



Minutes of the Planning Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 24 January 2012
at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Matt Kelleher	-	Manager Urban Strategy
Stuart Caldwell	-	Statutory Planning Manager
Niall Sheehy	-	Statutory Planning Coordinator
Terry Callant	-	Governance Manager

APOLOGIES: It is recorded that Councillor Simon Russell submitted an apology to the meeting.

Moved Cr Norris

Seconded Cr Cooper-Shaw

That the apology of Councillor Simon Russell be received and leave of absence be granted.

CARRIED

DECLARATIONS OF INTEREST:

- Cr Norris declared an Indirect Conflict of Interest in item 4.5 where residential amenity may be altered as he lives in close proximity to the application site.

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**Confirmation of the Minutes of the Planning Committee Meeting
20 December 2011**

Moved: Cr Cooper-Shaw

Seconded: Cr Hayes

That the Minutes of the Planning Committee Meeting held on 20 December 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 4.1 881 Hampton Street Brighton

Mr Kevin Spencer

Ms Caroline Miles

Item 4.2 10 Landcox Street Brighton East

Ms Mary Lewin on behalf of Miss A Tauman

Mr David Darling

Mr Hugh Hammer

Item 4.7 234 Beach Road Black Rock

Mr John Patrick

4.2 10 LANDCOX STREET BRIGHTON EAST

It is recorded that Ms Mary Lewin, Mr David Darling and Mr Hugh Hammer spoke in relation to this matter.

Moved: Cr Hayes

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2011/0407 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 10 Landcox Street, Brighton East for the Construction of two (2) double storey attached dwellings in accordance with the application dated 11 July 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 but modified to show:
 - a) The ground floor Master bedroom setback of dwelling 1 to be increased to 2m from the northern property boundary.
 - b) The northern edge of the first floor balcony at the rear of dwelling 1 to be appropriately screened in accordance with Clause 55.04-6 (Overlooking).
 - c) The rear laneway to be constructed at the cost of the applicant in accordance with condition 8.
 - d) Driveways to be dimensioned and to be a minimum of 3m wide.
 - e) Where the driveway to dwelling 2 intersects the footpath, a minimum offset of 1m from the southern property boundary is to be provided and dimensioned.
 - f) The ground floor party wall to be continued forward to the front edge of the eave of dwelling 2 and continued up to the height of the balustrade to separate the two roofs.
 - g) The minor hipped roof over the entry to dwelling 2 be removed so that the roof presents as a single hipped roof across the two dwellings.
 - h) Details of the placement and type of any external plant and equipment including air conditions units. Such equipment must be positioned so as to minimise amenity impacts to neighbours.
 - i) Water sensitive urban design features in accordance with the requirements of Clause 22.08 of the Bayside Planning Scheme.
 - j) Confirmation that all first floor habitable room windows meet Standard B22 of the Bayside Planning Scheme. A notation to be placed on the plans showing obscure glazing where applicable.
 - k) Increase in the front setback of Dwelling 2 to a minimum of 7.140 metres.
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.

4.2 10 LANDCOX STREET BRIGHTON EAST (Continued)

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.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. Prior to the occupation of the approved dwellings, the laneway providing access to the rear of the site must be constructed to the satisfaction of the responsible authority. The applicant must bear all cost associated with the construction of the rear laneway, and all works must be undertaken to the satisfaction of the responsible authority in accordance with a design approved by the responsible authority prior to the commencement of works.
9. 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.
10. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
11. 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.
13. The existing street trees must not be removed or damaged.
14. The nominated legal point of discharge for the development is the north west corner of the property where it must be collected and free drained via a pipe to the kerb and channel to Council standards. If the point of discharge cannot be located then notify Council's Asset Management Department.
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, the design capacity to be to the satisfaction of the Responsible Authority.

4.2 10 LANDCOX STREET BRIGHTON EAST (continued)

16. 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 gate (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.
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. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) years of the date of this permit.
- The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Permit Notes

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

AMENDMENT

Moved Cr Frederico

Seconded Cr Cooper-Shaw

That Council having caused notice of Planning Application No. 2011/0407 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 10 Landcox Street, Brighton East for the Construction of two (2) double storey attached dwellings in accordance with the application dated 11 July 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 but modified to show:
 - a) The ground floor Master bedroom setback of dwelling 1 to be increased to 2m from the northern property boundary.

4.2 10 LANDCOX STREET BRIGHTON EAST (continued)

- b) The northern edge of the first floor balcony at the rear of dwelling 1 to be appropriately screened in accordance with Clause 55.04-6 (Overlooking).
 - c) The rear laneway to be constructed at the cost of the applicant in accordance with condition 8.
 - d) Driveways to be dimensioned and to be a minimum of 3m wide.
 - e) Where the driveway to dwelling 2 intersects the footpath, a minimum offset of 1m from the southern property boundary is to be provided and dimensioned.
 - f) The ground floor party wall to be continued forward to the front edge of the eave of dwelling 2 and continued up to the height of the balustrade to separate the two roofs.
 - g) The minor hipped roof over the entry to dwelling 2 be removed so that the roof presents as a single hipped roof across the two dwellings.
 - h) Details of the placement and type of any external plant and equipment including air conditions units. Such equipment must be positioned so as to minimise amenity impacts to neighbours.
 - i) Water sensitive urban design features in accordance with the requirements of Clause 22.08 of the Bayside Planning Scheme.
 - j) Confirmation that all first floor habitable room windows meet Standard B22 of the Bayside Planning Scheme. A notation to be placed on the plans showing obscure glazing where applicable.
 - k) removal of the Paulownia tree located at the rear of the property.
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.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.

4.2 10 LANDCOX STREET BRIGHTON EAST (Continued)

8. Prior to the occupation of the approved dwellings, the laneway providing access to the rear of the site must be constructed to the satisfaction of the responsible authority. The applicant must bear all cost associated with the construction of the rear laneway, and all works must be undertaken to the satisfaction of the responsible authority in accordance with a design approved by the responsible authority prior to the commencement of works.
9. 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.
10. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
11. 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.
13. The existing street trees must not be removed or damaged.
14. The nominated legal point of discharge for the development is the north west corner of the property where it must be collected and free drained via a pipe to the kerb and channel to Council standards. If the point of discharge cannot be located then notify Council's Asset Management Department.
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, 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 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 gate (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.
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. 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.

4.2 10 LANDCOX STREET BRIGHTON EAST (continued)

Permit Notes

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

The **AMENDMENT** was Put and **CARRIED**

The Amendment then became the motion before the Chair,
and the motion was **CARRIED**

4.3 770 HAMPTON STREET BRIGHTON

Moved: Cr Long

Seconded: Cr Frederico

That the Amended Plans for the changes to the endorsed plans of Planning Permit No. 2006/707/1 be approved under the Secondary Consent provisions for a mixed use development comprising of shops, apartments, basement car park, buildings and works together with waiver of car parking and a loading and unloading bay in a Design and Development Overlay Schedule 2 and Special Building Overlay at 770 Hampton Street, Brighton and the following table be added to the permit:

Date	Amendment
24 January 2012	<p>Secondary consent to amend plans:</p> <ol style="list-style-type: none"> 1. The addition of a fire hydrant booster cupboard at the ground floor indented within the side wall of Shop 3 on the Marriage Road frontage. 2. The location of an awning window (to the dining room) on the northern elevation of Apartment 8 to accord with the current approved second floor plan. 3. The locations of two (2) windows (to the study) on the southern elevation of Apartment 8 to accord with the current approved second floor plan

CARRIED

4.4 155B MARTIN STREET BRIGHTON

Moved: Cr Hayes

Seconded: Cr Long

That the Amended Plans for the curved custom orb clad wall located on the uppermost level (deck) on the East Elevation to be amended to a straightened wall to be constructed of decking board not less than 2 metres in height, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2003/9689/1 issued for the construction of a double storey dwelling on a lot less than 500 square at 155B Martin Street, Brighton, and the following table be added at the end of the permit.

Date	Amendment
24 January 2012	<p>Secondary consent Amendment to plans: Elevations (A3.01 Revision A)</p> <ul style="list-style-type: none"> • The curved custom orb clad wall located on the uppermost level (deck) on the East Elevation has been amended to a straightened wall to be constructed of decking board. The wall will be 2 metres high.

CARRIED



4.5 16 SMALL STREET HAMPTON

It is recorded that Cr Norris declared an indirect interest in this matter given that his residential amenity may be altered as he resides in close proximity to the application site. Cr Norris vacated the Chamber prior to the discussion on this item.

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That the Amended Plans for the changes to the endorsed plans of Planning Permit No. 2008/0747/1 be approved under the Secondary Consent provisions for the construction of a two-storey building (plus basement) accommodating dwellings and associated car parking at 16 Small Street, Hampton and the following table be added to the permit:

Date	Amendment
24 January 2012	<p>Secondary consent to amend plans: Amendment to the endorsed plans under Secondary Consent:</p> <ul style="list-style-type: none"> • Alter cement render finish areas No. 1 to be cement render finish No. 2.

CARRIED

It is recorded that Cr Norris vacated the Chamber prior to the discussion on this item and was not present in the Chamber whilst the vote was taken on the above matter.

4.6 752 HAMPTON STREET BRIGHTON

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That the Amended Plans for the changes to the endorsed plans of Planning Permit No. 2003/0121/1 be approved under the Secondary Consent provisions for the construction of a double storey building with a shop and caretakers dwelling at 752 Hampton Street, Brighton and the following table be added to the permit:

Date	Amendment
24 January 2012	<p>Amendment to the endorsed plans under Secondary Consent:</p> <ul style="list-style-type: none"> • Extend the front canopy to match adjoining shop to the south. • Remove stone from front façade and replace with rendered brick. • Remove wrought iron balustrade and replace with glazed balustrade

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED

CARRIED

4.7 234 BEACH ROAD BLACK ROCK

It is recorded that Mr John Patrick spoke in relation to this matter.

Moved: Cr Norris

Seconded: Cr Hayes

That amended plans be approved under the Secondary Consent Provisions of Planning Permit No. 2008/759/1 for removal of one (1) tree in a Vegetation Protection Overlay Schedule 3 at 234 Beach Road, Black Rock and the following table be added to the permit:

Date	Change to permit
24 January 2012	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> • Removal of one (1) proposed replacement <i>Banksia integrifolia</i> (Coast Banksia) on the landscape plan; and • Inclusion of one (1) <i>Allocasuarina verticillata</i> (Drooping Casuarina) and one (1) <i>Corymbia ficifolia</i> (Red Flower Gum).

CARRIED

The Chairperson declared the meeting closed at 8.05pm.