



Minutes of the Planning Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 22 November 2011
at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Stuart Caldwell	-	Statutory Planning Manager
Theodora Jenkin	-	Statutory Planning Coordinator
Natalie O'Leary	-	Statutory Planning Coordinator
Terry Callant	-	Governance Manager
Janice Pouw	-	Governance Officer

APOLOGIES: There were no apologies submitted to the meeting.

DECLARATIONS OF INTEREST:

- Cr Russell declared an Indirect Conflict of Interest in item 4.4 where residential amenity may be altered as he lives in close proximity to the application site.
- Cr del Porto declared a Direct Conflict of Interest in item 4.5 as he owns a property in Well Street which is in close proximity to the application site.
- Cr Cooper-Shaw declared a Direct Conflict Interest in item 4.5 as she owns a property which is in close proximity to the application site.

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**Confirmation of the Minutes of the Planning Committee Meeting
25 October 2011**

Moved: Cr del Porto

Seconded: Cr Hayes

That the Minutes of the Planning Committee Meeting held on 25 October 2011 be confirmed.

CARRIED

REQUESTS TO BE HEARD:

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

Requests to be heard were received from the following people:

Item 4.1 38 Anita Street, Beaumaris

Mr Ron Morris
Miss Kelly O'Bryan

Ms Michele Martin
Mr Chris Sutton

Item 4.2 453 New Street, Brighton

Mr Stan Konidaris

Item 4.3 71 Dalgetty Road, Beaumaris

Mr Ron Morris

Item 4.4 173 Bluff Road, Black Rock

Mr Peter Barber
Mr Michael Matar
Mr Nick Ploumis

Mrs Vivien Cox
Ms Carolyn Coen

Item 4.5 49 Burrows Street, Brighton

Mr Daniel O'Donnell

Item 4.8 26 Fernhill Road, Sandringham

Mr Steven Toia

Moved: Cr del Porto

Seconded: Cr Hayes

That item 4.4 – 173 Bluff Road, Black Rock be considered prior to item 4.1 of this agenda.

CARRIED

It is recorded Cr Russell declared an Indirect Conflict of Interest in item 4.4 where residential amenity may be altered as he lives in close proximity to the application site.

It is further recorded that Cr Russell vacated the Chamber at 7.05pm prior to consideration of the item.

4.4 173 BLUFF ROAD, BLACK ROCK

It is recorded that Mr Nick Ploumis spoke in relation to this matter.

It is further recorded that Mr Peter Barber, Mrs Vivien Cox, Mr Michael Matar and Ms Carolyn Coen did not pursue their right to speak.

Moved: Cr Norris

Seconded: Cr Long

That Item 4.4 - 173 Bluff Road, Black Rock be deferred to the Planning Committee meeting scheduled to be held on Tuesday 20 December 2011 to enable further consideration of the application as a result of further objections.

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.

It is recorded Cr Russell returned to the Chamber at 7.14pm.

OFFICERS' REPORTS:

4.1 38 ANITA STREET, BEAUMARIS

It is recorded that Ms Michele Martin, Mr Chris Sutton and Miss Kelly O'Bryan spoke in relation to this matter.

It is further recorded that Mr Ron Morris did not pursue his right to speak.

Moved: Cr Norris

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 38 Anita Street, Beaumaris decides to Refuse to Grant a Permit for Planning Permit Application No. 2011/0345/1 for the Construction of two (2) double storey dwellings one (1) with basement in a Vegetation Protection Overlay Schedule 3 and construction of a front fence over 1.2 metres in height in accordance with the application dated 8 November 2011 on the following grounds:-

1. The proposed development does not accord with the preferred future Neighbourhood Character objectives for the area.
2. The proposal does not accord with the objectives of the Vegetation protection Overlay Schedule 3 and does not provide sufficient areas for canopy tree planting.
3. The proposed construction of a double storey dwelling to the rear will result in visual bulk detriment to the adjoining neighbours.
4. The proposal does not comply with the following Clause 55 Standards of the Bayside Planning Scheme:
 - Standard B1 - Neighbourhood Character
 - Standard B17 - Side and Rear setbacks
 - Standard B32 - Front Fence
5. The proposal does not accord with Clause 55 Standard B14 – Access and does not provide safe and easy vehicle egress from Dwelling 2.

LOST

Moved: Cr del Porto

Seconded: Cr Frederico

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 38 Anita Street, Beaumaris for the Construction of a two (2) double storey dwellings and the construction of a front fence over 1.2m in height in accordance with the application dated 9 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:-

4.1 38 ANITA STREET, BEAUMARIS (Continued)

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 upper level setback of the sitting room to dwelling 2 to be setback a minimum of 3.5m from the west boundary.
 - b) Ground floor and basement plans must show garage door openings a minimum of 4.8m in width, minimum 2.2m headroom clearance.
 - c) A detailed schedule of colours, materials and finishes, including samples where appropriate.
 - d) Details of the placement and type of any external plant and equipment. Such equipment must be positioned so as to minimise amenity impacts.
 - e) Landscaping plan in accordance with the plan submitted with the application, but modified to comply with condition 10.
 - f) Tree protection zone of a minimum 3m diameter around the existing street trees in accordance with condition 13.
 - g) Water sensitive urban design features in accordance with the requirements of Clause 22.08 of the Bayside Planning Scheme.
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 walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.
6. 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.
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.

4.1 38 ANITA STREET, BEAUMARIS (Continued)

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. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
10. 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 2 indigenous canopy trees in the front setback of dwelling 1
- e) The provision of at least 1 indigenous canopy tree in the rear private open space of dwelling 1
- f) The provision of at least 1 indigenous canopy tree in the private open space to the east of dwelling 2
- g) The provision of at least 2 indigenous canopy tree in the rear private open space of dwelling 2
- h) The provision of at least 1 indigenous canopy tree in the garden bed on the west boundary directly opposite the garage to dwelling 1.

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.

11. 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.
12. 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.

4.1 38 ANITA STREET, BEAUMARIS (Continued)

13. Before the development starts, a tree protection fence must be erected around the street trees in front of 38 Anita Street 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.
14. 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.
15. 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.
16. The existing street trees must not be removed or damaged.
17. 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.
18. 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.
19. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain / Pit and not be discharged to the kerb and channel unless directed otherwise.
20. 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.
21. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
22. 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.

4.1 38 ANITA STREET, BEAUMARIS (Continued)

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees
- N8 Sewerage
- N10 Asset Protection

CARRIED

4.2 453 NEW STREET, BRIGHTON

It is recorded that Mr Stan Konidaris spoke in relation to this matter.

Moved: Cr Frederico

That Council grant Mr Ian d'Oliveyra the opportunity to address the Planning Committee.

The motion **LAPSED** for want of a seconder.

Moved: Cr del Porto

Seconded: Cr Hayes

That Council having caused notice of Planning Application No. 2011/0529/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit for the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 453 New Street, Brighton for the temporary use of part of the site of a junior primary school in accordance with the application dated 8 September 2011 and the revised plans dated 23 September 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 dated 6 August 2010 but modified to show:
 - a) The drop-off and pick-up car space must be clearly signed or line-marked.
2. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. The **use** must be managed so that the amenity of the area is not detrimentally affected, through the:
 - transport of materials, goods or commodities to or from the land
 - emission of noise, artificial light; odour.
4. In 2012 the maximum numbers of children for the junior primary school is twenty-two (22) in conjunction with the maximum of thirty (38) children for the pre-school.
5. In 2013 the maximum numbers of children for the junior primary school is thirty-four (34) in conjunction with the maximum of thirty (38) children for the pre-school.
6. The use may operate only between the hours of:
 - Monday to Thursday 8.30am to 4.30pm
 - Friday 8.30am to 2.00pm
 - Sunday 9.30am to 1pm

4.2 453 NEW STREET, BRIGHTON (Continued)

7. All Sunday religious education activities must be located to the classrooms at the south-east corner of the existing building and all external windows and doors to these classrooms must be closed for the duration of the classes.
8. The use of the outdoor playground areas on Sundays is prohibited except between 11.30am and 12.15pm.
9. This permit will expire on 31 December 2013.

A1 General amenity provision

CARRIED

4.3 71 DALGETTY ROAD, BEAUMARIS

It is recorded that Cr del Porto vacated the Chamber at 8.10pm and re-entered at 8.12pm.

It is recorded that Mr Ron Morris 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 in respect of the land known as 71 Dalgetty Road, Beaumaris decides to Refuse to Grant a Permit for Planning Permit Application No. 2011/0164/1 for the Construction of two (2) double storey side-by-side dwellings with basement car parking and removal of vegetation in a Vegetation Protection Overlay 3 in accordance with the application dated 23 March 2011 on the following grounds:-

- 1 The proposal does not comply with the following Clause 55 Standards of the Bayside Planning Scheme:
 - Standard B1 - Neighbourhood Character
 - Standard B6 - Street setback
 - Standard B17 - Side and Rear setbacks
- 2 The proposal does not accord with the objectives of the Vegetation protection Overlay Schedule 3 and does not provide sufficient areas for canopy tree planting.

CARRIED

It is recorded Cr del Porto declared a Direct Conflict of Interest in item 4.5 as he owns a property in Well Street which is in close proximity to the application site.

It is recorded Cr Cooper-Shaw declared a Direct Conflict Interest in item 4.5 as she owns a property which is in close proximity to the application site.

It is recorded Crs Cooper-Shaw and del Porto vacated the Chamber at 8.30pm prior to consideration of this matter.

The Governance Manager called for nominations for a Chairperson for Item 4.5.- 49 Burrows Street, Brighton.

Moved: Cr Russell

Seconded: Cr Hayes

That Cr Long take the chair for consideration of Item 4.5 – 49 Burrows Street, Brighton.

CARRIED

As there were no further nominations, the Governance Manager declared Cr Long, Acting Chairperson for Item 4.5 only.

4.5 49 BURROWS STREET, BRIGHTON

It is recorded that Mr Daniel O'Donnell spoke in relation to this matter.

Moved: Cr Hayes

Seconded: Cr Frederico

That the amended plans lodged on 6 October 2011 be approved under the Secondary Consent Provisions of Planning Permit No. 2008/0705/1 for the construction of a double storey dwelling on a lot less than 500 square metres in a Design and Development Overlay and a Special Building Overlay at 49 Burrows Street, Brighton and the following table be added to the permit:

Date	Amendment
22 November 2011	<p>Secondary consent to amend plans:</p> <ul style="list-style-type: none"> • Remove the roof over the rear balcony. • Reduce rear first floor terrace screening and wall height to 1700mm (to comply with standard A15). • Add two (2) 2000mm x 600mm north-east facing windows to the first floor living area (to be obscured to 1700mm in height, in accordance with the requirements of standard A15). • Add one (1) 2000mm x 600mm south-east facing window to first floor bedroom 3 (to be obscured to 1700mm in height, in accordance with the requirements of standard A15). • Add one (1) 2000mm x 600mm south-east facing window to the ground floor laundry. • Increase dimensions and change the configuration of the south-east facing window to first floor bedroom 2. • Minor internal reconfiguration of the staircase, laundry, ground floor ensuite and walk-in-wardrobe, and first floor bedrooms 2 and 3. • Minor changes to finishes and materials.

CARRIED

It is recorded that Cr del Porto and Cr Cooper-Shaw were absent from the Chamber whilst this matter was discussed and were not present in the Chamber whilst the vote was taken on this item.

It is recorded Cr del Porto and Cr Cooper-Shaw returned to the Chamber at 8.34pm.

It is recorded that Cr Cooper-Shaw resumed the Chair for the remainder of the meeting.

4.6 16 ROSLYN STREET, BRIGHTON

Moved: Cr Frederico

Seconded: Cr Long

That the amended plans lodged on 18 October 2011 be approved under the Secondary Consent Provisions of Planning Permit No. 2010/0239/1 for construction of two (2) double storey dwellings at 16 Roslyn Street, Brighton and the following table be added to the permit:

Date	Change to permit
22 November 2011	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> • Decrease the size of the garage provided to Dwelling 1 - 2.0 metre setback from northern boundary. • Relocate underground water tanks provided to Dwelling 1 from rear yard to garage. • Deletion of underground rear store room provided to Dwelling 1. • Reduce size of Dwelling 1 dining area. • Change dining area windows of Dwelling 1 to match Dwelling 2.

CARRIED

4.7 269 – 273 HAMPTON STREET HAMPTON

Moved: Cr Frederico

Seconded: Cr Long

That the Amended Plans dated 28 September 2011 be approved under the Secondary Consent Provisions of Planning Permit No. 2008/0691/1 for the development of a four storey building above a basement car park comprising shops and apartments, partial waiver of car parking and loading facilities at 269-273 Hampton Street, Hampton and the following table be added to the permit:

Date	Amendment
22 November 2011	<p>Secondary consent to amend plans :</p> <ul style="list-style-type: none"> • Replace the approved rendered finish on the east elevation (street façade) to a polished tile finish.

CARRIED

4.8 26 FERNHILL ROAD, SANDRINGHAM

It is recorded that Mr Steven Toia spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Russell

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
30 November 2011	<p>Secondary consent to amend plans:</p> <ul style="list-style-type: none"> • Removal of two internal lifts to improve energy efficiency of development and apartment layouts, and to simplify the access arrangements for older residents; • Introduction of a glazed conservatory to improve access and security; • Widening of driveway entrance ramp to comply with Building Code of Australia requirements; • Minor changes to the basement car park layout to improve mobility and accessibility, all tandem spaces are to be 11m deep; • Changes to levels and gradients of site to improve accessibility to apartments from Fernhill Road entry; • Minor internal rearrangements of apartments to improve amenity; and • Floor plans and elevation design changes to Apartment 1 to correct discrepancies in approved plans.

CARRIED

4.9 30 GROSVENOR STREET, BRIGHTON

Moved: Cr Hayes

Seconded: Cr del Porto

It is recommended that amended plans for application 2003/0184/1 – 30 Grosvenor Street, Brighton be approved under secondary consent and a revised planning permit be issued with the following tables added to the permit.

Date	Amendment
22 November 2011	Secondary Consent – Amended Plans: <ul style="list-style-type: none">• Removal of one (1) Ilex aquifolium (Holy) tree located to the front of the site (northern boundary) and replacement planting with another tree that is capable of growing to 5 metres at maturity.

CARRIED

The Mayor thanked the Chairperson Cr Cooper-Shaw for her contribution as Chairperson of the Planning Committee for the 2010/2011 year.

The Mayor also acknowledged that Council's Statutory Planning Coordinator Theodora Jenkin will be leaving Council and thanked her for her valuable contribution over many years and wished her well for the future.

The Chairperson declared the meeting closed at 8.47pm.