Building approval
N6 Vehicle crossing removal
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

1.8 554 – 562 HAMPTON STREET, HAMPTON

It is recorded that Miss Cassie Sellman, Mrs Sue Christopherson, Mrs Kirstin Heiland, Ms Rosanne Green and Mr Claude Roda spoke in relation to this matter.

Moved: Cr Cooper-Shaw

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2009/0568/1 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 554 – 562 Hampton Street, Hampton for the Use and Building and Works in a Business 1 Zone, carry out works for a use in Section 2 including construction of a new crossover and alteration of an access in a Road Zone Category 1, advertising signage, a variation in regard to a queuing lane and reduction in car parking requirements in accordance with the amended plans received 24 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 use and 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 and plans dated 24 March 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a) Acoustic protection measures as recommend in the acoustic report required in Condition 5.
 - b) Notation of location of signage clearly indicating when the site is 'full' to be shown on the site plan.
 - c) Crossovers and car spaces must be shown in accordance with Condition 4.
 - d) No more than 24 seats allocated to the ancillary cafe.
 - e) A schedule of external materials, finishes and colours (incorporating paint samples) be submitted and approved to the satisfaction of the responsible authority.
 - f) Removal of the customer parking bay in front of the proposed café decking be removed and replaced by landscaping.
 - g) Water sensitive urban design measures in accordance with Condition 15.
2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority, unless the changes are exempt under the Bayside Planning Scheme.
3. The existing exit door to the rear ROW may only be used as an emergency exit and must remain closed at all other times.
4. VicRoads Conditions
 - a) Each of the proposed crossovers on Hampton Street shall be constructed at least 4 metres wide, as measured at the property boundary, to the satisfaction of the Responsible Authority.
 - b) The southern edge of the exit crossover and the northern edge of the entry crossover shall be angled at 60 degree to the road reserve boundary, to improve exit and entry conditions.

1.8 554 – 562 HAMPTON STREET, HAMPTON (Continued)

- c) Car parking spaces must be designed to allow vehicle to drive in a forward direction when both entering and exiting the property, to the satisfaction of the Responsible Authority.
 - d) The developer must pay the full cost of all road works, drainage, service relocation and any other associated costs.
 - e) Any redundant existing vehicular crossover on Hampton Street shall be removed and the footpath and kerbing reinstated to the satisfaction of the Responsible Authority.
 - f) Prior to the commencement of works within the Hampton Street reserve the applicant must have applied for and received written consent for those works in accordance with Section 63 of the Road Management Act 2004.
5. Provision of an acoustic report prepared by a suitably qualified Acoustic Engineer detailing treatment to ensure compliance with the relevant Environment Protection Authority policy to ensure that noise does not detrimentally affect the amenity of neighbouring properties.
6. The use hereby permitted may operate between the hours of 8am and 10pm.
7. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d) presence of vermin
8. Before the use starts, a traffic and parking management plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.
- When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan.
- Three copies of the plan must be submitted. The plan must be generally in accordance with the plan (specify any earlier submitted plan) but must include:
- a) the location of all areas on-and/or off-site to be used for staff and patron parking
 - b) specification of staff numbers adequate to enable efficient operation of traffic and car parking areas both on- and off-site
 - c) the means by which the direction of traffic and pedestrian flows to and from the car detailing area will be controlled both on- and off-site
 - d) measures to discourage patron car parking in the queuing lanes
 - e) measures to preclude staff parking in designated patron car parking areas
 - f) servicing of the drainage and maintenance of car parking areas.
9. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager').

1.8 554 – 562 HAMPTON STREET, HAMPTON (Continued)

10. The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police.
11. 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 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.
12. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the Responsible Authority.
13. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or road reserve.
14. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
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. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outline 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.

16. Before the commencement of any works, a site 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. The site management plan must address, but not be limited to, measures to ensure that:
 - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;

1.8 554 – 562 HAMPTON STREET, HAMPTON (Continued)

- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

The Site Management Plan must be consistent with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999.

- 17. Waste from a vehicle wash must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.'
- 18. Vehicles must not be washed other than in the washing bay.
- 19. Water must not be discharged from the site other than by means of an underground pipe drain discharged to an approved outlet in a street or to an underground pipe drain.
- 20. Staff must park on site in the allocated parking bays.
- 21. The area set aside for car parking, as shown on the endorsed plan, must be used for the parking of vehicles and for no other purpose.
- 22. Panel beating, spray painting, heavy mechanical repairs or similar operations must not be carried out on the land.
- 23. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 24. The sign lighting must be designed, baffled and located to the satisfaction of the responsible Authority to prevent and adverse effect on adjoining land.
- 25. The sign may only be illuminated during the hours of business.
- 26. The sign must be removed once the existing use of the site (car wash) is ceased.
- 27. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
- 28. The permit for signage expires 15 years from the date of issue.
- 29. This permit will expire if one of the following circumstances applies;
 - o The development and use is not started within two years of the date of the permit
 - o The development is not completed within four years of the date of this permit

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

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N3 Health

CARRIED

