



Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre
Boxshall Street, Brighton
on Tuesday 7 December 2010
at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

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

APOLOGIES: There were no apologies submitted to the meeting.

DECLARATIONS OF INTEREST:

- Cr Russell declared an Indirect Conflict of Interest by close association in Item 1.7 – 6 Royal Avenue, Sandringham as he has known the applicant for a long period of time.

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Confirmation of the Minutes of the Planning Committee Meeting 16 November 2010

Moved: Cr del Porto

Seconded: Cr Hayes

That the Minutes of the Planning Committee Meeting held on 16 November 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 17 Bodley Street, Beaumaris

Mr Tim Radisich

Item 1.2 28 Pine Street, Brighton East

Mrs Mary Flanagan Mrs Kristina Noble
Mr Donal Flanagan

Item 1.5 4 Reserve Road, Beaumaris

Mr Chris Sutton Mr Bruce Keen
Mr Ken Moull

Item 1.6 103 Park Road, Cheltenham

Mr Norm Crainie Mr John Robertson
Mr Steve Drougas

Item 1.7 6 Royal Avenue, Sandringham

Mr Andrew Arblaster Ms Margaret Arblaster
Mr David Cochran Mr James McGann

Item 1.8 24 Victoria Street, Brighton

Mrs Debra Brosnahan on behalf of Mr Anthony Brosnahan
Mr Rob Mills Mr Bruce Keen
Mr Chris Jensen

Item 1.10 432-436 Bluff Road, Hampton

Miss Vicki Xigalatas Mr Dimitrios Xigalatas
Mr Bruce Rogers Mr Bruce Keen
Mr Ken Moull Ms Kathryn Wallis

Item 1.11 3 John Street, Beaumaris

Mr Lou Uberti Mr Anthony Kelly
Mr Michael Roberts Mrs Jan Roberts
Mr Jim Kolivas Mr George Mandalos

OFFICERS' REPORTS:

1.1 17 BODLEY STREET, BEAUMARIS

It is recorded that Mr Tim Radisich spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Hayes

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2010/0212/1 for the land known and described as 17 Bodley Street, Beaumaris 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 B17 – side and rear setbacks
4. The proposal is not site responsive and will result in detriment to the 'backyardscape' of the adjoining neighbours.
5. The proposed development is not in accordance with the existing and preferred character of the area as outlined in Clause 22.07 of the Bayside Planning Scheme.
6. The proposed design has inadequate space to support appropriate native tree planting and has failed to respond to the objectives of the Vegetation Protection Overlay.

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

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

LOST

Moved: Cr Russell

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2010/0212/1 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 Bodley Street, Beaumaris for the Construction of two (2) double storey dwellings and removal of vegetation in a Vegetation Protection Overlay Schedule 3 in accordance with the application dated 19 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. 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 paving (except driveways) to be permeable including details of the permeability.
 - b) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - c) The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 6 of this permit. Replacement planting must comprise of at least 60% native or indigenous planting. The landscape plan must show a minimum of one (1) canopy tree within the front and rear setback of each dwelling.
 - d) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - e) Details of all screening to the first floor North, East and West windows to ensure compliance with Clause 55.04-6 Standard B22 Overlooking of the Bayside Planning Scheme.
 - f) Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 12 of this permit.
 - g) The crossover for Unit 2 must be 3.3 metres wide and offset from the western property boundary by 0.5 metres.
 - h) The storage area within the garage of Unit 2 must be raised above the finished floor level to allow the front of a car to fit beneath.
2. P4 Layout not altered
3. A18 Concealment of pipes.
4. A19 Plant and equipment or features on roof.
5. A20 Boundary Walls

1.1 17 BODLEY STREET, BEAUMARIS (Continued)

6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) details of surface finishes of pathways and driveways
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of either native or indigenous species.
 - e) landscaping and planting within all open areas of the site
7. L2 Completion of landscaping
8. L3 Landscaping maintenance.
9. Tree protection fencing must be established around the street trees prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
10. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed - the design capacity to be Council approved.
11. 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. Prior to the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
 - The type of water sensitive urban design stormwater treatment measures to be used;
 - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

1.1 17 BODLEY STREET, BEAUMARIS (Continued)

- These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved, to be a minimum of 100%, and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

13. 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.
14. PT1 Time for starting and completion

Permit Notes

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

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

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

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

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

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

LOST

1.1 17 BODLEY STREET, BEAUMARIS (Continued)**Moved: Cr Hayes****Seconded: Cr Norris**

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. 2010/0212/1 for the land known and described as 17 Bodley Street, Beaumaris 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 B17 – side and rear setbacks
4. The proposal is not site responsive and will result in detriment to the 'backyardscape' of the adjoining neighbours.
5. The proposed development is not in accordance with the existing and preferred character of the area as outlined in Clause 22.07 of the Bayside Planning Scheme.
6. The proposed design has inadequate space to support appropriate native tree planting and has failed to respond to the objectives of the Vegetation Protection Overlay, Schedule 3.

CARRIED

1.2 28 PINE STREET, BRIGHTON EAST

It is recorded that Mrs Mary Flanagan on behalf of Mr Robert Cross, Mr Donal Flanagan and Mrs Kristina Noble spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2010/0135/1 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 28 Pine Street, Brighton East for the Construction of three (3) double storey dwellings in a Design and Development Overlay 2 and Special Building Overlay in accordance with the amended plans received on 3 November 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 on 3 November 2010 but modified to show:
 - a) Each unit must have access to 6 cubic metres of externally accessible, secure storage space.
 - b) The dimension of the garage door openings for all dwellings (4.8m minimum) must be shown on the ground floor plan.
 - c) Bollard-type lighting to be provided along the length of the accessway at 6-8m intervals.
 - d) The eastern vehicle crossover to be 3.3m wide with a 0.9m offset from the eastern property boundary.
 - e) The western vehicle crossover to be 3.3m wide with an 8m offset from the edge of the eastern crossover.
 - f) Increase the southern setback of Unit 3 to 4.5m.
 - g) Melbourne Water conditions as outlined in Condition 3 of this permit.
 - h) Tree protection measures must be shown in accordance with Condition 5 of this permit.
 - i) A landscape plan in accordance with Condition 6 of this permit.
 - j) Water sensitive urban design measures in accordance with Condition 10 of this permit.
 - k) Landscaping to be provided along the length of driveway along the eastern edge with a widened bed opposite the double garages and to the rear of the driveway adjacent to the secluded private open space of Unit 3. In addition landscaping to continue along the western boundary of the driveway adjacent to the secluded private open space of Unit 2.
 - l) All retaining walls to be clearly identified.

1.2 28 PINE STREET, BRIGHTON EAST (Continued)

2. P4 - Layout not altered
3. Melbourne Water Conditions:
 - a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
 - b) The dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level.
 - c) The garages must be constructed with finished floor levels a minimum of 150mm above the applicable flood level.
 - d) Prior to the Issue of a Certificate of Occupancy for the dwellings, a certified survey plan, showing finished floor levels (as constructed) reduced to Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
 - e) Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
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. Before the development (including demolition) starts, the applicant must submit a Tree Protection Management Plan by a qualified arborist detailing tree protection measures in accordance with Australian Standard 4970: Protection of Trees on Development Sites and addressing the following:
 - a) Design details for works inside the Tree Protection Zone (TPZ) of Trees 1 and 2 (tree numbering as set out in the Arborist report prepared by ArbEcology, Dave Williams, 28 Pine Street, Brighton East, 29 October 2010). This must include footings to Unit 3, landscaping proposals, the location of any installation of underground services or similar. This must also include the extent of any required excavations for any works required inside the TPZs.
 - b) The design details must show a footing system that will minimise the impact of construction on the trees and be designed to accommodate the continued existence of the trees.
 - c) Tree protection conditions should be established on all ground floor and sub-ground building plans.
 - d) Different protection conditions required for the three stages of development – demolition, construction and landscaping.
 - e) details of surface finishes of pathways and driveways.

1.2 28 PINE STREET, BRIGHTON EAST (Continued)

6. 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) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of either native or indigenous species.
 - d) landscaping and planting within all open areas of the site.
7. 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.
8. 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.
9. 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.
10. 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.

1.2 28 PINE STREET, BRIGHTON EAST (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.

11. 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
N10 Asset Protection

Melbourne Water Notes:

The designated flood level for the property is 16.11m to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's conditions shown above, please contact Land Development on telephone 9235 2517 quoting Melbourne Water's Reference 178029.

CARRIED

1.3. 121 CENTRE ROAD, BRIGHTON EAST

Moved: Cr del Porto

Seconded: Cr Long

That the Amended Plans, be partially approved by Council under the Secondary Consent provisions of Planning Permit 2005/0338/1 issued for the construction of two (2) double storey attached dwellings and access to a declared main road at 121 Centre Road, Brighton East and that Council resolve to:

- A. Refuse to consent to the amendment to increase the length of the carport for Unit 2.
- B. Approve the proposed change listed below under secondary consent and that the permit be updated to record the list of changes considered under secondary consent (refer to table below) and that the relevant plans be endorsed.

Date	Amendment
7 December 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> • Inclusion of solid roofs to the rear pergolas for both dwellings.

CARRIED

Cr del Porto vacated the Chamber at 7.48pm and re-entered at 7.49pm.

1.4. 26 FERNHILL ROAD, SANDRINGHAM

Moved: Cr Norris

Seconded: Cr Russell

That Council having considered the Application to Amend the Permit under Section 87A of the Planning and Environment Act 1987 advises the Victorian Civil and Administrative Tribunal in respect to the proposed changes to Planning Permit 2007/0785/1 issued for construction of six townhouses with underground carparking as follows:

- 1. That Council supports the proposed rewording of the permit preamble to read 'Construction of a double storey apartment building with 12 apartments with basement car parking and the amendments to the plans to reflect the changes to the permit.
- 2. That Council supports the amendments to the plans

CARRIED

1.5. 4 RESERVE ROAD, BEAUMARIS

It is recorded that Mr Chris Sutton, Mr Bruce Keen and Mr Ken Moull spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr del Porto

That Council having caused notice of Planning Application No. 2010/0062/1 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 4 Reserve Road, Beaumaris for the Construction of three (3) double storey dwellings with basement parking and roof decks in a Design and Development Overlay Schedule 1 in accordance with the application dated 9 February 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans received 21 October 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a) All paving (except driveways) to be permeable including details of the permeability.
 - b) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - c) The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 6 of this permit. Replacement planting must comprise of at least 60% native or indigenous planting. The landscape plan must show a minimum of one (1) canopy tree within the front and rear setback of each dwelling.
 - d) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - e) Details of all screening to the first floor north, east and south windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
 - f) Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 11 of this permit.
 - g) Dimensions must be shown on the plans to ensure that the roof decks comply with the requirements of the Design and Development Overlay Schedule 1 of the Bayside Planning Scheme.
 - h) Screening to 1.7 metres above the finished floor level of the roof deck to the north side of the all Units and East side of Unit 3.
 - i) The basement and access ramp must comply with the requirements of Australian Standard AS 2890.1 to ensure that vehicles can enter and exit the car parks in a forwards direction.

1.5. 4 RESERVE ROAD, BEAUMARIS (Continued)

- j) The existing double crossing must be relocated with a provision of a 1 metre wide separator with No. 6's crossing and the width of the crossing must be 3.3 – 3.5 metres and centred to the ramp.
 - k) The front fence to be redesigned so as to increase the area of landscaping to be visible from the street
2. P4 Layout not altered
 3. A18 Concealment of pipes.
 4. A19 Plant and equipment or features on roof.
 5. A20 Boundary Walls
 6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - b) details of surface finishes of pathways and driveways
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of either native or indigenous species.
 - d) landscaping and planting within all open areas of the site
 7. L2 Completion of landscaping
 8. L3 Landscaping maintenance.
 9. Tree protection fencing must be established around the street trees prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
 10. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed - the design capacity to be Council approved.

1.5. 4 RESERVE ROAD, BEAUMARIS (Continued)

11. Prior to the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
- The type of water sensitive urban design stormwater treatment measures to be used;
 - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - Design details of the water sensitive urban design stormwater treatment measures, including cross sections;
 - These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved, to be a minimum of 100%, and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

12. 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.
13. PT1 Time for starting and completion

Permit Notes

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

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

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

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

1.6 103 PARK ROAD, CHELTENHAM

Cr del Porto vacated the Chamber at 8.29pm and re-entered at 8.31pm.

It is recorded that Mr Norm Crainie, Mr John Robertson and Mr Steve Drougas spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2010/285/1 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 103 Park Road, Cheltenham for alterations and additions to the existing dwelling and the construction of double storey dwelling to the rear of an existing double storey dwelling, with the application dated 28 May 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the substituted plans submitted to Council but modified to show to the satisfaction of the Responsible Authority:
 - a) All first floor windows to be screened to comply with the requirements of Clause 55.04-6 Standard B22 of the Bayside Planning Scheme.
 - b) The dimensions of the carport and garage must be clearly shown on the plans. The carport and garage must be at least 3.5 metres in width and 6 metres in length. The door opening to the garage to be at least 2.8 metres.
 - c) The proposed garage to Dwelling 2 to be converted to a carport with clear access to the sewerage pit or alternatively the garage relocated clear of the pit as required by the Responsible Authority.
 - d) The storage location of the garbage and recycling bins and at least 6 cubic metres of storage space for each dwelling.
 - e) The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 4 of this permit.
 - f) Tree protection as per Australian Standard 4970 in accordance with condition 5 is to be provided to the street tree and trees on adjoining properties including the morton bay fig located on the property to the west at No. 99 Park Road, prior to any works on site commencing and maintained until all works are complete.
 - g) All alterations and additions to be located within the subject properties boundaries.
 - h) Water sensitive urban design stormwater treatment measures in accordance with Condition 7 of this permit.
2. P4 Layout not altered
3. A20 Boundary walls
4. CP7 Vehicular crossings

1.6 103 PARK ROAD, CHELTENHAM (Continued)

5. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

The plan must show:

- a) Existing trees to be retained where possible, including the tree(s) in the north-eastern corner of the site
- b) A survey of all existing vegetation to be retained and/or removed
- c) Buildings and trees on neighbouring properties within three metres of the boundary.
- d) Details of surface finishes of pathways and driveways
- 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) Bollard type or similar lighting to be provided along the proposed driveway.

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

6. T9 Retention of existing street trees
7. T10 Retention of existing trees
8. E2 Stormwater Discharge
9. E3 Kerb & Channel
10. E5 Graded & Drained Discharge
11. 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;

1.6 103 PARK ROAD, CHELTENHAM (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

12. Before the commencement of works the applicant must relocate the existing power pole and/or the stay wire to the satisfaction of the relevant power company at the applicants cost.
13. All works must be completed before the occupation of Dwelling 2.
14. PT1 Time for starting and completion.

Permit Notes

Prior written approval from the Responsible Authority must be obtained to construct over the sewerage pit, or relocate the garage for Dwelling 2 as required.

- N1 Crossover Permit
- N2 Building approval
- N7 Retention of existing street trees
- N10 Asset Protection

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.

LOST

1.6 103 PARK ROAD, CHELTENHAM (Continued)**Moved: Cr Long****Seconded: Cr del Porto**

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2010/0285/1 for the land known and described as 103 Park Road, Cheltenham on the following grounds:-

1. The proposal does not accord with the neighbourhood character objectives of Clause 22.07 – Neighbourhood Character of the Bayside Planning Scheme.
2. The proposal will result in detriment to the streetscape due to visual bulk and will impact upon the ‘backyardscapes’ of the adjoining properties including the impact of the loss of vegetation on the subject site and 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 character of the area:
 - a) Standard B17 - Side and Rear Boundaries
 - b) Standard B22 - Overlooking
 - c) Standard B30 - Storage

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

It is recorded that Cr Russell declared an Indirect Conflict of Interest by close association in Item 1.7 – 6 Royal Avenue, Sandringham as he has known the applicant for a long period of time.

Cr Russell vacated the Chamber at 9.05pm prior to consideration of this matter.

1.7 6 ROYAL AVENUE, SANDRINGHAM

It is recorded that Mr Andrew Arblaster, Mr David Cochran and Mr James McGann spoke in relation to this matter.

It is further recorded that Ms Margaret Arblaster did not pursue her right to speak on this matter.

Moved: Cr Norris

Seconded: Cr Frederico

That Council having caused notice of an Application to Amendment a Planning Permit No. 2004/0451/3 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 Notice of Decision to Amend a Planning Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 6 Royal Avenue, Sandringham for the Construction of a double storey dwelling on a lot less than 500 square metres and in a Special Building Overlay in accordance with the amended plans dated 6 September 2010 subject to the original permit conditions and the following additional conditions (as shown in bold):

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority.
When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans lodged with the application but modified to show to the satisfaction of the Responsible Authority:

- a) Alterations to the proposal as indicated in the revised plans dated *15 November 2004*.
- b) The floor type to be constructed and finished floor levels to AHD.
- c) All wall heights above ground level to be nominated on the plans.
- d) All paving (except driveways) to be permeable. Details of the permeability of the paving must be supplied to the satisfaction of the Responsible Authority.
- e) A schedule of all external materials and finishes to be provided to the satisfaction of the Responsible Authority prior to the commencement of any 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).
- f) The proposed landscape treatment for the site including the existing and proposed species.
- g) 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. Such equipment should be located away from bedrooms of adjoining properties.

1.7 6 ROYAL AVENUE, SANDRINGHAM (Continued)

- h) All openable and fixed glazed sections to be indicated on all elevations, to the satisfaction of the Responsible Authority.
 - i) No part of dwelling to exceed nine (9) metres in height when measured from the natural ground level to the highest point of the dwelling.
 - j) The windows located to the roof deck access structure must be deleted.
 - k) Details of the privacy screen to terrace and balcony as indicated on revised drawings dated 15 November 2004, to ensure that there is no overlooking to neighbouring properties to the satisfaction of the Responsible Authority.
 - l) The roof deck must comply with the requirements of the Design and Development Overlay Schedule 1.
 - m) First floor terrace to be screened in accordance with Standard A15 of Clause 54 of the Bayside Planning Scheme to the south elevation.
 - n) Deletion of first floor terrace adjacent to bedroom 1, 3, and 4 on the first floor plan.
 - o) A 1.8 metre high acoustic screen must be installed in front of the plant and equipment mounted on the first floor north elevation. The screen must extend past and wrap around the plant and equipment effectively enclosing all units from view. The screen must be appropriately acoustically treated to minimise and baffle plant and equipment noise.
- 2 A schedule of all external materials and finishes to be provided to the satisfaction of the Responsible Authority prior to the commencement of any 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).
- 3 The use and/or development as shown on the endorsed plans must not be altered or modified (whether or not in order to comply with any statute, statutory rule or for any other reason) without the prior written consent of the Responsible Authority.
- 4 Before the use and/or development starts, a site layout plan drawn to scale and dimensioned must be approved by a Building Practitioner registered under the *Building Act 1993* and submitted to the Responsible Authority.
- The plans must show:-
- a drainage scheme providing for the collection of storm water within the site and for the conveying of the storm water to Council's nominated point of discharge to the satisfaction of the Responsible Authority.
- 5 Deleted.
- 6 This permit will expire if one of the following circumstances applies:
- The development and use is/are not started within two (2) years of the date of this permit.
 - The development is not completed within two (2) years of the date of the commencement of the works.

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

1.7 6 ROYAL AVENUE, SANDRINGHAM (Continued)

- 7 Street numbers contrasting in colour to the background must be fixed at the front boundary of the property as near as practicable to, or on the letterboxes in order to clearly establish the identity of the property. Separate unit numbers shall be placed adjacent to the front entrance of each dwelling, such numbers to be clearly legible from the access driveway.
- 8 All service pipes, fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.
- 9 The alterations of soil levels involving an increased or decreased level at the boundaries must be retained by the provision of an adequate retaining wall, constructed of brick or masonry or other suitable alternative approved by the Responsible Authority, to buttress the soil against the possibility of shift. The construction of this retaining wall shall be the sole responsibility of the owner/developer.
- 10 All brickwork on or facing the boundaries of the site must be raked and cleaned or rendered to the satisfaction of the Responsible Authority.
- 11 All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally shall be identified on plans and located to the satisfaction of the Responsible Authority and on endorsed copy of such plan shall form part of this permit. Such equipment should, wherever possible, be located away from the bedrooms of adjoining properties.
- 12 Before the development hereby permitted starts, three (3) copies of a Landscape Plan must be submitted for approval by the Responsible Authority. The plan must show the proposed landscape treatment of the site and include supporting information to the satisfaction of the Responsible Authority. In particular, the plan should be to a scale of 1:100 or 1:200 and show:
 - a) Accurate location of boundaries, existing and proposed built elements, neighbouring buildings and/or vegetation that may affect or be affected by the proposed development and landscape.
 - b) Accurate location and identification (botanical name) of existing vegetation to be retained and/or removed.
 - c) Tree Protection Zones as required by the Responsible Authority.
 - d) Clear identification of the following elements:
 - i) Areas proposed to be lawn, pavement, garden beds, other landscape features;
 - ii) Proposed tree locations, shrub and ground cover groupings, climber locations;
 - iii) Coded identification for these groupings and the numbers proposed; and

1.7 6 ROYAL AVENUE, SANDRINGHAM (Continued)

- iv) A Plant Schedule, which consists of an itemised list of all proposed species. The schedule must include the following headings:
 - Plant code; (refers to codified botanical names used on plan, for example, Bm)
 - Botanical and Common name;
 - Height and Width at maturity;
 - Installation height (for trees only);
 - Container size (for all other plant groups); and
 - Total quantities for each species.
- e) Supporting notes on the plan that elaborate on specific requirements for the proposed landscaping (eg. site preparation, protection during construction of existing vegetation, use of a suitable mulching material and proposed depth etc.)
- f) A legend that explains any graphic symbols used on the plan.
- g) The location of a shed.
- h) The location of a children's cubby house.

When approved the plan will be endorsed and will then form part of the permit.

- 13 Before the use allowed by this permit starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
- 14 All basic services, including water, electricity, gas sewerage and telephone, shall be installed underground and located to the satisfaction of the Responsible Authority.
- 15 Before any construction or demolition works commence on the site, to the extent that the site perimeter is unfenced and/or is not fenced to the satisfaction of the Responsible Authority, a secure fence is to be erected around the perimeter of the site to prevent access to the site from unauthorised persons. This fence is to be maintained for the duration of the construction and demolition, be a minimum height of 1.8 metres or such alternative height as is approved by the Responsible Authority and to be constructed and sited to the satisfaction of the Responsible Authority. The gate or opening to the fence must be securely locked at all times when work has ceased on the site.
- 16 The landscaped areas shown on the endorsed plan and schedule shall only be used as landscaped areas and shall be maintained in a proper tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of a similar size and species.
- 17 The Responsible Authority shall be advised of the completion of the landscaping so that a site inspection can be carried out. A further inspection will be carried out by the Responsible Authority six (6) months after completion of the landscaping to ensure that species have been adequately maintained.

1.7 6 ROYAL AVENUE, SANDRINGHAM (Continued)

- 18 All disturbed surfaces on the land resulting from the development/building and works authorised or required by the permit shall be revegetated and stabilised to the satisfaction of the Responsible Authority so as to prevent any erosion or siltation either on or adjacent to the land.
- 19 The existing street tree/trees must not be removed or damaged.
- 20 The installation of utility services must be bored under the root systems of the trees to be retained.
 - Supplementary watering must be provided to all trees during dry periods, during and after the construction process. This must consist of a deep soaking at least twice a week during summer and daily in extreme heat conditions.
 - nothing whatsoever shall be attached to any tree including temporary services, wires, nails, screws or any other fixing device.
 - all root zones shall be bridged using timber planks, to assist in reducing soil compaction and consequent root damage.
 - A Qualified Arborist must attend the site during site cut and excavation to ensure that all affected tree roots are managed correctly and to ensure any damaged or exposed tree roots are pruned cleanly and the cut ends sprayed with a root hormone solution before covering with soil.
 - Any backfill material must be a mixture of quality topsoil and organic composted material and the trees must be monitored on a regular basis during and after construction, by the Consultant Arborist.

Open trenching must be avoided - bore under the root system as an alternative.

- 21 Prior to the issuing of a building permit for the development hereby permitted, a report must be submitted to the satisfaction of the Responsible Authority. This report must certify that the proposed development has been designed to achieve a five star energy rating, using the Sustainable Energy Authority of Victoria 'FirstRate' system or equivalent.
- 22 The tree removal hereby approved shall be in accordance with the endorsed plan. The endorsed plan shall not be altered or modified unless further consent is obtained from the Responsible Authority.
- 23 The tree removal/ pruning authorised by this permit must be completed to the satisfaction of the Responsible Authority.
- 24 Replacement planting shall take place within six (6) months of the date of this permit.
- 25 All existing vegetation shown on the endorsed plans must not be removed, destroyed, pruned or lopped without the written consent of the responsible authority, all tree pruning must be carried out by a qualified Arborist to AS 4373, Pruning of Amenity Trees."

1.7 6 ROYAL AVENUE, SANDRINGHAM (Continued)

26 Prior to the commencement of any development or demolition works a Tree Protection Zone Fence of cyclone wire or similar construction must be erected to a height of at least 1.8 metres at a minimum distance (metres) in radius from the centre of the following tree(s):

Tree Particulars	Tree Protection Zone (Metres)
Tree 1: <i>Corymbia ficifolia</i> (Nature strip)	1 metre North/south and 2.5 metres East/west
Tree 2: <i>Washingtonia robusta</i>	1.5 metres
Tree 3: <i>Washingtonia robusta</i>	1.5 metres
Tree 4: <i>Washingtonia robusta</i>	1.5 metres

- Barrier fences must stop access by persons, vehicles or machinery to the area it encloses and be maintained throughout the entire construction period and must have a sign attached stating 'Tree Protection Zone Fence'. (*Access may be permitted only with the consent of the Site Manager or the Consultant Arborist*)
- There is to be no excavation in the area enclosed by this fence and a layer of organic mulch (woodchips) to a depth of not less than 100mm, must be laid and receive at least 1 litre of water for every 10mm of trunk diameter on a weekly basis to assist moisture retention and reduce the impact of soil compaction.
- No materials, chemicals, paints etc, equipment, temporary building or otherwise, must not be dumped, stored or erected within this fence.

27 Crossings shall be constructed in a manner that will not damage the root systems of any mature street trees. A qualified Arborist must be engaged prior to the design and construction to plan and oversee construction methods, which will ensure no damage to the trees (above and below ground). No work shall be carried out without approval of the Responsible Authority.

28 Prior to the commencement of any development works, Tree Protection Zones must be erected around all trees to be retained that are on-site, adjacent to the subject site and street trees. Tree Protection Zones, of cyclone wire or similar construction, shall be erected to the satisfaction of Council's Arborist.

Melbourne Water Conditions

- 29 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains and watercourses.
- 30 Finished floor levels must be a minimum of 300mm above the applicable flood level.
- 31 All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level.
- 32 Any drainage system for a basement must be designed such that stormwater is unable to penetrate the basement. Details of the drainage system must be submitted to Melbourne Water and the Responsible Authority prior to works commencing.

1.7 6 ROYAL AVENUE, SANDRINGHAM (Continued)

Permit Notes

- Building approval must be obtained prior to the commencement of the above-approved works.
- The existing street tree/s must not be removed or damaged.
- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

If further information is required in relation to Melbourne Water’s permit conditions shown above, please contact Deborah Cownley on telephone 9235 2523, quoting Melbourne Water’s reference 100131.

The applicable flood level for the property is 22.7 metres to Australian Height Datum (AHD).

Date	Brief description of amendment
6 February 2007	Extension of time granted to allow development to be completed by 20 May 2010.
27 September 2007	Section 72 Amendment to the endorsed plans to show the following changes: <ul style="list-style-type: none"> • Reduction in window sizes • Amended colour and material schedule • Relocation of proposed pool • Deletion of basement and proposed balcony
15 June 2010	Extension of time granted to allow development to be completed by 20 February 2011.
7 December 2010	Section 72 Amendment to the endorsed plans to show the following changes: <ul style="list-style-type: none"> • Changes to the planting schedule on the landscape plan • Changes to the material schedule including letterbox and garage piers changed from stacked stone to render; Front door painted black to purple, render colour changed from natural grey/brown to purple, patio paving changed from paving to timber decking. • Installation of windows to the roof deck access structure (north elevation) • Installation of an acoustic wall on the first floor (north elevation) • Deletion of a swimming pool • Deletion of balcony to the south elevation adjacent to Bedroom 1, 2 and 3. • 1st floor windows on the west elevation now 300 mm above finished floor level.

1.7 6 ROYAL AVENUE, SANDRINGHAM (Continued)

	<ul style="list-style-type: none"> • Changes to the east elevation ground floor roofline as a result of the deletion of the balcony. • Patio pavers changed to decking • Ground floor façade (west elevation) changed to tiling adjacent to entry and study. • Deletion of a chimney • Installation of a children’s cubby house, shed and TV antenna. • Condition 1 (j) and 1(o) added to permit.
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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 9.34pm.

Cr Norris vacated the Chamber at 9.34pm and re-entered at 9.40pm.

Cr del Porto vacated the Chamber at 9.42pm and re-entered at 9.44pm.

1.8 24 VICTORIA STREET, BRIGHTON

It is recorded that Mrs Debra Brosnahan spoke on behalf of Mr Anthony Brosnahan, Mr Bruce Keen, Mr Rob Mills and Mr Chris Jensen spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Norris

That Council having caused notice of Planning Application No. 2010/0402/1 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 Grant 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 24 Victoria Street, Brighton for the construction of a dwelling with floor to floor above heights exceeding 3.5 metres and the construction of a roof deck in a Design and Development Overlay Schedule 1 in accordance with the application dated 14 July 2010 subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, 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 14 July 2010 but modified to show:
 - a) Permanent screening to roof deck to limit views into secluded private open space and habitable room windows of adjacent dwellings (east and west of the site).
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced 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.

Permit Notes:

- This permit does not constitute approval for siting matters pertaining to Part 4 of the Building Regulations 2006.
- Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- A permit must be obtained from Council for all new vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- The existing street tree must not be removed or damaged.

CARRIED

Cr Frederico vacated the Chamber at 10.46 and re-entered at 10.48pm.

1.10 432-436 BLUFF ROAD, HAMPTON

It is recorded that Miss Vicki Xigalatas, Mrs Kathryn Wallis, Mr Bruce Rogers, Mr Bruce Keen and Mr Ken Moull spoke in relation to this matter.

It is further recorded that Mr Dimitrios Xigalatas did not pursue his right to speak on this matter.

Moved: Cr Frederico

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2010/0391/1 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 432-436 Bluff Road, Hampton for the Construction of a three (3) storey apartment building (30 apartments) with basement car parking and access to a Road Zone Category 1 in a Design and Development Overlay Schedule 2 in accordance with the application dated 13 July 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans lodged with application but modified to show to the satisfaction of the Responsible Authority:
 - a) A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule must show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - b) Basement ramps in accordance with the requirements of Australian Standard AS/2890.1
 - c) A schedule of car parking spaces showing allocation of spaces for each dwelling and visitors.
 - d) Water sensitive urban design stormwater treatment measures in accordance with Condition 14 of this permit to achieve a minimum 100% STORM rating.
 - e) All alterations as required by VicRoads in Condition 16 of this permit.
 - f) The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 6 of this permit. The landscape plan must show a minimum of one (1) canopy tree within the front and rear setback of each dwelling.
 - g) All plant and equipment (including air conditioning units, heating units, hotwater systems, lift overrun, etc.) which is proposed to be located externally identified on the plans.
 - h) Details of screening to all habitable room windows and terraces to ensure compliance with Clause 55.04-6 Standard B22 Overlooking and Standard B23 Internal Overlooking of the Bayside Planning Scheme.

1.10 432-436 BLUFF ROAD, HAMPTON (Continued)

- i) All bedrooms, including Units 14 to 27 inclusive, must have access to natural light and ventilation through the installation of operable flush mounted skylights.
 - j) All units to comply with open space requirements of Clause 55 Standard B28 of the Bayside Planning Scheme.
2. P4 Layout not altered
 3. A18 Concealment of pipes.
 4. A19 Plant and equipment or features on roof.
 5. A20 Boundary Walls
 6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) Details of surface finishes of pathways and driveways
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of either native or indigenous species.
 - e) Landscaping and planting within all open areas of the site
 7. L2 Completion of landscaping
 8. L3 Landscaping maintenance.
 9. Tree protection fencing must be established around the street trees being retained prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
 10. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed, the design capacity to be Council approved.
 11. Construction Management Plan

Prior to the commencement of any works, a construction management plan must be submitted to and be 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.

1.10 432-436 BLUFF ROAD, HAMPTON (Continued)

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

All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.

12. 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.

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.

13. 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 a minimum 100% STORM rating and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

1.10 432-436 BLUFF 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.

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

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

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

LOST

Moved: Cr Long

Seconded: Cr del Porto

That Council having considered all the matters required under the Planning and Environment Act 1987 decides to Refuse to Grant a Permit in respect of Planning Permit Application No. 2010/0391/1 for the land known and described as 432-436 Bluff Road, Hampton on the following grounds:

1. The proposal is an overdevelopment of the site.
2. The proposal does not comply with the following standards of Clause 55 of the Bayside Planning Scheme which will result in detriment to the amenity of the neighbours and the character of the area:
 - a) Standard B27 – Daylight to new windows
 - b) Standard B7 – Building Height
 - c) Standard B8 – Site Coverage
 - d) Standard B13 – Landscaping
 - e) Standard B28 – Private Open Space
3. The proposed 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.
4. The proposal will result in detriment to the streetscape due to visual bulk and will impact upon the 'backyardscapes' of the adjoining properties.
5. The proposed development is not in accordance with the existing and preferred character of the area as outlined in Clause 22.07 – Neighbourhood Character of the Bayside Planning Scheme.

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

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

CARRIED

Moved: Cr Russell

Seconded: Cr Frederico

That the Planning Committee Meeting be extended for a 30 minute period to 11.30pm if required.

CARRIED

1.11 3 JOHN STREET, BEAUMARIS

It is recorded that Mr Lou Uberti, Mr Anthony Kelly, Mr Michael Roberts, Mrs Jan Roberts and Mr George Mandalos spoke in relation to this matter.

It is further recorded that Mr Jim Kolivas did not pursue his right to speak on this matter.

Moved: Cr Frederico

Seconded: Cr Norris

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. 2010/0172/1 for the land known and described as 3 John Street, Beaumaris on the following grounds:

1. The proposal will present as an overdevelopment of the site.
2. The proposal does not comply with the following standards of Clause 55 of the Bayside Planning Scheme which will result in detriment to the amenity of the neighbours and the character of the area:
 - a) Standard B8 – Site Coverage
 - b) Standard B13 – Landscaping
 - c) Standard B17 – Side and rear setbacks
3. The proposal will result in detriment to the streetscape due to visual bulk and will impact upon the ‘backyardscapes’ of the adjoining properties.
4. The proposed development is not in accordance with the existing and preferred character of the area as outlined in Clause 22.07 of the Bayside Planning Scheme.
5. The proposed development does not provide sufficient areas for the planting of canopy trees in accordance with the Vegetation Protection Overlay 3 objectives.
6. The proposed development will result in increased traffic conflicts and car parking difficulties within the street.

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

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

CARRIED

The Chairperson declared the meeting closed at 11.11pm.