Resolution approving Beaumaris foreshore bicycle road extension: Item 4.3 Page 8
Resolution approving application for Ricketts Point Tea House liquor licence: Item 4.6 Page 16



held in the Council Chamber Boxshall Street, Brighton on Tuesday 17 April 2012 at 7.00pm

PRESENT:

Cr Louise Cooper-Shaw - Mayor

Cr Felicity Frederico Cr Clifford Hayes 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

In the absence of the Chairman Cr Alex del Porto the Governance Manager called for a motion for the position of Acting chairperson for the meeting.

Moved Cr Russell Seconded Cr Hayes

That the Mayor Cr Cooper-Shaw be nominated as Acting Chairperson for the Planning Committee meeting held on 17 April 2012.

CARRIED

It is recorded that the Mayor Cr Cooper-Shaw took the chair for the remainder of the meeting.

APOLOGIES: An apology was received from Cr Alex del Porto and Cr James Long.

Moved Cr Norris

Seconded Cr Russell

That the apologies of Cr Alex del Porto and Cr James Long be received and leave of absence be granted.

CARRIED

DECLARATIONS OF INTEREST:

- Cr Frederico declared an indirect interest by close association in item 4.1 given her father owns a property at the subject site.
- Cr Hayes declared an indirect interest by close association in item 4.11 given his daughter is currently employed at the subject site.

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Confirmation of the Minutes of the Planning Committee Meeting 20 March 2012

Moved: Cr Norris Seconded: Cr Hayes

That the Minutes of the Planning Committee Meeting held on 20 March 2012 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:

<u>Item 4.1 – 56 Beach Road Hampton</u>

- 1. Mr Alexander Paltos (0)
- 2. Mr Jim Paltos (O)
- 3. Mr Robert Anderson (O)
- 4. Ms Michele Cobelens (O)
- 5. Ms Rose Cerra (O)
- 6. Mr Andrew Durrant (O)
- 7. Ms Pia Frazer-Mackenzie (O)
- 9. Mr Jim Thompson (A)
- 9. Mr Frank Perry (A)
- 10. Mr Renato Poci (A)

<u>Item 4.2 – 28 Tatong Road, Brighton East</u>

- 1. Mrs Kay Dunkley (O)
- 2. Mr John Holley (O)
- 3. Mr Ron Ekkel (O)
- 4. Mr Phillip Mancini (S)
- 5. Mr Jim Katsoulakis (A)

<u>Item 4.3 – Beach Road Beaumaris (Foreshore Reserve)</u>

- 1. Mr Peter Dibbs (O)
- 2. Mr Adrian Cerbasi (O)
- 3. Mr Ron Morris (O)
- 4. Ms Heather Stewart (O)
- 5. Mr Alan Sherlock (O)
- 6. Mr Rob Bryant (O)
- 7. Mr Chris Sutton (O)
- 8. Mr Clarke Martin (S)
- 9. Mr Jason den Hollander (S)
- 10. Mr Ken Beadle (S)
- 11 Ms Kate Butler (S)
- 12 Mr Guy Wilson-Browne (A)

Item 4.4 – 71 Wilson Street Brighton

- 1. Mr Jim Galanopoulos (O)
- 2. Mr Peter Pontifex (A)

<u>Item 4.5 – 432-436 Bluff Road Hampton</u>

- 1. Mr Alan Prothero (O)
- 2. Mr William Qu (O)
- 3. Mr Bruce Rogers (O)
- 4. Ms Kathryn Wallis (O)
- 5. Ms Vicki Xigalatis (O)
- 6. Mr Bruce Keen (A)

<u>Item 4.6 – 243 Beach Park Beaumaris (Ricketts Point Tea House)</u>

- 1. Ms Ingrid Ashford (O)
- 2. Mr Ken Beadle (S)
- 3. Mr Renato Poci (A)

<u>Item 4.7 – 75 Raynes Park Road Hampton</u>

1. Mr Leon Meyer (A)

Item 4.8 -130 Centre Road Brighton

1. Mr Leon Meyer (A)

<u>Item 4.9 – 70 Cochrane Street Brighton</u>

- 1. Mr David Bick (S)
- 2. Mr Magnus Floden (A)

Item 4.10 – 159 Charman Road Beaumaris

1. Mr Sebastian Lorenzo (A)

Item 4.11 - 360 and 364-366 Bay Street Brighton

- 1. Mr Kevin Spencer (O)
- 2. Mr Alex Salem (A)
- 3. Mr Martin Verhoevan (A)

<u>Item 4.12 – 39 Grant Street Brighton East</u>

No Speakers

<u>Item 4.13 – 26 Fernhill Road Sandringham</u>

1. Ms Jane Kelly (A)

OFFICERS' REPORTS:

4.1 56 BEACH ROAD HAMPTON

Cr Frederico declared an indirect interest by close association given her father owns a property at 56 Beach Road Hampton and accordingly Cr Frederico vacated the Chamber prior to discussion on this item.

It is recorded that Mr Alexander Paltos, Mr Jim Paltos, Mr Robert Anderson, Ms Michele Cobelens, Ms Rose Cerra, Mr Andrew Durrant, Ms Pia Frazer-Mackenzie, Mr Jim Thompson, Mr Frank Perry and Mr Renato Poci spoke for three minutes each in relation to this item.

Moved: Cr Russell Seconded: Cr Norris

That Council having caused notice of Planning Application No. 2011/714/1 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 Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 56 Beach Road, Hampton, for the construction of four (4) dwellings on lots less than 500 square metres above an existing two (2) storey building in a Heritage Overlay in accordance with the amended application dated 6 March 2012, 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 22 November 2011 (TP01-TP10) and 6 March 2012 (TP11) but modified to show:
 - a. Site boundaries/setbacks to be shown on all floor plans; and
 - b. Roof decks to be set back 2.0 metres from the parapet with landscape buffer between the parapet and deck edge.
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Prior to the commencement of buildings and works a construction management plan must be submitted to the satisfaction of the Responsible Authority. The construction management plan must include, but not be limited to the following controls of the:
 - Hours of construction:
 - Resident / worker access and safety issues;
 - Traffic management and pedestrian safety;
 - Control of noise and airborne matter including dust;
 - Existing services and environmental management;
 - Regular monitoring / inspections of the work site;
 - Contact person responsible for the construction of the development with these details provided to residents and the Body Corporate;
 - Location of parking of construction trade vehicles; and

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

- 4. Before the occupation of the dwellings 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.
- 5. 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.
- 6. 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.
- 7. 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

Building approval must be obtained prior to the commencement of the above approved works.

Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by telephoning the Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.

The Motion was Put and a **<u>DIVISION</u>** was called.

<u>DIVISION</u>: **FOR**: Crs Norris, Russell and Cooper-Shaw (3)

AGAINST: Cr Hayes (1)

CARRIED

It is recorded that Cr Frederico vacated the Chamber prior to discussion on this item and was absent from the Chamber whilst the vote was taken on this item.

4.2 28 TATONG ROAD BRIGHTON EAST

It is recorded that Mrs Kay Dunkley, Mr John Holley, Mr Ron Ekkel and Mr Jim Katsoulakis spoke for three minutes each in relation to this item. It is recorded that Mr Phillip Mancini did not pursue his right to speak in relation to this matter.

Moved: Cr Frederico 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 28 Tatong Road, Brighton East decides to Refusal to Grant a Permit for Planning Permit Application No. 2011/0305/1 for the Construction of three double storey dwellings in a Special building Overlay in accordance with the advertised plans dated 25 May 2011 and amended plans received on 29 March 2012 on the following grounds:-

- 1. The proposed development does not accord with the following standards of Clause 55 of the Bayside Planning Scheme including the Schedule to the Residential 1 Zone:
 - <u>Standard B1 Neighbourhood Character</u>
 The proposal does not maintain the rhythm of spacious visual separation between sides of the dwellings to allow space for adequate planting.
 - <u>Standard B5 Integration with the Street</u>
 The design of the proposed development is not in keeping with the built form within the street.
 - Standard B13 Landscaping
 The proposal lacks opportunities for the adequate planting including area for canopy trees
 - <u>Standard B17 Side and Rear Setbacks</u>;
 The reduced side setbacks to the dwellings will result in amenity and visually bulk impacts to the adjoining properties to the north and west of the site.
 - <u>Standard B32 Front Fence</u>
 The height of the proposed front fence exceeds the height requirement of 1.2 metres and should be a low fence to improve view of the front garden and provide interaction between the garden and the street.
- 2. The proposed development does not appropriately respect and respond to valued character aspects of the area. The large, solid mass of the proposed development does not respect or respond to the smaller scale of buildings in Tuxen Court and would be a prominent and dominant discordant element in this more intimate streetscape. This is exacerbated by the minor areas available for landscaping to screen and soften the proposed building.

The Motion was Put and a **<u>DIVISION</u>** was called.

<u>DIVISION</u>: FOR: Crs Hayes, Frederico, Norris, Russell and Cooper-Shaw (5)

AGAINST: Nil

4.3 BEACH ROAD BEAUMARIS (FORESHORE RESERVE)

It is recorded that Mr Peter Dibbs, Mr Adrian Cerbasi, Mr Ron Morris, Ms Heather Stewart, Mr Alan Sherlock, Mr Rob Bryant, Mr Chris Sutton, Mr Clarke Martin, Mr Jason den Hollander, Mr Ken Beadle and Mr Guy Wilson-Browne spoke for three minutes each in relation to this item. It is recorded that Ms Kate Butler was not present in the Chamber.

Moved: Cr Russell Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2012/37/1 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 Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as Beach Road, Beaumaris (Foreshore Reserve), for the removal of vegetation in association with the construction of a shared path in accordance with the application dated 22 December 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. The vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 2. Vegetation offset is to be undertaken in accordance with the Offset Management Plan prepared by *Ecology Australia* February 2011 to the satisfaction of the Responsible Authority, in accordance with Condition 4(i)
- 3. This permit will expire if the vegetation removal shown on the endorsed plans is not completed within 2 years of the date of this permit.

The Responsible Authority may extend the time if the request is made in writing before the permit expired or within three months afterwards.

4. Department of Sustainability and Environment ('DSE')

- a. The works are to be carried out generally in accordance with plans titled 'Beach Road Shared Path from Cromer Road to Charman Road, Beaumaris, Drawing Number 917, Sheets 1-12' dated 21 February 2012.
- b. Any modification to the works proposed will require further approval by the Manager, Environmental Planning, Public Land Services, DSE.
- c. The proposed works must be carried out in accordance with EPA Publication No. 275 Construction Techniques for Sediment Pollution Control (May 1991) and the construction site must be managed in accordance with EPA Publication No. 981 Reducing Stormwater Pollution from Construction Sites (May 2005).
- d. Approval from VicRoads must be obtained for works in the road reserve associated with Beach Road prior to works commencing.
- e. To prevent damage to remaining native vegetation there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained *in accordance with the endorsed plans*. All storage sites must be restricted to existing cleared areas close to existing roads or tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees.

- f. Prior to the commencement of any works, Vegetation Protection Fencing (VPF) must be erected to form an appropriate Vegetation Protection Zone (VPZ). All VPZs must comply with the following:
 - i. The VPZ must be installed prior to the commencement of any works and shall not be removed until such works have been fully completed.
 - ii. A sturdy weatherproof sign containing the following wording must be affixed to the fencing surrounding each VPZ for the duration of construction/works:

"Vegetation Protection Zone – Access and Storage Prohibited"

- iii. Once erected a VPF may only be moved or otherwise altered with the written consent of the Responsible Authority.
- iv. Areas within a VPZ must not be used:
 - For vehicular or pedestrian access, trenching or soil excavation.
 - For storage or dumping of tools, equipment, materials or waste is to occur.
 - For storage of any vehicles, machinery, equipment or other materials.
- g. Any pruning/lopping/trimming that is required to be done to the canopy of any tree to be retained must be done by a qualified arborist in accordance with *Australian Standard 4373-2007 Pruning of Amenity Trees*.
- h. Where earthworks/works are undertaken in accordance with the endorsed plans all native vegetation retained must not be damaged and care must be taken not to damage the root zone of the vegetation.
- The 10 year offset management actions identified in 'Part B: Offset Implementation'
 (Ecology Australia Offset Management Plan (2010)) must be followed. Year 1
 actions must be initiated in the current calendar year.
- j. Trees identified in Figure 1 of the Ecology Australia Offset Management Plan (2010) as important trees must be retained.
- k. The recommendations of Cultural Heritage Management Plan No. 11714 must be followed at all times.
- I. All works must be completed and maintained to the satisfaction of DSE.
- m. The site must be left in a clean and tidy condition after completion of works to the satisfaction of the Responsible Authority.
- n. This consent will expire if the works are not completed within two (2) years of the date of issue, unless an extension of time is applied for and granted by the Manager, Environmental Planning, Public Land, DSE.
- o. A plan outlining the long term management of public safety issues associated with the existing coastal path (as identified in Parsons Brinkerhoff report dated June 2011) must be submitted to DSE for approval within six (6) months.

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

DIVISION: FOR: Crs Frederico, Russell and Cooper-Shaw (3)

AGAINST: Crs Hayes and Norris (2)

4.4 71 WILSON STREET BRIGHTON

It is recorded that Mr Jim Galanopoulos and Mr Peter Pontifex spoke for three minutes each in relation to this item.

Moved: Cr Hayes Seconded: Cr Norris

That Council having caused notice of Planning Application No. 2011/0664/1 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 71 Wilson Street, Brighton for the Buildings and works and change of use to "Specialist Medical Practice" in accordance with the application dated 4 November 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 use starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a. The existing crossing must be removed with a new 3.3 metre wide crossing constructed with a 0.6 metre offset from the south-eastern property boundary.
 - b. Sightlines must be provided at the intersection of the driveway and footpath in accordance with AS2890.1
- 2. A maximum of one (1) medical practitioner may operate on premises at any one time to the satisfaction of the responsible authority.
- 3. The use may only operate between the hours of 9:00 am and 5:00pm Monday to Friday to the satisfaction of the responsible authority.
- 4. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- 5. Any infectious waste or potentially infectious waste (as defined by the EPA) shall be properly segregated in containers colour coded yellow for infectious wastes and orange for potentially infectious wastes. Any prescribed waste which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.
- 6. This permit will expire if one of the following circumstances applies:
 - The development and use 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 use has not commenced 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.

- 7. 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 this 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) compensatory replanting of vegetation indigenous to the area for the vegetation proposed to be removed to construct the car park.
 - 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.
 - All species must be to the satisfaction of the Responsible Authority.

Prior to the commencement of the use 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.

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

CARRIED

It is recorded that Cr Norris vacated the Chamber at 9.43pm and re-entered the Chamber at 9.47pm.

4.5 432-436 BLUFF ROAD HAMPTON

It is recorded that Mr Alan Prothero, Mr William Qu, Mr Bruce Rogers, Ms Kathryn Wallis, Ms Vicki Xigalatis, Mr Bruce Keen spoke for three minutes each in relation to this item.

Moved: Cr Frederico Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2011/0612/1 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 Support the Application 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 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 7 October 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:-

- 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 with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) All paving (except driveways) to be permeable.
 - b) A schedule of all external materials and finishes to be provided showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving.
 - 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 including appropriate canopy tree planting within the front and rear setbacks. Planting within the easements to be of an appropriate species to minimise impacts upon any assets.
 - 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 screening 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 12 of this permit.
 - g) Alterations to the crossover in accordance with the requirements of VicRoads.
 - h) The northern and southern basement voids must be covered and appropriate landscaping provided on the areas created to further soften the appearance of the building when viewed from the east.
 - i) Tree protection measures in regard to the Liquid Amber to be retained within the front setback.
 - j) All column locations must be clearly annotated in accordance with AS2890.1.
 - k) A longitude section through the basement ramp showing all grades, length of grades, levels and headroom clearances in accordance with AS2890.1.
 - I) Design and location of eight (8) bicycle spaces.
 - m) Twenty-four (24) car spaces for the dwelling and five (5) visitor car spaces within the basement level.

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- 2. P4 Layout not altered
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
- 4. A14 Soundproofing of plant and equipment

All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

- 5. A18 Concealment of pipes
- 6. A19 Plant and equipment or features on roof
- 7. 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.
 - e) landscaping and planting within all open areas of the site
 - f) planting within easements to be of an appropriate species to minimise impacts upon any assets in the easement.
- 8. L2 Completion of landscaping
- 9. L3 Landscaping maintenance
- 10. Before the development (including demolition) starts, the applicant must submit a report detailing tree protection in accordance with Australian Standard 4970: Protection of Trees on Development Sites, including trees on adjacent properties (within 3 metres of any common property boundary. This must be adhered to before, during and after construction.
- 11. 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.
- Before the development begins, detailed plans (3 sets) indicating the method of stormwater discharge to the nominated 'Legal Point of Discharge' (and Stormwater Detention Systems where applicable), must be lodged with Council's Engineering Services department for approval.
- 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:-

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- The type of water sensitive urban design stormwater treatment measures to be used:
- The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- Design details of the water sensitive urban design stormwater treatment measures, including cross sections;
- These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

14. 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.
- 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.

15. 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.
- The collection of all waste from the site by a suitable private waste removal contractor.

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.

16. 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 FR

AGAINST: Crs HNC

LOST

Moved Cr Hayes

Seconded Cr Norris

That Council having considered all the matters required under the Planning and Environment Act 1987 in respect of the land known as 432-436 Bluff Road, Hampton decides to Not Support the Grant of a Permit for Planning Permit Application No. 2011/0612/1 for the construction of a three (3) storey apartment building with basement car park in accordance with the plans dated 25 October 2011 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 will result in unreasonable visible bulk when viewed from the street and the backyards of the adjoining properties. The proposal results in an inappropriate intensity of built form.
- 3. The proposal fails to meet Standard B16 Parking Provision objectives to ensure an adequate number of visitor car spaces are provided onsite.
- 4. The proposal's substantial visual bulk does not satisfactorily address the design objectives of Design and Development Overlay 2 as it does not preserve the strong garden character of the area, and as it does not maintain the prevailing streetscape rhythm, building scale and height of buildings in the area.

4.6 243 BEACH PARK BEAUMARIS (RICKETT'S POINT TEA HOUSE)

It is recorded that Ms Ingrid Ashford, Mr Ken Beadle and Mr Renato Poci spoke for three minutes each in relation to this item.

Moved: Cr Norris Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2012/31/1 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 Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 243 Beach Park, Beaumaris (Ricketts Point Tea House), for the use of the site for the sale and consumption of liquor (Cafe/Restaurant) in accordance with the application dated 21 December 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. The area shown on the endorsed plans for the sale and consumption of liquor must not be altered without the written consent of the Responsible Authority.
- 2. The sale and serving of alcohol may occur only between the following hours:
 - a. 12.00pm to 5.00pm (ANZAC Day and Good Friday); and
 - b. 11.00am to 5.00pm (on any other day).
- 3. The licensed premises may operate with a maximum of 200 persons at any one time.
- 4. The sale and consumption of alcohol may only occur with seated table service and only in conjunction with meals.
- 5. The consumption of alcohol is not permitted at the bar area.
- 6. At all times during the operation of the sale and consumption of liquor, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager').
 - The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under Section 129 of the *Liquor Control Reform Act 1998*; and/or to take action on his/her behalf in accordance with a direction by such officer.
- 7. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
- 8. This permit will expire if the premises is not licensed under the *Liquor Control Reform Act* 1998 within two 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.
- 9. No live, recorded or amplified music shall be played at any time to the satisfaction of the Responsible Authority.

4.7 75 RAYNES PARK ROAD HAMPTON

It is recorded that Mr Leon Meyer spoke for three minutes in relation to this item.

Moved Cr Frederico

Seconded Cr Hayes

That Council having caused notice of Planning Application No. 2011/0513/1 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 75 Raynes Park Road, Hampton for the construction of two attached dwellings (a double storey dwelling at the front of the site and a single storey dwelling at the rear) in accordance with the application received 1 September 2011 and the amended plans received on 8 November 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 received 1 September 2011 and the amended plans received 8 November 2011 but modified to show to the satisfaction of the Responsible Authority:
 - a) The width of the single garage door opening of dwelling 2 to be a minimum of 3 metres and the pedestrian door opening to be opened outwards from the garage.
 - b) The width of the double garage door opening of dwelling 1 to be a minimum of 4.8 metres and the pedestrian door opening to be opened outwards from the garage.
 - c) The width of the accessway for both dwelling to be 3 metres.
 - d) The existing double crossover to be removed and a new 3 metre wide vehicle crossing to be constructed with a minimum of 0.8 metres offset from the western property boundary and aligned with the accessway.
 - e) A 0.8 metre wide separator to be provided between the new crossing and the existing crossing to the west of the site.
 - f) The location of plant and equipment including air conditioning units and condensers in accordance with Condition 5 of this permit.
 - g) The landscape plan in accordance with Condition 9 of this permit to include one canopy tree to be planted within the front setback of dwelling 1 and one canopy tree to be planted within the rear setback of dwelling 2. These trees must be of a species that can grow to a maximum height of 6 metres at maturity.
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
- 4. 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 without the written consent of the Responsible Authority.

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- 6. Before the 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) Drained
 - to the satisfaction of the Responsible Authority.
- 8. 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.
- 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. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- 11. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.
- 12. 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.
- 13. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- 14. 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.

- 15. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the issued date of this permit.
 - b) The development is not completed within four years of the issued 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

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

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

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.

4.8 130 CENTRE ROAD BRIGHTON EAST

It is recorded that Mr Leon Meyer spoke for three minutes in relation to this item.

Moved Cr Hayes

That Council having considered all the matters required under the Planning and Environment Act 1987 in respect of the land known as 130 Centre Road, Brighton East decides to Refusal to Grant a Permit for Planning Permit Application No. 2011/0718/1 for the Construction of a double storey dwelling at the rear of an existing dwelling in accordance with the application dated 30 November 2011 and amended plans received on 13 December 2011 and 24 February 2012 on the following grounds:-

- 1. The proposed development does not accord with the following standards of Clause 55 of the Bayside Planning Scheme including the Schedule to the Residential 1 Zone in particular:
 - Standard B5 Integration with the Street
 The design of the proposed development is not in keeping with the built form within the street.
 - Standard B13 Landscaping

The proposal lacks opportunities for the adequate planting including area for canopy trees.

- Standard B17 Side and Rear Setbacks;
 The reduced side setbacks to the dwelling 2 will result in amenity and visually bulk impacts to the adjoining properties to the south and east of the site.
- Standard B22 Overlooking
 The raise ground floor of dwelling 2 will result in unreasonable overlooking to the adjoining property to the east.
- Standard B23 Internal Views
 The raised ground floor will result in unreasonable overlooking to the private open space of the existing dwelling on the site. The north facing window at the first floor, front bedroom of dwelling 2 will also result in unreasonable overlooking to the alfresco area of the existing dwelling on the site.
- Standard B30 Storage
 The proposal does not provide the require storage facility for each dwelling.
- Standard B32 Front Fence
 The height of the proposed front fence does not required to exceed the height requirement of 1.2 metres, as the secluded private open spaces of each dwelling is located at the side and rear of the dwelling accessed directly from a living area. The front fence should be a low fence to improve view of the front garden and provide interaction between the garden and the street.
- 2. The proposed development does not appropriately respect and respond to valued character aspects of the area, in that it the large, solid mass of the proposed development does not respect or respond to the smaller scale of buildings in Montgomery Street and would be a prominent and dominant discordant element in this more intimate streetscape. This is exacerbated by the minor areas available for landscaping to screen and soften the proposed building.

Lapsed for want of a Seconder

Moved Cr Norris

Seconded Cr Frederico

That Council having caused notice of Planning Application No. 2011/0718/1 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 130 Centre Road, Brighton East, for the construction of a double storey dwelling at the rear of an existing dwelling in accordance with the application received on 30 November 2011 and the amended plans received on 13 December 2011 and 24 February 2012, 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 received on 30 November 2011 and the amended plans received on 13 December 2011 and 24 February 2012, but modified to show:
 - a) Front fence details for both dwellings.
 - b) The north corner window of the front bedroom of dwelling 2 to be fixed and screened to a minimum of 1.7 metres above the first floor level of the first floor to comply with the requirements of Clause 55, Standard B23 of the Bayside Planning Scheme.
 - c) The height of the northern boundary fence between dwellings 1 and 2 and the east boundary fence to the rear of dwelling 2 is to be increased to a minimum of 1.7 metres measured above the raised finished floor level of the ground floor of dwelling 2.
 - d) The new vehicular crossing for dwelling 1 fronting Montgomery Street to be 3.3 metre wide with an off set of 4 metres from the nearest street tree.
 - e) The existing driveway within the front setback of dwelling 1 to be deleted and replace with landscape.
 - f) The north facing garage door of dwelling 1 to be removed and relocated to face west of the garage.
 - g) The width of the driveway for dwelling 2 to be 3 metres and aligned with the existing vehicular crossing.
 - h) The width of the garage door for dwelling 2 to be 3 metres wide.
 - i) All swinging doors to be open outwards from the garage of dwelling 2.
 - A 6 cubic metre of storage facility is required for each dwelling.
 - k) Landscape plan in accordance with the submitted plan received on 30 November 2011.
 - I) Schedule of materials and colours in accordance with Condition 4 of this permit.
 - m) Location of plant and equipment including air conditioning units and condensers in accordance with Condition 6 of this permit.
- 2. The buildings and works for the dwelling hereby permitted must not commence until the permanent closure of the existing display home on the land or the amendment of the permit which allows use of the land as display home to enable alternative provision of car parking for the use.

- 3. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- 4. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.
- 5. 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.
- 6. 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.
- 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.
- 8. Provision must be made 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.
- 9. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - 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:

To the satisfaction of the responsible authority.

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

- 10. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the responsible authority.
- 11. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
- 12. 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.
- 13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
- 14. All existing vegetation shown on the endorsed plans to be retained 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.
- 15. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed and the design capacity to be to the satisfaction of the Responsible Authority.

- 16. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into the adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property and/or
 - b) Shaping the driveway so that water is collected in a grated piton the property and/or
 - c) Another Council's approved equivalent.
- 17. 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.
- 18. 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.

- 19. 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.

Permit Notes

N1 Crossover permit

N2 Building approval

N6 Vehicle crossing removal

N7 Retention of existing street trees

N10 Asset Protection

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

DIVISION: FOR: Crs Frederico, Norris, Russell and Cooper-Shaw (4)

AGAINST: Cr Hayes (1)

4.9 70 COCHRANE STREET BRIGHTON

It is recorded that Mr David Bick and Mr Magnus Floden spoke for three minutes in relation to this item.

Procedural Motion

Moved Cr Russell

Seconded Cr Hayes

That the meeting be extended for a period of 30 minutes.

CARRIED

It is recorded that the meeting was extended for a period of 30 minutes at 10.59pm.

Moved Cr Hayes

Seconded Cr Frederico

That Council having caused notice of Planning Application No. 2012/21/1 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 70 Cochrane Street, Brighton, for the partial demolition and buildings and works including the construction of a second storey to a dwelling in a Heritage overlay in accordance with the application dated 14 December 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 14 December 2011 but modified to show:
 - a) Demolition plan must show the full extent of the building fabric to be removed.
- 2. The layout 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 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.

Permit Notes

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

N2 Building approval

4.10 159 CHARMAN ROAD BEAUMARIS

It is recorded that Mr Sebastian Lorenzo spoke for three minutes in relation to this matter.

Moved Cr Norris

Seconded Cr Russell

That Council having caused notice of Planning Application No. 2011/345/1 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 159 Charman Road, Beaumaris for Alterations and additions to an existing dwelling and construction of a double storey dwelling in accordance with the application dated 31 January 2012, 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 but modified to show:
 - a) The door opening to the garage within the proposed dwelling to be a minimum 4.8m in width, and a minimum 2.2m in height.
 - b) A detailed schedule of colours, materials and finishes, including samples where appropriate.
 - c) Details of the placement and type of any external plant and equipment, including air conditioning units. Such equipment must be positioned so as to minimise amenity impacts.
 - d) Landscaping plan for the entire site including around dwelling one and the existing dwelling consisting of a majority of native and indigenous planting in accordance with condition 9.
 - e) Tree protection zone of a minimum 3m diameter around the existing street trees in accordance with condition 12.
 - f) Notation on the plans that the street tree on Towers Street adjacent to the proposed crossover is to be removed and relocated by the Responsible Authority in accordance with condition 15.
 - g) Confirmation that the proposed screening on the first floor windows of the proposed dwelling accord with standard B22 of the Bayside Planning Scheme.
 - h) Construction of a 2.4m high fence, above natural ground level, between the existing and proposed dwellings to prevent overlooking at ground level in accordance with Standard B23.
 - Water sensitive urban design features in accordance with the requirements of Clause 22.08 of the Bayside Planning Scheme confirming 100% treatment of the development site.
- 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. The wall of the garage on the boundary with the existing dwelling shall be cleaned and finished to the satisfaction of the responsible authority.
- 6. Provision must be made on the land for the storage of garbage. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.
- 7. Before the occupation of the development starts, the area(s) 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;

To the satisfaction of the responsible authority.

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

- 8. Vehicular crossing(s) 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.
- 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 plan must show:

- a) Details of surface finishes of pathways and driveways.
- b) 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
- c) Landscaping and planting within all open areas of the site
- d) The provision of at least 1 additional indigenous canopy trees in the front setback of the existing dwelling.
- e) The provision of at least 1 indigenous canopy tree in the rear private open space of the existing dwelling.
- f) The provision of at least 1 indigenous canopy tree in the front yard of the proposed dwelling.
- g) The provision of at least 2 indigenous canopy trees in the private open space to the east of dwelling 2.

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.

10. 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.

- 11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
- 12. Before the development starts, a tree protection fence must be erected around the street trees along the Charman Road frontage and Towers Street frontage including the Narrow-leafed Black Peppermint and maintained until all works on site are completed.
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - b) The fencing is to encompass the entire nature strip under the drip line of the tree.
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standard 4970 Protection of trees on development sites.
- 13. 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.
- 14. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
- 15. Other than the existing street tree adjacent to the proposed crossover on Towers Street, the existing street trees must not be removed or damaged. The street tree adjacent to the proposed crossover on Towers Street is to be relocated by the Responsible Authority, at the cost of the applicant. The applicant is required to pay to Council, prior to the plans being endorsed, an amount of \$2,798.07.
- 16. The nominated legal point of discharge for the development is the western property boundary of the property where it must be collected and free drained via a pipe to the Council drain/pit to Council standards. If the point of discharge cannot be located then notify Council's Asset Management Department.
- 17. 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.
- 18. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property; and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property; and/or
 - c) Another Council approved equivalent.
- 19. Before the development begins, detailed plans (3 sets) drawn to scale and 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 Asset Management Department for approval.
- 20. This permit will expire if one of the following circumstances applies:
 - 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

N6 Vehicle crossing removal

N7 Retention of existing street trees

N8 Sewerage

N10 Asset Protection

4.11 360 and 364-366 BAY STREET BRIGHTON

It is recorded that Cr Hayes declared an indirect interest by close association given that his daughter is an employee of the subject property.

It is recorded that Mr Alex Salem and Mr Martin Verhoevan spoke for three minutes in relation to this item. It is recorded that Mr Kevin Spencer was not present in the Chamber.

Moved Cr Norris

Seconded Cr Frederico

That Council having caused notice of Planning Application No. 2011/0605/1 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 360 and 364 – 366 Bay Street Brighton, for the Use of site for a Tavern (currently Rocksalt Tavern and Restaurant), car parking reduction, and variation to existing liquor licenses in accordance with the application dated 4 October 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 use 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) Notation on the plans indicating 'Tables and chairs be set out for a minimum of 65 patrons' on the site.
 - b) A 'redline' plan indicating the areas where alcohol is to be served and consumed.
 - c) A noise and amenity plan/patron management plan to the satisfaction of the responsible authority, in accordance with Condition 8 of this Permit.
- 2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. No accommodation is to be provided on-site without the prior consent of the Responsible Authority.
- 4. The maximum number of patrons on the site (including footpath seating) at any one time must not exceed 90, without the written consent from the responsible authority.
- 5. Tables and chairs must be set out for a minimum of 65 patrons on the site (exclusive of footpath seating areas) at all times to the satisfaction of the Responsible Authority.
- 6. No liquor may be sold to or consumed by patrons utilising the outdoor, footpath seating area after 10pm on all days.
- 7. The use, including sale and consumption of liquor, may only operate during the following times:

Sunday: Between 10am and 1am the following morning.

Good Friday and Anzac Day: Between 12noon and 1am the following morning.

On any other day: Between 7am and 1am the following morning.

8. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager').

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The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer. The use 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.

- 9. Before the use starts, a noise and amenity plan/patron management plan to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All which take place on the land must comply with the endorsed plan. The plan must include:
 - a) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
 - b) Signage to be used to encourage responsible off-site patron behaviour
 - c) The training of staff in the management of patron behaviour
 - d) Staff communication arrangements
 - e) Measures to control noise emissions from the premises
- Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
- 11. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premise), No. N-2.
- 12. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
- 13. This permit will expire if one of the following circumstances applies:
 - The use is not started within two (2) 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

Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act 1984 and require Council approval via the Environmental Health Officer before occupation.

Under Council's Footpath Trading Policy 2005 local business owners and shop owners are required to hold a current footpath trading permit if they wish to place tables and chairs, goods for display or advertising signs on the footpath.

A gaming machine is prohibited in all strip shopping centres on land covered by the Bayside Planning Scheme.

4.12 39 GRANT STREET BRIGHTON EAST

Moved Cr Hayes

Seconded Cr Frederico

That the Amended Plans for the changes to the endorsed plans of Planning Permit No. 2010/0095/1 be approved under the Secondary Consent provisions for the construction of two (2) double storey side by side dwellings at 39 Grant Street, Brighton East and the following table be added to the permit:

Date	Amendment
17 April 2012	Secondary consent to amend plans: Amendment to the endorsed plans under Secondary Consent:
	Deletion of the basement level.
	Revised first floor bathroom window layout for dwellings 1 and 2.

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

CARRIED

4.13 26 FERNHILL ROAD SANDRINGHAM

It is recorded that Ms Jane Kelly was not present in the Chamber at the time this item was considered.

Moved Cr Russell

Seconded Cr Norris

That the Amended Plans for the changes to the endorsed plans of Planning Permit No. 2007/785/1 be approved under the Secondary Consent provisions for a Construction of twelve dwelling with basement car parking at 26 Fernhill Road, Sandringham and the following table be added to the permit:

Date	Amendment
17 April 2012	 Secondary consent to amend plans: Amendment to the endorsed plans under Secondary Consent: Reconfiguration of the basement car park to so that tandem car spaces 1 & 2 and 3 & 4 are increased in length to 10.3 metres, all other tandem car spaces increased in length to 11 metres, and car space 7 is increased in width from 2.6 metres to 2.8 metres.

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.

CARRIED

The Chairperson declared the meeting closed at 11.15pm.