



Minutes of the Planning Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 6 September 2011
at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Shiran Wickramasinghe		Director City Strategy
Stuart Caldwell		Statutory Planning Manager
Natalie O'Leary	-	Statutory Planning Coordinator
Terry Callant	-	Governance Manager
Janice Pouw	-	Governance Officer

APOLOGIES: There were no apologies submitted to the meeting.

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

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Confirmation of the Minutes of the Planning Committee Meeting 16 August 2011

Moved: Cr Frederico

Seconded: Cr del Porto

That the Minutes of the Planning Committee Meeting held on 16 August 2011 be confirmed.

CARRIED

REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 clause 68, individuals are granted up to 3 minutes to speak upon written application.

Requests to be heard were received from the following people:

Item 4.1 38 Tramway Parade, Beaumaris

Mr Daniel Bowden

Item 4.4 6 Martin Street, Brighton

Mr Stephen O'Connor

Mr John Bongiorno

Mr Michael Nelthorpe

Item 4.5 9 Scarborough Grove, Beaumaris

Ms Leigh Dodd

Mr Anthony Helos

Mr Andrew Ferris

Item 4.6 42 Bay Road, Sandringham

Mr Malcolm Baird

Mrs Lisa McCallum

Mr John Kaplonyi

Item 4.7 171 Church Street, Brighton

Mr Barry Grey

Mr Ian McRae

Dr Sophie Morris

Ms Charmaine Dunstan

Mr Jonathan Hallinan

Mr Rob Mills

Ms Kate Ardlie

Mr Peter Lovell

Mr Marco Negri

Item 4.8 29 Beach Road, Beaumaris

Mr Clarke Martin

Mr Geoffrey Goode

Mr Malcolm Taylor

Mr David Taylor

Mr Darren Comber

Mr Robbie McKenzie

Item 4.9 11 Olympic Avenue, Cheltenham

Mr Paul Orlandini

Ms Sophie Lodd

OFFICERS' REPORTS:

4.1 38 TRAMWAY PARADE, BEAUMARIS

It is recorded that Mr Daniel Bowden spoke in relation to this matter.

Moved: Cr Russell

Seconded: Cr Frederico

That the amended plans lodged on 6 July 2011 be approved under the Secondary Consent Provisions of Planning Permit No. 2008/0175/1 for the construction of two (2) double storey dwellings with basement car parking and roof decks in a DDO1 and removal of native trees in a VPO3 at 38 Tramway Parade, Beaumaris and the following table be added to the permit:

Date	Amendment
6 September 2011	Secondary consent to amend plans approve: 1. Relocation of air conditioning units of dwelling 1 from ground floor to the roof deck level.

CARRIED

4.2 5A & 5B CAMPBELL STREET, BRIGHTON

Moved: Cr del Porto

Seconded: Cr Hayes

That the amended plans for the changes to the endorsed plans be approved under the Secondary Consent provisions of Planning Permit No. 2001/6922/1 issued for the construction of two (2) double storey dwellings at 5a and 5b Campbell Street, Brighton and the following table be added to the permit:

Date	Amendment
6 September 2011	Secondary consent to amend plans: <ul style="list-style-type: none"> • To add columns and colorbond facia to the first floor balconies.

CARRIED

4.3. 2/51 WILLIAM STREET, BRIGHTON

Moved: Cr del Porto

Seconded: Cr Hayes

That the Amended Plans lodged on 15 August 2011 for the changes to the endorsed plans issued on 9 June 2004 for a shade sail cloth to replace a pergola be approved under the Secondary Consent of Planning Permit No. 2002/7632/1 issued for the development of provisions for the development of a second double storey dwelling at 2/51 William Street, Brighton and the following table be added to the permit:

Date	Amendment
6 September 2011	Secondary consent to amend plans: Amendment to the endorsed plans under Secondary Consent: <ul style="list-style-type: none"><li data-bbox="480 680 1177 712">• Replacement of pergola with shade sail cloth.

CARRIED

4.4 6 MARTIN STREET, BRIGHTON

It is recorded that Mr John Bongiorno and Mr Michael Nelthorpe spoke in relation to this matter.

It is further recorded that Mr Stephen O'Connor was not present in the Chamber.

It is further recorded Cr Norris entered the Chamber at 7.10pm.

Moved: Cr del Porto

Seconded: Cr Hayes

That Council having caused notice of Planning Application No. 2011/0283 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 6 Martin Street, Brighton for the construction of a roof deck in a Design and Development Overlay Schedule 1 in accordance with the application dated 13 May 2011, 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) Screening, to the east and west elevations of the roof deck to a height of 1.7 metres to minimise overlooking in accordance with the requirements of Clause 54, Standard A14 of the Bayside Planning Scheme.
 - b) The width of the corridor in the access structure be reduced to a maximum of 1.2 metres.
2. P4 Layout not altered
3. Before occupation of the roof deck all buildings and works specified in this permit must be completed to the satisfaction of the responsible authority. The responsible authority must be advised in writing when all construction and works are completed to enable the site to be inspected.
4. PT1 Time for starting and completion

Permit Notes

N2 Building approval

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

CARRIED

4.5 9 SCARBOROUGH GROVE, BEAUMARIS

It is recorded that Ms Leigh Dodd, Mr Anthony Helos and Mr Andrew Ferris spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2011/0148/1 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 9 Scarborough Grove, Beaumaris for the construction of a double storey dwelling on a lot less than 500sqm and in accordance with the amended plans dated 19 May 2011 subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the amended plans dated 19 May 2011 but modified to show to the satisfaction of the Responsible Authority:
 - a) Fencing along the Margate Street frontage to be a minimum 25% transparent.
 - b) The driveway must be at least 5.5m long and 3.5 metres wide.
 - c) Adequate sight lines must be provided where the proposed driveway intersects with the front property boundary.
 - d) All plant equipment, including air conditioning units, must be shown located away from habitable rooms of adjoining properties and suitably screened.
 - e) Provision of tree protection zones around the two street trees and the tree within the front setback of 7 Scarborough Grove in accordance with AS4970 - Protection of Trees on Development Sites.
 - f) Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 16 of this permit.
 - g) Landscape Plan in accordance with Condition 8 of this permit.
 - h) A schedule of materials and finishes as outlined within Condition 3 of this permit.
 - i) A 500mm trellis to be added to the top of the common boundary fence to No.7 Scarborough Grove adjacent to the carport and extending to the northern boundary.
 - j) Deletion of the decking to the west side of the dwelling and replacement with a permeable path.
2. P4 Layout not altered
3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the responsible authority must be submitted and approved by the responsible authority. When approved the schedule will be endorsed and will then form part of the permit.

4.5 9 SCARBOROUGH GROVE, BEAUMARIS (continued)

4. 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.
5. A18 Concealment of pipes
6. A19 Plant / Equipment or features on roof
7. CP7 Vehicular crossing
8. L1 Landscape plan required
9. L2 Completion of landscaping.
10. T9 Retention of existing street trees
11. T10 Retention of existing trees.
12. 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.
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.
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 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 in accordance with the guidelines outlined in Clause 22.08 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.
17. PT1 Time for starting and completion

4.5 9 SCARBOROUGH GROVE, BEAUMARIS (continued)

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N4 No signs
- N6 Vehicle crossing removal
- N7 Retention of Existing Street trees
- N8 Sewerage
- N10 Asset Protection

Construction of any fence/wall/letterbox structure 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 commencement of the connection to the kerb/channel.

Procedural Motion

Moved: Cr Long

That the Motion be PUT.

CARRIED

The Motion Moved by Cr Norris and Seconded by Cr Russell was PUT and **CARRIED**

4.6 42 BAY ROAD, SANDRINGHAM

It is recorded that Mr Malcolm Baird, Mrs Lisa McCallum and Mr John Kaplonyi spoke in relation to this matter.

Moved: Cr Russell

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2011/0746/1 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 Planning Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 42 Bay Road, Sandringham, for the Construction of a three (3) storey building comprising of a shop at ground floor and apartments on upper levels and a reduction in parking requirements and waiver of loading and unloading requirements in accordance with the application dated 9 December 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, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Details of all proposed external plant and equipment, including location of screens/ baffles to ensure that it is not visible outside the site.
 - b) Details of the proposed vehicle stacker, including the gross and net installation dimensions. A minimum 5.0m wide platform is to be provided, and the platform must not have any protrusions which effectively separate it into multiple sections.
 - c) The minimum ceiling height above the vehicle stacker to be a minimum of 4.2m and the minimum depth required for both pairs of parking bays must be a minimum of 11m.
 - d) The garage door to be a minimum of 5.4m wide with a minimum clear height of 2.4m. The garage door must be noted to be remote opening.
 - e) Notation that one parking space is allocated to each dwelling and one space is allocated to the 'shop'.
 - f) Notation that 3 x 2,000L water tanks, connected to the storm water system are provided and plumed to toilets within each dwelling.
 - g) The lift design and access arrangements must be accessible at all landings at all levels.
 - h) Notation on the plans that one 6m³, secure storage area is to be allocated to each dwelling.
 - i) Increase in the depth of the south facing balcony of proposed dwelling 2 to be a minimum of 1.6m.

4.6 42 BAY ROAD, SANDRINGHAM (continued)

- j) Details to be included on the floor plans of the screens to 1.7m above FFL on the west facing balconies of proposed dwellings 2 and 3. Details of the screening to 1.7m above FFL must also be included for screen adjacent to the west facing windows.
 - k) The roof deck for dwelling 1 to be setback a minimum of 2m from the lower level roof at its northern edge, and the roof deck for dwelling 3 to be setback a minimum of 2 metres from the lower level roof at its southern edge.
 - l) The lift overrun to not protrude more than 2.4m above the roof deck level.
 - m) A detailed schedule of materials and colours, including samples.
 - n) Notation that all external surfaces of the boundary walls which do not adjoin existing walls are to be painted.
 - o) The glass doors to the rear (south) of unit 3 must be setback by an additional 1m.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the use and 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. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before the use and/or occupation of the development, the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed
 - b) Properly formed to such levels that they can be used in accordance with the plans
 - c) Surfaced with an all-weather-seal coat
 - d) Drained
 - e) Line marked to indicate each car space and all access lanes
 - f) Clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the Responsible Authority.

4.6 42 BAY ROAD, SANDRINGHAM (continued)

8. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. 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.
10. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.
11. The mechanical Parklift must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.
12. Before the occupation of the development, a waste management plan must be submitted to and approved by the Responsible Authority. Three copies of the plan must be submitted. The plan must identify how waste collection from the building will occur, for both the shop use and also the dwelling uses. The plan must not rely on bins being left unattended in Sims Street for collection.
13. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 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.

4.6 42 BAY ROAD, SANDRINGHAM (continued)

14. 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;
 - 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.

15. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.
16. Stormwater discharge must be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
17. 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.
18. 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.
19. 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.
20. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

4.6 42 BAY ROAD, SANDRINGHAM (continued)

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N4 No signs
- N6 Vehicle crossing removal
- N8 Sewerage
- N10 Asset Protection

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

DIVISION: **FOR:** Crs Russell and Frederico (2)
 AGAINST: Crs Hayes, del Porto, Long, Norris and Cooper-Shaw (5)

LOST

Moved: Cr del Porto

Seconded: Cr Hayes

That Council having considered all the matters required under the Planning and Environment Act 1987 in respect of the land known as 42 Bay Road, Sandringham decides to Refuse to Grant a Permit for Planning Permit Application No. 2010/0746/1 for the construction of a three storey building comprising of a shop on ground floor and apartments on upper levels and a reduction in car parking requirements in a Design and Development Overlay Schedule 6 in accordance with the application dated 9 December 2010 on the following grounds:-

- 1 It is inappropriate to utilise the rear lane as access to the parking facilities as it is not of sufficient dimensions and does not provide adequate space to conveniently enter and exit the shared garage without multiple manoeuvres.
- 2 The height of the building at the south will produce an imposing and visually bulky and detrimental form when viewed from the rear yards of the adjoining residentially zoned properties on Sims Street.
- 3 The internal amenity of dwelling one is compromised to an unreasonable degree due to a combination of poor room dimensions, use of shared light to bedroom two and no direct access to outdoor open space.
- 4 The roof top terraces are insufficiently setback from the edges of the roof.
- 5 The proposal has not provided sufficient car parking for the needs of residents and customers of the shop.
- 6 The proposal has made inadequate provision for collection of waste.

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

DIVISION: **FOR:** Crs Hayes, Norris, del Porto, Long and Cooper-Shaw (5)
 AGAINST: Crs Frederico and Russell (2)

CARRIED

4.7 171 CHURCH STREET, BRIGHTON

It is recorded Mr Barry Grey, Mr Ian McRae, Mr Jonathan Hallinan, Mr Rob Mills Ms Kate Arlie, Mr Peter Lovell and Mr Marco Negri spoke in relation to this matter.

It is recorded that Dr Sophie Morris and Ms Charmaine Dunstan were not present in the Chamber.

It is recorded that Cr del Porto vacated the Chamber at 8.25pm and re-entered at 8.27pm.

It is recorded that Cr Norris vacated the Chamber at 8.31pm and re-entered at 8.35pm.

Moved: Cr del Porto

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2011/0317/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit for the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 171 Church Street, Brighton for the construction of a three (3) storey building containing thirty-eight (38) apartments with basement car park and front fence exceeding 1.2 metres in accordance with the application dated 30 May 2011 subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application dated 6 August 2010 but modified to show:
 - a) Changes in accordance with the revised plans received on 25 August 2011.
 - b) The type and height of the privacy screens to the side and rear windows and balconies to be in compliance with Clause 55, Standards B22 or B23 of the Bayside Planning Scheme
 - c) All secluded private open space courtyards at the ground level to be a minimum of 25 square metres in area with a minimum dimension of 3 metres and balconies at the second and third storeys to be a minimum of 8 square metres with a dimension of 1.6 metres in accordance with Clause 55, Standard B28 of the Bayside Planning Scheme.
 - d) Site permeability to be increased to a minimum of 20% and be generally in accordance with basement plan date stamped 31 August 2011.
 - e) A gate located over the vehicular ramp to be operated automatically via remote control.
 - f) Any redundant vehicular crossover to be reinstated to kerb and channel.
 - g) A 1 metre blind aisle is required adjacent to Car Space Nos. 6, 13, 20, 27, 34, 41, 48, 55 and 63.
 - h) All column locations must be clearly annotated on the basement plan and designed to meet the AS 2890-1-2004.
 - i) The headroom clearance throughout the basement car park to be a minimum of 2.2 metres.

4.7 171 CHURCH STREET, BRIGHTON (continued)

- j) The ramp gradient must be redesigned with 1 in 16 grade for the first 5 metres distance and be generally in accordance to AS2890.1.
 - k) A 2 by 2 metre sight distance splay to be provided where the access ramp intersects with the front property boundary. The height of any wall within the splay to be a maximum of 900mm.
 - l) A landscape plan to be in accordance with Condition 9 of this permit.
 - m) The location of the 36,000 litres rain water tank beneath the basement car park to incorporate the Water Sensitive Urban Design measures in accordance with the report from Ark Resources dated 21 June 2011.
 - n) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - o) The location of the electrical substation to be shown on the plans. The location to be easily accessible and will not result in detriment to the 'frontyardscape' of the development and not adjacent to the heritage dwelling at No. 167 Church Street.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.
5. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
6. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles as shown on the endorsed plans must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along driveways;
- To the satisfaction of the responsible authority.
- Car spaces, access lane and ramp must be kept available for these purposes at all times.
7. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

4.7 171 CHURCH STREET, BRIGHTON (continued)

8. 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 Church Street and using the rear laneway during the construction period.
 - All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.
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) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) 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
 - f) Landscaping and planting within all open areas of the site
 - g) An in-ground irrigation system to all landscaped areas.
- All species selected must be to the satisfaction of the Responsible Authority.
10. Before the occupation of the development 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.

4.7 171 CHURCH STREET, BRIGHTON (continued)

11. Before the development (including demolition) starts, a tree protection fence must be erected around the street tree fronting the site at 2 metres on either side from the base of the trunk and to define a 'Tree Protection Zone'. The fence must be constructed of (star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed.

The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.

12. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
13. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.
14. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed the design capacity to be to the satisfaction of the Responsible Authority.
15. Drainage associated with basement during construction (seepage and agricultural 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.
16. 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.
17. Ramp/paved courtyards /paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
18. Prior to the commencement of any works, a Waste Management Plan must be submitted to the Responsible Authority for approval. The Waste Management Plan must address, but is not limited to:
 - a) The development must provide its own waste collection service carried out by a commercial waste collector;
 - b) The waste collection service must be carried out on site within the development boundaries;
 - c) Waste collection receptacles must not be stored in the road reserve at any time;
 - d) The use of commercial waste and recycle bins is subject to compliance with the guidelines in Schedule 1 of Bayside City Council Local Law No.2 Environment, Section 15.

4.7 171 CHURCH STREET, BRIGHTON (continued)

- e) The collection of commercial waste and recycling bins is subject to compliance with EPA noise Control Guidelines, Industrial Waste Collection, Section 6.
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 22.08 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. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) years of the date of this permit.

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

Permit Notes

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

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

DIVISION: **FOR:** Crs Frederico, Norris, Russell, del Porto and Cooper-Shaw (5)
AGAINST: Crs Hayes and Long (2)

CARRIED

4.8 29 BEACH ROAD, BEAUMARIS

It is recorded Mr Clarke Martin, Mr Geoffrey Goode, Mr Malcolm Taylor, Mr David Taylor, Mr Darren Comber and Mr Robbie McKenzie spoke in relation to this matter.

It is recorded that Cr Long vacated the Chamber at 9.35pm and re-entered at 9.39pm.

Moved: Cr Norris

Seconded: Cr del Porto

That Council having considered all the matters required under the Planning and Environment Act 1987 in respect of the land known as 29 Beach Road, Beaumaris decides to Refuse to Grant a Permit for Planning Permit Application No. 2010/0723/1 for the construction of a two storey plus attic building containing six (6) dwellings in a DDO1 and removal of vegetation in a VPO3 in accordance with the application dated 29 November 2010, on the following grounds:-

- 1 The proposed development does not accord with the Neighbourhood Character objectives of Clause 22.06 of the Bayside Planning Scheme.
- 2 The proposed development does not accord with following standard of Clause 55 and the Schedule to the Residential 1 Zone of the Bayside Planning Scheme:
 - Standard B17 - Side and Rear setbacks
 - Standard B18 – Walls on Boundaries
 - Standard B29 – Solar Access to Private Open Space
3. The proposal does not provide sufficient setback to enable the protection and long term health of the Coastal Banksia tree.
4. The proposal does not accord with the objectives of Design and Development Overlay Schedule 1.

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

DIVISION: **FOR:** Crs Hayes, Frederico, Norris, Russell, del Porto, Long and Cooper-Shaw (7)

AGAINST: Nil

CARRIED

4.9 11 OLYMPIC AVENUE, CHELTENHAM

It is recorded that Mr Paul Orlandini and Ms Sophie Loddo spoke in relation to this matter.

Moved: Cr Long

Seconded: Cr del Porto

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Not Support the Substitute plans submitted on 29 July 2011 for consideration with regard to Council's Refusal to Grant a Permit for Planning Permit Application No. 2010/0493/1 for the land known and described as 11 Olympic Avenue, Cheltenham on the following grounds:-

1. The proposed development does not accord with the Neighbourhood Character objectives of Clause 22.07 of the Bayside Planning Scheme.
2. The proposed development does not accord with following standards of Clause 55 and the Schedule to the Residential 1 Zone of the Bayside Planning Scheme:
 - a) Standard B1 - Neighbourhood Character
3. The proposed development will result in unreasonable visible bulk when viewed from the streetscape and the backyard of the adjoining properties.

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

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

CARRIED

The Chairperson declared the meeting closed at 10.01pm.