



Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre
Boxshall Street, Brighton
on Wednesday 27 April 2010
at 7.29pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Angela Meinke	-	Planning Manager
Paul Truong	-	Acting Planning Coordinator
Hugh Charlton	-	Acting Planning Coordinator
Janice Pouw	-	Governance Officer

The Chairman declared the meeting open at 7.29pm.

Moved: Cr del Porto

Seconded: Cr Norris

That the Planning Committee meeting be adjourned at 7.29pm to allow for the completion of the Special Meeting of Council.

CARRIED

Moved: Cr del Porto

Seconded: Cr Long

That the Planning Committee Meeting be resumed at 7.45pm.

CARRIED

APOLOGIES:

An apology from Cr Louise Cooper-Shaw was submitted to this meeting.

Moved: Cr Norris

Seconded: Cr Hayes

That the apology from Cr Cooper-Shaw be received and leave of absence be granted.

CARRIED

DECLARATIONS OF INTEREST:

- Cr Hayes declared an Indirect Interest by close association in Item 1.7-1-4/43 Warleigh Grove, Brighton as the proposal is close to Cr Hayes mother's property.
- Cr del Porto declared a Direct Interest in Item 1.1 – 3 Male Street, Brighton as he owns a property in Well Street Brighton which is opposite the project in question.

Confirmation of the Minutes of the Planning Committee Meeting 30 March 2010

Moved: Cr Frederico

Seconded: Cr Hayes

That the Minutes of the Planning Committee Meeting held on 30 March 2010 be confirmed.

CARRIED

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REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 clause 68, individuals cannot speak for more than 3 minutes.

Requests to be heard were received from the following people:

Item 1.8 – 25 Drake Street, Brighton

1. Miss Deena Tollman

Item 1.9 – 5 Mavis Avenue, Brighton East

1. Mr David Andrews

Item 1.11 – 1 Regent Street, Brighton East

1. Mr Peter Hill
2. Mrs Haralambia Prokopos

Item 1.12 – 3/430 Balcombe Road, Beaumaris

1. Mrs Annette Johnstone

OFFICERS' REPORTS:

1.1 3 MALE STREET, BRIGHTON

Cr del Porto declared a Direct Interest in Item 1.1 – 3 Male Street, Brighton as he owns a property in Well Street Brighton which is opposite the project in question.

Cr del Porto vacated the Chamber at 7.49pm prior to consideration of the matter.

Moved: Cr Russell

Seconded: Cr Hayes

That Cr Long take the chair for consideration of this item.

CARRIED

Moved: Cr Hayes

Seconded: Cr Norris

That the Amended Plans be approved under the Secondary Consent Provision of Planning Permit No. 2008/0310/1 for the development of two dwellings above an existing four storey building at No. 3 Male Street, Brighton.

Date	Amendment
27 April 2010	Secondary consent to amend plans to include: <ul style="list-style-type: none"> • The relocation of the spa pool of Unit 402 from the north-east corner of the property, further south-east, with the inclusion of a 1.7 metre high privacy screen. (TP03) • Rearrangement of the outdoor area to the north side of Unit 402 (TP03) • Modifications to the roof and elevation plans as a result of the above changes (TP04, TP05, TP06).

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 being taken on this item.

Moved: Cr Russell

Seconded: Cr. Frederico

That Cr del Porto resume the Chair for the remainder of the meeting.

CARRIED

Cr del Porto returned to the Chamber at 7.50pm.

1.2 121 CENTRE ROAD, BRIGHTON EAST

Moved: Cr Hayes

Seconded: Cr Norris

That the amended plans for the changes to the endorsed plans, be approved by Council under the Secondary Consent provisions of Planning Permit 2005/338/1 issued for the construction of two (2) double storey attached dwellings and access to a declared main road and the following table be added to the permit.

Date	Amendment
27 April 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> • Deleting the front fence for 121A Centre Road • Changing the fence design for 121B Centre Road (fence height was 1600mm, changes increases the fence height to 1750mm for the brick piers and 1700mm for the merbau slat infill)

CARRIED

1.3. 1/62 BEACH ROAD, HAMPTON

Moved: Cr Frederico

Seconded: Cr Russell

That the amended plans for the changes to the plans be approved by Council under the Secondary Consent provisions of Planning Permit 2006/873/1 issued for the alterations and additions to the ground and first floor to a dwelling on a lot less than 500 square metres, and the following table be added to the permit.

Date	Amendment
27 April 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> • Entry modified with roof over and gate to garden area • Ground floor windows changed • At the upper floor level bi-fold doors have been added to the balcony, window styles and sizes have been changed. Note, the balcony has not increased in area • Internal layout rearranged • Balustrade style modified • Roof pitch altered • Infill removed between roof profiles • Increase in overall height on the plan increased from 6.5 metres to 7.035 metres • The north proposed setback changed from 2.2 metres to 1.95 metres

CARRIED

1.4. 18 DUMARESQ STREET, BRIGHTON EAST

Moved: Cr Long

Seconded: Cr Frederico

That the amended plans for the alterations to the plans to include a deck for dwelling 2, be approved by Council under the Secondary Consent provisions of Planning Permit 2007/863/1 issued for the construction of a double storey dwelling and a single storey dwelling to the rear, at the land known as 18 Dumaresq Street, Brighton East, and the following table be added to the permit.

Date	Amendment
27 April 2010	Secondary Consent to Amend Plans: ➤ Timber deck within the private open space area for Dwelling 2. The deck is proposed to be 790mm above natural ground level to match the finished floor level of the dwelling.

CARRIED

1.5. 22 EXON STREET & 14 BUTLER STREET, BRIGHTON

Moved: Cr Frederico

Seconded: Cr Russell

That the amended plans for the alterations to the existing boundary fence and construction of a pool, be approved by Council under the Secondary Consent provisions of Planning Permit 2005/0241/2 issued for the construction of two (2) double storey dwellings with one (1) dwelling having a basement car park and the following table be added to the permit.

Date	Amendment
27 April 2010	Secondary Consent to Amend Plans: • Change in materials for the Butler Street side fence for 22 Exon Street to rendered concrete block. • Construction of a swimming pool

CARRIED

1.6 33-35 MELROSE STREET, SANDRINGHAM**Moved: Cr Russell****Seconded: Cr Norris**

That the Amended Plans for the alterations to the plan, be approved by Council under the Secondary Consent provisions of Planning Permit 2007/0820/1 issued for use and development of the site for a four (4) storey building comprising one (1) shop and four (4) residential apartments in a DDO6 and waiver of car parking and bicycle storage, and the following table be added to the permit.

Date	Amendment
27 April 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> Increase to the side wall heights by 120mm

CARRIED**1.7 1-4/43 WARLEIGH GROVE, BRIGHTON**

Cr Hayes declared an Indirect Interest by close association in Item 1.7-1-4/43 Warleigh Grove, Brighton as the proposal is close to Cr Hayes mother's property.

Cr Hayes vacated the Chamber at 7.55pm prior to consideration of the matter.

Moved: Cr Norris**Seconded: Cr Frederico**

That the Amended Plans for the alterations to the landscape plan, be approved by Council under the Secondary Consent provisions of Planning Permit No. 2007/0716/1 issued for alterations and additions to an existing unit development and the construction of an additional two (2) double storey units and the following table be added to the permit.

Date	Amendment
27 April 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> Alterations to the Landscape Plan - deletion of one (1) Ligustrum sp. (Privet tree) and its replacement with one (1) <i>Magnolia Stellata</i> (Star Magnolia)

CARRIED

It is recorded that Cr Hayes was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was being taken on this item.

Cr Hayes returned to the Chamber at 7.56pm.

1.8 25 DRAKE STREET, BRIGHTON

It is recorded that Miss Deena Tollman spoke in relation to this item.

Moved: Cr Hayes

Seconded: Cr Frederico

That the Amended Plans be approved under the Secondary Consent Provisions of Planning Permit No. 2006/629/1 for the construction of two (2) dwellings at 25 Drake Street, Brighton and the following table, be added to the permit:

Date	Amendment
27 April 2010	<p>Secondary consent to amend plans:</p> <p>First Floor Plan:</p> <ul style="list-style-type: none"> • The inclusion of two air conditioning units above the bedrooms and main bedroom of Dwellings A and Dwelling B. Each air conditioning unit is to be screened with horizontal timber. (HuB – D4.3 Rev C) <p>Elevations:</p> <ul style="list-style-type: none"> • The inclusion of two air conditioning units which are setback 8 metres from the western (rear) property boundary and screened at a height of 1.2 metres. (HuB – E Rev E)

CARRIED

1.9 5 MAVIS AVENUE, BRIGHTON EAST

It is recorded that Mr David Andrews spoke in relation to this item.

Moved: Cr Hayes

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2009/624/1 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 5 Mavis Avenue Brighton East for the Use of the site for a café and associated waiver in car parking, and part demolition, buildings and works in a Heritage Overlay in accordance with the application plans received 18 November 2009, 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 and 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 plans received 18 November 2009 but modified to show, to the satisfaction of the Responsible Authority:
 - a) A clear demolition plan, showing all fences, walls, windows and any other structures to be demolished.
 - b) Clear dimensions on all floor plans and elevations, showing lengths, widths and heights as appropriate.
 - c) Correct labelling of elevations.
 - d) Advertising signage must be limited to one (1) non-illuminated sign constructed 1m wide and 300mm high, with a maximum height above natural ground level of 500mm, and designed to the satisfaction of the Responsible Authority and consistent with the requirements of Clause 52.05 Advertising Signage and Clause 43.01 Heritage Overlay of the Bayside Planning Scheme.
2. The permit applicant to liaise with Council's Waste Management Officer to ensure adequate bin facilities are provided within Landcox Park, and where necessary provide additional facilities.
3. Before the use starts, an 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 activities forming part of the use 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 staff and patrons
 - b) internal signage (not visible from the street) to be used to encourage responsible off-site patron behaviour.
 - c) the training of staff in the management of patron behaviour
 - d) measures to encourage the responsible disposal of rubbish in order to protect the amenity of the area.

1.9 5 MAVIS AVENUE, BRIGHTON EAST (Continued)

4. P4 Layout not altered
5. A1 General Amenity
6. A2 Hours of operation (8:30am to 4:30pm Monday to Saturday and 9am to 4:30pm Sundays) unless varied with the written consent of the Responsible Authority.
7. A4 Limit on number of patrons (eighteen (18)).
8. A10 Noise control (N-1)
9. Before the development and use commences a waste management plan is to be submitted to the satisfaction of the responsible authority detailing garbage and recycling storage areas, types of bins/vehicles, frequency of collection, times of collection, location of collection point for vehicles etc. Waste collection is not to affect the amenity of the area or traffic flow and must be managed in accordance with the approved waste management plan.
10. PT1 Time for starting and completion.

Permit Notes

- N2 Building approval
- N3 Health approval
- N4 No signs

CARRIED

1.10 13 WORTHING ROAD, HIGHTT

Moved: Cr Frederico

Seconded: Cr Russell

That Council having caused notice of Planning Application No.2009/0604/1 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 13 Worthing Road Hightt for alterations and additions to an existing dwelling (including a second storey) on a lot less than 500 square metres in accordance with the application dated 13 November 2009 and revised plans dated 21 January 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, 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 generally in accordance with the revised plans lodged with Council on 21 January 2010 but modified to show:
 - a) Water sensitive Urban Design - stormwater treatment measures in accordance with Condition 5 of this permit.
 - b) Sill height of 1.7m above finished floor level for all first floor west and south facing windows.
2. P4 Layout not altered
3. Before the occupation of the second storey addition 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 to the satisfaction of the Responsible Authority.
4. A18 Concealment of pipes
5. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

1.10 13 WORTHING ROAD, HIGHETT (continued)

- d) 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.

6. PT1 Time for starting and completion

Permit Notes

N2 Building Approval

N7 Retention of existing street trees

N10 Asset Protection

CARRIED

1.11 1 REGENT STREET, BRIGHTON EAST

It is recorded that Mr Peter Hill spoke in relation to this item.

It is further recorded that Mrs Haralambia Prokopos was not present in the Chamber.

Moved: Cr Frederico

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2009/687/1 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 1 Regent Street, Brighton for the construction of Two (2) double storey side-by-side dwellings in accordance with the advertised plans dated 24 December 2009, 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:

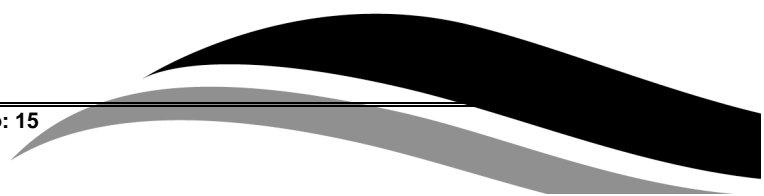
1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the advertised plans dated 24 December 2009 but modified to show to the satisfaction of the Responsible Authority:
 - a) The garage to Dwelling 1 be setback 1.5 metres from the western side boundary and to be reduced in height to an average of 3 metres with no part greater than 3.6 metres above natural ground level.
 - b) The feature pier of Dwelling 1 be extended 500mm forward to the street or alternatively by increasing the vertical height of the pier by 500 mm to appear more pronounced as an architectural feature.
 - c) First floor windows of Dwelling 1 and 2 which have the potential for overlooking to adjoining properties must be obscurely glazed in accordance with Standard B21 (overlooking) of Clause 55 of the Bayside Planning Scheme.
 - d) The location of garbage and recycling bin shown on the plans.
 - e) Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 19 of this permit.
 - f) The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 10 of this permit, including the indication of the tree protection zone for the *Melaleuca lanceolata* located at No. 4 Lucas Street further north of the subject site as outlined within Condition 12 and with an overall increase in landscaped area.
 - g) All paving (excluding driveways and the area immediate to the swimming pool) to be permeable to ensure at least 20% site permeability.
2. P4 Layout not altered
3. Before the occupation of the site commences or by such a later date as 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. A18 Concealment of pipes
5. A19 Plant / Equipment or features on roof

1 REGENT STREET, BRIGHTON EAST (continued)

- 6. A20 Boundary walls
- 7. CP7 Vehicular crossing
- 8. L1 Landscape plan required
- 9. L2 Completion of landscaping.
- 10. Before the development starts a tree protection fence must be erected around the centre of the following trees:

Tree Name / Approximate Location	Tree Protection Zone Requirements
Melaleuca lanceolata (further north at No.4 Lucas Street, Brighton).	1 metre from south boundary and 5 m from the west boundary
Streets Trees	Tree protection fence to encompass the entire nature and to be erected prior to demolition and to be maintained until all works are complete.

- 11. T9 Retention of existing street trees
- 12. T10 Retention of existing trees.
- 13. The proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply point of discharge and local drain information, if available, otherwise on site verification should be undertaken by the applicant.
- 14. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be Council approved.
- 15. 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.
- 16. E4 Stormwater plans
- 17. E5 Graded and drained discharge.
- 18. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be appropriate 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 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 treatments, including cross sections.



1.11 1 REGENT STREET, BRIGHTON EAST (continued)

These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrate 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. 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 4638.

- N1 Vehicle Crossing Permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees/protection during construction
- N8 Sewerage

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

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

CARRIED

1.12 3/430 BALCOMBE ROAD, BEAUMARIS

It is recorded that Mrs Annette Johnstone spoke in relation to this item.

Moved: Cr Russell

Seconded: Cr Norris

That Council having caused notice of Planning Application No. 2009/0575/1 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 3/430 Balcombe Road, Beaumaris for alterations and additions to an existing dwelling on a lot less than 500 square metres in accordance with the endorsed plans, with the advertised plans dated 22 October 2009, 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 dated 22 December 2009 but modified to show to the satisfaction of the Responsible Authority:
 - a) The balcony must be screened using a solid material which complements the existing dwelling to reduce noise impact and to a height of 1.7 metres above the floor level on all sides. Details of screening to be shown on the elevation plans.
2. P4 Layout not altered
3. PT1 Time for starting and completion

Permit Notes

N2 Building approval

CARRIED

The Chairperson declared the meeting closed at 8.47pm