



## Minutes of the Planning Committee Meeting

held in the Council Chamber  
Boxshall Street, Brighton  
on Tuesday 26 July 2011  
at 7.00pm

### PRESENT:

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

### OFFICERS IN ATTENDANCE:

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

*It is recorded that Cr Russell was not present at the commencement of the meeting.*

### APOLOGIES:

An apology from Cr Hayes was submitted to the meeting.

**Moved: Cr del Porto**

**Seconded: Cr Long**

That the apology from Cr Hayes be received and leave of absence be granted.

**CARRIED**

### DECLARATIONS OF INTEREST:

Cr del Porto declared a Direct Conflict of Interest in item 4.1- 3 Male Street Brighton as he owns a property in close proximity to the application site.

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## **Confirmation of the Minutes of the Planning Committee Meeting 28 June 2011**

**Moved: Cr del Porto**

**Seconded: Cr Norris**

That the Minutes of the Planning Committee Meeting held on 28 June 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 4.2      16 Plunket Street, Brighton East**

Mr Peter Baker  
Mr Bruce Keen  
Mr Craig Rice  
Mrs Pamela Rice

**Item 4.4      8/75-79 Bay Street, Brighton**

Mrs Lorraine Morris  
Ms Lisa Campbell

**Item 4.5      762 Hawthorn Road, Brighton East**

Ms Niki Gaal  
Mr Alistair Reddish  
Mrs Kerry Papadakis

**Item 4.6      884 Hampton Street, Brighton**

Mr Chris Seers  
Mr Joe Bonett  
Ms Elana Vilsten  
Ms Ellina Shiber

**Item 4.7      111 Bay Road, Sandringham**

Mr David Crane  
Mr Adrian Zarb

It is recorded that Cr del Porto declared a Direct Conflict of Interest in item 4.1- 3 Male Street Brighton as he owns a property in close proximity to the application site.

Cr del Porto vacated the Chamber at 7.03pm prior to consideration of the matter.

**OFFICERS' REPORTS:**

**4.1 3 MALE STREET, BRIGHTON**

**Moved: Cr Frederico**

**Seconded: Cr Long**

That the Amended Plans dated 7 June 2011 for the changes to the endorsed plans of Planning Permit No. 2008/0310/1 be approved under the Secondary Consent provisions for buildings and works (addition of a fifth floor) at 3 Male Street, Brighton and the following table be added to the permit:

Date	Change to permit
26 July 2011	Secondary Consent to Amend Plans: <ol style="list-style-type: none"> <li>1. Relocation of the spa to unit 401.</li> <li>2. Internal rearrangements to rooms in units 401 and 402.</li> <li>3. Minor alterations to the terrace areas on the north-west side of units 401 and 402.</li> </ol>

**CARRIED**

*It is recorded that Cr del Porto 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 Hayes returned to the Chamber at 7.04pm.*

## **4.2 16 PLUNKET STREET, BRIGHTON EAST**

*It is recorded that Mr Peter Baker, Mr Bruce Keen, Mr Craig Rice and Mrs Pamela Rice spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2010/0514/1 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 16 Plunket Street, Brighton East for the construction of two (2) double storey side by side dwellings with basement car parking in accordance with the application received on 6 September 2010 and the revised plans received on 12 May 2011, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans received with the application received on 6 September 2010 and the revised plans received on 12 May 2011 but modified to show to the satisfaction of the Responsible Authority:
  - a) The height of the front fence and gates reduced to a maximum of 1.2 metres.
  - b) The first floor rear (eastern) setback of both dwellings to comply with Clause 55 Standard B17 of the Bayside Planning Scheme.
  - c) Deletion of the rear decks.
  - d) The height of the rear fence or privacy screen be a minimum of 1.7 metres above the finished floor level of the deck.
  - e) The finished floor level of the decks to Australia Height Datum (AHD).
  - f) The width of the proposed vehicular ramp be increased to 4.8 metres where it intersects with the footpath and the width of the proposed crossover be increased to 4.8 metres.
  - g) The redundant crossing shown to be removed and the rear reinstated to nature strip and kerb and channel.
  - h) The width of car space 2 for both dwellings be increased to a minimum of 3 metres.
  - i) Car turntable specifications be provided to the satisfaction of the responsible authority.
  - j) A sightline splay be provided on each side of the proposed ramp in accordance with AS2890.1.
  - k) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).

**4.2 16 PLUNKET STREET, BRIGHTON EAST (continued)**

- l) The location of plant and equipment be in accordance with Condition 3.
  - m) The proposed landscape treatment for the site including the existing and replacement plant species including two (2) canopy trees be planted within the front setback of the proposed development capable of growing to a height of 9 metres at maturity in accordance with the requirements of Condition 5 of this permit.
  - n) The location of tree protection fence in accordance with Condition 8 of this permit.
  - o) Water Sensitive Urban Design stormwater treatment measures including a STORM report with a STORM rating of a minimum of 100% in accordance with Condition 10 of this permit.
  - p) Screening must be provided to all habitable rooms and terraces, in particular the window on the south elevation to bedroom 3, in accordance with Clause 55, Standards B22 and B23 of the Bayside Planning Scheme.
2. P4 Layout not altered
  3. A19 Plant/equipment or features on roof
  4. A18 Concealment of pipes
  5. L1 Landscape plan required
  6. L2 Completion of landscaping
  7. L3 Landscaping maintenance
  8. Before the development including demolition starts, a tree protection fence must be erected inside the property from the centre of the following trees.

Tree Name	Tree Protection Zone Distances
T1 <i>Brachychiton acerifolius</i> (Illawarra Flame tree) at 14 Plunket Street	Existing fence east, 3 metres north and west.
T2 <i>Pittosporum undulatum</i> (Sweet Pittosporum) at 14 Plunket Street	2.3 metres north, 3 metres east and west.

- The fence must be constructed of specify star pickets and chain mesh or similar to the satisfaction of the responsible authority.
- The tree protection fence must remain in place until construction is completed.
- The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts.
- Any excavation within the above distance must be done by hand to a minimum depth of 500mm below surface level and in the presence of a Qualified Arborist.
- Any roots encountered must be cut cleanly with a sharp implement.
- Excavations may continue with machinery below the 500mm minimum depth, once the 500mm minimum depth by hand has been achieved.

## **4.2 16 PLUNKET STREET, BRIGHTON EAST (continued)**

- Excavations must be documented (photographs and notes) and documentation must be submitted to Council within 28 days of request for such documentation.
9. Tree protection fencing must be established around the street trees prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. The tree protection fencing is only to be removed to construct the proposed crossover. All access on site during construction is to be via the existing crossover.
  10. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
    - a) The type of water sensitive urban design stormwater treatment measures to be used;
    - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
    - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
  11. 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.
  12. PT1 Time for starting and completion

## **4.2 16 PLUNKET STREET, BRIGHTON EAST (continued)**

### Permit Notes

- N1 Crossover permit
- N2 Building approval
- N7 Retention of existing street trees
- N10 Asset Protection
- 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.
- Drainage associated with the basement during construction (seepage and agricultural waters are filtered to rain water clarity) must be pumped to the nearest Council Drain/Pit and not to be discharged to the kerb and channel unless otherwise directed.
- 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.

**CARRIED**

### **4.3. 10A RAILWAY AVENUE, BRIGHTON**

**Moved: Cr del Porto**

**Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2010/754/1 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 10A Railway Avenue, Brighton for additions and alterations to an existing dwelling (first floor) on a lot less than 500sqm, with the application dated 15 December 2010, and revised plans dated 2 June 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 plans submitted with the application but modified to show:
  - a) The side (north east) first floor setback increased as so to comply with the required setback contained with the Schedule to the Residential 1 Zone of the Bayside Planning Scheme.
  - b) Screening must be provided to the first floor north east facing master bedroom window to comply with Clause 55.04-6 Standard B22 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. 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 approved to the satisfaction of the Responsible Authority.
4. This permit will expire if one of the following circumstances applies:
  - the development is not started within two years of the date of this permit.
  - the development is not completed within four years of the date of this permit.

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

#### Permit Notes

- N2 Building approval
- N10 Asset Protection

**CARRIED**

#### **4.4 8/75-79 BAY STREET, BRIGHTON**

*It is recorded that Ms Lisa Campbell spoke in relation to this matter.*

*It is further recorded that Mrs Lorraine Morris was not present in the Chamber.*

**Moved: Cr del Porto**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2011/0222/1 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 8/75-79 Bay Street, Brighton for the reduction in car parking associated with use of site for a medical practice (Feldenkrais) in accordance with the application dated 14 April 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. Not more than one (1) practitioner is permitted to practice at any one time unless with the prior written consent of the Responsible Authority.
2. The use must not be altered without the written consent of the Responsible Authority.
3. Unless with the prior written consent of the Responsible Authority, the use must only operate between the hours of 9.00am and 8.00pm, Monday to Friday.
4. PT1 Time for starting and completion

**CARRIED**

#### **4.5 762 HAWTHORN ROAD, BRIGHTON EAST**

*It is recorded that Ms Niki Gaal, Mr Alistair Reddish and Mrs Kerry Papadakis spoke in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Long**

That Council having considered all the matters required under the Planning and Environment Act 1987 in respect of the land known as 762 Hawthorn Road, Brighton East decides to Refuse to Grant a Permit for Planning Permit Application No. 2010/0726/1 for alterations and additions to the existing double storey building to construct a three (3) storey development with one (1) shop and four (4) dwellings and car parking waiver in accordance with the application plans dated 30 November 2010 and the revised plans dated 2 June 2011 on the following grounds:-

- 1 The proposed development does not comply with the objectives of Clause 15 – Built Environment and Heritage of the Bayside Planning Scheme.
- 2 The proposed development does not comply with the two (2) storey height objectives of the Design and Development Overlay Schedule 2.
- 3 The proposed development will result in unreasonable visual bulk detriment to the properties to the rear.
- 4 The proposed development does not provide sufficient on site car parking.
- 5 The proposed development will exacerbate the existing traffic difficulties experienced in the Right of Way.

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

**DIVISION:**   **FOR:**           Crs del Porto, Long, Frederico and Cooper-Shaw (4)  
                  **AGAINST:**   Cr Norris (1)

**CARRIED**

#### **4.6 884 HAMPTON STREET, BRIGHTON**

*It is recorded that Mr Chris Seers, Ms Elana Vilsten and Ms Ellina Shiber spoke in relation to this matter.*

*It is further recorded that Mr Joe Bonett was not present in the Chamber.*

**Moved: Cr del Porto**

**Seconded: Cr Long**

That Council having considered all the matters required under the Planning and Environment Act 1987 in respect of the land known as 884 Hampton Street, Brighton decides to Refuse to Grant a Permit for Planning Permit Application No. 2011/0037/1 for the construction of two (2) double storey dwellings in accordance with the application dated 27 January 2011, and revised plans dated 22 June 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 proposal will impact upon existing vegetation.
- 3 The proposed development does not accord with following standard of Clause 55 and the Schedule to the Residential 1 Zone of the Bayside Planning Scheme:
  - a) Standard B17 – Side and rear setbacks
- 4 The proposed development will result in unreasonable visual bulk detriment to the neighbouring properties.

**CARRIED**

#### **4.7 111 BAY ROAD, SANDRINGHAM**

*It is recorded that Mr David Crane and Mr Adrian Zarb spoke in relation to this matter.*

**Moved: Cr Norris**

**Seconded: Cr Frederico**

That item 4.7 - 111 Bay Road Sandringham be deferred for one cycle to allow for a further shadow analysis to be undertaken.

**CARRIED**

*It is recorded that Cr Russell was not present for the entire meeting.*

**The Chairperson declared the meeting closed at 8.46pm.**