



Minutes of the Planning & Amenity Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 10 March 2015
at 7.00pm

PRESENT:

Cr Alex del Porto (Chairman)
Cr Felicity Frederico (Mayor)
Cr Laurence Evans
Cr Michael Heffernan
Cr James Long BM JP
Cr Bruce Lowe
Cr Heather Stewart

OFFICERS IN ATTENDANCE:

Stuart Caldwell	-	Statutory Planning Manager
Connor Perrott	-	Statutory Planning Co-ordinator
Arthur Vatzakis	-	Acting Statutory Planning Co-ordinator
Terry Callant	-	Governance Manager
Janice Pouw	-	Governance Officer

The Chairman declared the meeting open at 7.00pm and advised members of the public gallery that the Planning & Amenity Committee meeting is being recorded and streamed live on the internet to enhance the accessibility of these meetings to the broader Bayside Community.



APOLOGIES: There were no apologies submitted to the meeting.

DECLARATIONS OF INTEREST: There were no declarations of interest submitted to the meeting.

Confirmation of the Minutes of the Planning & Amenity Committee Meeting 10 February 2015

Moved: Cr Frederico

Seconded: Cr Heffernan

That the Minutes of the Planning & Amenity Committee Meeting held on 10 February 2015 be confirmed.

CARRIED

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REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 clause 69, 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 26 Fernhill Road, Sandringham**
 - 1. Mr Malcolm Baird (O)
 - 2. Mrs Lyndall Baird (O)

- Item 4.2 409-411 -South Road and 2 Barr Street, Brighton East**
 - 1. Mr Rowan Hookway (A)

- Item 4.5 372 Beach Road, Beaumaris**
 - 1. Mr Brett Walters (O)
 - 2. Mr Steve Garcia (A)

- Item 4.6 38/18 Cochrane Street, Brighton**
 - 1. Mr Jarrah Lukajnov (A)

- Item 4.7 2 Walker Avenue, Hampton**
 - 1. Miss Jennifer Davies (O)

- Item 4.8 103 Dalgetty Road, Beaumaris**
 - 1. Mr Wayne Pastor (A)

- Item 4.9 8 High Street, Beaumaris**
 - 1. Mrs Diana Dugan (O)
 - 2. Dr Shirley Prager (O)
 - 3. Mr Peter Dawson (O)
 - 4. Mr Brian Lowe (A)

- Item 4.11 15-17 Edro Avenue, Brighton East**
 - 1. Mr Andrea Pagliaro (A)

OFFICERS' REPORTS:

4.1 26 FERNHILL ROAD SANDRINGHAM

It is recorded that Mr Malcolm Baird spoke in relation to this matter.

It is further recorded Mrs Lyndall Baird did not pursue her right to speak.

Moved: Cr Stewart

Seconded: Cr Evans

That Council having caused notice of Planning Application No. 2014/396/1 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 determine to Support the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 26 Fernhill Road, Sandringham, for the construction of five double storey dwellings plus attics, two double storey dwellings plus basements and seven double storey dwellings (14 dwellings in total), subject to the following conditions:-

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) A cross section showing the garages and connected rooms at the same level of Dwellings 7 and 8 protruding no more than 1.2m above ground level.
 - b) The attic floor space areas removed from Dwellings 9-11 and these dwellings provided with hipped roofs of no more than 35° pitch or flat roofs.
 - c) Dwelling 4 deleted.
 - d) The northernmost visitor car space relocated to between Dwellings 3 and 5 and the area currently occupied by this visitor car space converted to landscaping.
 - e) A 300mm landscaping buffer provided between Dwelling 15 and the adjacent visitor car space.
 - f) The landscape buffer between Dwelling 6 and the common accessway to the south increased in width to 1m.
 - g) The vehicle access point to Fernhill Road located a minimum of 10m from the Sims Street intersection.
 - h) Dwelling 1 setback from Sims Street by 7m.
 - i) Visibility splays provided in accordance with Design Standard 1 of Clause 52.06-8.
 - j) All habitable room windows and balconies to be screened as necessary to ensure compliance with Standards B22 and B23 of ResCode. Specifically:
 - (1) The first floor, south facing bedroom window to Dwelling 12 to be fixed and screened with obscure glazing to a height of 1.7m above finished floor level.

4.1 26 FERNHILL ROAD SANDRINGHAM (continued)

- (2) The first floor, west facing bedroom window to Dwelling 12 to be screened with an 'L' shaped, aluminium louvered fin to a height of 1.7m above finished floor level.
 - (3) The first floor, west facing bedroom window to Dwelling 13 to be screened with an aluminium louvered fin to a height of 1.7m above finished floor level.
 - (4) 1.8m high obscure glazing provided to the northern boundary of the north facing first floor balconies of Dwellings 1-7.
 - (5) 1.8m high fixed aluminium louvered screening with a maximum of 25% openings to be applied to all first and attic level west facing windows associated with Dwellings 1-6.
- k) The wedge-leaf hop bush proposed along the southern boundary opposite No. 1/31A Tennyson Street, Sandringham to be replaced with four olive trees.
 - l) The landscape plan updated to reflect the above conditions.
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 above the roof level of the building without the written consent of the Responsible Authority.
 6. The walls on boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Vehicular crossings 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.
 8. Before the use or 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;
 - e) Line marked to indicate each car space and all access lanes;

4.1 26 FERNHILL ROAD SANDRINGHAM (continued)

To the satisfaction of the responsible authority.

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

9. Prior to the commencement of development, a Construction Management Plan (CMP) must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit.
10. The CMP must include (but is not limited to) the following unless otherwise agreed by the Responsible Authority:
 - a) Pedestrian access will be maintained at all times along the Fernhill Road and Sims Street footpaths adjacent to the site;
 - b) All site facilities will be located on site during the construction period;
 - c) All waste material not required for further on-site processing will 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 to the satisfaction of the Responsible Authority.
 - d) All storage areas/external stockpiles/vacant areas must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.
 - e) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the Responsible Authority.

The CMP must be implemented to the satisfaction of the Responsible Authority with all works completed in accordance with EPA requirements.

11. Before the occupation of the building 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. Prior to the commencement of buildings and works an arboricultural impact assessment which provides specific details of the construction methods to be used to minimise impacts on trees on adjoining properties where such trees have tree protection zones (TPZs) calculated in accordance with AS4970-2009 within the subject site must be submitted to and approved by the Responsible Authority. The report must demonstrate to the satisfaction of the Responsible Authority that the trees will remain viable post construction. The arboricultural impact assessment must be prepared in accordance with AS 4970 – 2009 Protection of Trees on Development Sites, Section 2.3.5 and explain the design and construction methods proposed to minimise impacts on trees where there is encroachment into TPZs including ground level changes.

4.1 26 FERNHILL ROAD SANDRINGHAM (continued)

14. The existing street trees must not be removed or damaged.
15. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
16. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. the development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
17. Any subsurface water captured on the site must be treated in accordance with Council's Policy for 'Discharge of Pumped Subterranean Water Associated with Basements or Below-Ground Structures'.
18. 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.
19. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto 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.
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 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 above if a request is made in writing:
 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

4.1 26 FERNHILL ROAD SANDRINGHAM (continued)

Permit Notes

Build over easement

There is no easement within the property although records suggest there is a sewer drain at the rear of the property. Nothing is proposed but for any future proposals, building over or near this asset will require approval from the Responsible Authority as part of the Building Permit process.

Permits to be acquired

Construction of any fence/ wall/ letterbox structures may necessitate removal/ damage of some sections of 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 Infrastructure Department prior to the commencement of the connection to the Council drain/ kerb/ channel.

Flood zone

Property is not in a 'Flood Zone'

CARRIED

4.2 409-411 SOUTH ROAD and 2 BARR STREET BRIGHTON EAST

It is recorded that Mr Rowan Hookway spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2014/501/1 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 409 & 411 South Road and 2 Barr Street Brighton East, for the use and development of the land as a child care centre, reduction in car parking requirements and erection and display of business identification signage in accordance with the application dated 3 July 2014, 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, 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 south western corner of the development must include a 2.0 x 2.0 metre splay. This will require alterations to the access ramp. The splayed area must be concreted to match the existing footpath.
2. The use and 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 the building 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 without the written consent of the Responsible Authority.
5. Prior to the commencement of development, a Construction Management Plan (CMP) must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit. The CMP must include (but is not limited to):
 - a) Pedestrian access along the South Road and Barr Street footpath adjacent to the site must be maintained at all times.
 - b) All site facilities must be located on site during the construction period;

4.2 409-411 SOUTH ROAD and 2 BARR STREET BRIGHTON EAST **(continued)**

- c) All waste material not required for further on-site processing 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 to the satisfaction of the Responsible Authority.
- d) All storage areas/external stockpiles/vacant areas must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.
- e) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the Responsible Authority.

The CMP must be implemented to the satisfaction of the Responsible Authority with all works completed in compliance with environmental health requirements.

- 6. The amenity of the area must not be detrimentally affected by the use or development, by the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) By any other circumstances.
- 7. The hours of operation are limited to 7.00am to 7.00pm Monday to Friday unless otherwise with the written consent of the Responsible Authority.
- 8. No more than one hundred and forty (140) children and 24 full-time staff members may be present on the premises at any one time without the written consent 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

4.2 409-411 SOUTH ROAD and 2 BARR STREET BRIGHTON EAST **(continued)**

- 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

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 use/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. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
13. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
14. 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.
15. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto 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.
16. 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 and approved by Council's Engineering Services department.
17. The owner is to bear the cost to remove and reinstate any Council owned assets including street furniture or infrastructure items required to enable development of the site.

4.2 409-411 SOUTH ROAD and 2 BARR STREET BRIGHTON EAST **(continued)**

18. The development must provide its own waste collection service carried out by a Commercial Waste Collector.
19. The waste collection service must be carried out on site within the development boundaries.
20. Waste collection receptacles are not to be stored in the road reserve at any time.
21. The use of commercial waste and recycling bins is subject to compliance with the guidelines in Schedule 1 of Local Law. No. 2, Environment, Section 15.
22. The collection of commercial waste and recycling bins is subject to compliance with EPA Noise Control Guidelines, Industrial Waste collection, Section 6.
23. The location and details of the sign/s, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
24. The sign/s must not contain any flashing lights or be animated.
25. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
26. This permit in respect to the signage will expire fifteen (15) years from the date of this permit.
27. 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 use is not commenced within four years from the date of this permit.

The Responsible Authority may extend the periods referred to above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

CARRIED

4.3 20 ILUKA STREET BLACK ROCK

Moved: Cr Evans

Seconded: Stewart

That Council having caused notice of Planning Application No. 2014/251/1 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 20 Iluka Street, Black Rock, for 'Alterations and additions on a lot less than 500 square metres in accordance with the amended plans dated 6 October 2014 & 17 February 2015, 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 deletion of the angled screen around the first floor balcony and across the western and southern sides of the first floor addition.
 - b) The provision of vertical screening around the north, west and south sides of the first floor deck to a height of 1.7 metres above finished floor level in accordance with the provisions of Standard A15 of Clause 54 of the Bayside Planning Scheme.
 - c) The provision of screening across the west and south-facing windows of the first floor addition adjacent to the stairwell to a height of 1.7 metres above finished floor level in accordance with the provisions of Standard A15 of Clause 54 of the Bayside Planning Scheme.
 - d) Provision of a 600mm trellis screen (to include 25% openings) on the southern and western boundary fences adjacent to the constructed ground floor deck.
 - e) Screening across the south facing first floor study window in accordance with Standard A15 of Clause 54 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 the addition 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 dwelling without the written consent of the responsible authority.
5. 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.

4.3 20 ILUKA STREET BLACK ROCK (continued)

The Responsible Authority may extend the periods referred to above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or

Within 12 months afterwards if the development has lawfully commenced

Permit Notes

N2 Building approval

CARRIED

4.4 21- 27 HOLYROOD STREET HAMPTON

Moved: Cr Frederico

Seconded: Cr Lowe

That Council Amend Planning Permit 2014/4674/1 and that the permit be re-issued with the following table inserted as a record of the amendments at the end of the permit.

Date	Amendment
10 March 2015	Amendment under Section 72 of the Planning and Environment Act 1987 to: <ul style="list-style-type: none"> • Delete condition 10; and • Include a new condition 11 and renumber remaining condition.

1. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 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) A 2 metre wide drainage easement along the western boundary of Lot 2 in favour of Bayside City Council.
2. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Prior to the registration of the plan of subdivision, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement will prohibit the use of the three rink bowling green adjacent to the eastern boundary of Lot 1 for both bowls practice and games at all times unless with the prior written consent of the Responsible Authority. The agreement must be registered on the title of the land in accordance with Section 181 of the Planning and Environment Act 1987.

The owner must pay all reasonable costs of the preparation, execution and registration of the S173 agreement.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the Relevant Authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
6. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

4.4 21- 27 HOLYROOD STREET HAMPTON (continued)

- b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
 8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
 9. Before the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must construct a stormwater drain from the south west corner of Lot 1 to the Council drain pit in front of 15 Holyrood Street in accordance with plans and specifications prepared by and at the cost of the owner and approved by the Responsible Authority. The owner is to pay the Responsible Authority a plan checking fee and construction supervision fee as per the Subdivision (Fees) Interim Regulations 2014.
 10. Deleted.
 11. Prior to the registration of the plan of subdivision the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement will restrict the development of Lot 1 to a single dwelling. The agreement must be registered on the title of the land in accordance with Section 181 of the Planning and Environment Act 1987.

The owner must pay all reasonable costs of the preparation, execution and registration of the S173 agreement.
 12. This permit will expire if:
 - a) The plan of subdivision is not certified within two years of the date of this permit.
 - b) The plan of subdivision is not registered within five years of the original date of certification.

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

CARRIED

4.5 372 BEACH ROAD BEAUMARIS

It is recorded that Mr Brett Walters and Mr Steve Garcia spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Evans

That Council, having caused notice of Planning Application No 2014/211/1 to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a Notice of Refusal to Grant a Permit in respect of the land known and described as 372 Beach Road Beaumaris for construction of a roof deck in Design Development Overlay, Schedule 1 and removal of native vegetation in Vegetation Protection Overlay, Schedule 3 for the following reasons:

- 1 The roof deck and access structure fails to appropriately integrate with the roof form of the existing dwelling and will present as a dominant structure to the adjoining streetscapes and neighbouring properties in contravention of the decision guidelines of Design and Development Overlay, Schedule 1 of the Bayside Planning Scheme.
- 2 The roof deck will result in unreasonable amenity impacts to adjoining properties by way of overlooking in contravention of the decision guidelines of Design and Development Overlay, Schedule 1 of the Bayside Planning Scheme.
3. The removal of native vegetation from the site will impact adversely upon the landscape character of the immediate surrounding area in contravention of Vegetation Protection Overlay, Schedule 3 of the Bayside Planning Scheme.

CARRIED

4.6 38/18 COCHRANE STREET BRIGHTON

It is recorded that Mr Jarrah Lukajnov spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2014/592/1 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 18 Cochrane Street, Brighton, to Construct buildings and works (first floor balcony) over common property in accordance with the application dated 15/08/2014, 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 setback of the balcony to the east boundary specifically notated as 2.6 metres.
 - b) The setback to the balcony to the south boundary specifically notated as 6.2 metres.
2. Before the occupation of the balcony commences or by such later date as is approved in writing by the responsible authority, all buildings and works, including the erection of privacy screening, and the conditions of this permit must be carried out and completed to the satisfaction 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 above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

N2 Building approval

CARRIED

4.7 2 WALKER AVENUE HAMPTON

It is recorded that Miss Jennifer Davies spoke in relation to this matter.

Moved: Cr Lowe

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2014/528/1 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 2 Walker Avenue Hampton, to Construct dwelling additions on a lot less than 500 square metres in area generally in accordance with the endorsed plan, 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 length of wall located on eastern boundary reduced from its southern end by a minimum of 472mm.
 - b) A schedule of construction materials, external finishes and colours.
 - c) Screening across the east facing window of bedroom 2 at first floor level in accordance with standard A15 of clause 54 of the Bayside Planning Scheme.
2. P4 Layout not altered
3. P5 Layout not altered – use of land
4. Before the occupation of the proposed additions 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. A19 Plant/equipment or features on roof
6. A20 Boundary walls
7. PT1 Time for starting and completion

Permit Notes

N2 Building approval

CARRIED

4.8 103 DALGETTY ROAD BEAUMARIS

It is recorded that Mr Wayne Pastor spoke in relation to this matter.

Moved Cr Stewart

Seconded Cr Evans

That Council having caused notice of Planning Application No. 2014/303/1 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 103 Dalgetty Road Beaumaris, for the Construction of two double storey dwellings with basement car parking, a front fence exceeding 1.2 metres and the removal of native vegetation in a Vegetation Protection Overlay 3 in accordance with the application dated 12 May 2014 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 dated 20 October 2014 with the application but modified to show:
 - a) The pool, spa, sun deck and fire pit deleted from within the front setback of Unit 1.
 - b) The front fence setback 2.5 metres from the front of the site.
 - c) A landscape plan in accordance with condition 6 of this permit.
 - d) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - e) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - f) The first floor west facing master bedroom window to Unit 2 to be screened in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - g) Water sensitive urban design stormwater treatment measures providing a minimum rating of 100% in accordance with Condition 16 of this permit.
 - h) The basement ramp to have a 1 in 10 grade for the first 2 metres, a 1 in 5 main grade and a 1 in 8 grade for the final 2 metres.
 - i) A longitudinal section of the basement ramp from the footpath that shows all grades, length of grades and levels.
 - j) 2.2 metre minimum headroom clearance at the entrance and throughout the basement garage.
 - k) The basement ramp to be a minimum of 3.6 metres wide.
 - l) The basement ramp where it intersects with the footpath must be 3.6 metres wide with at least a 1metre offset from the southern property boundary.

4.8 103 DALGETTY ROAD BEAUMARIS (continued)

- m) A 3.6 metre wide crossover must be constructed with a 1 metre minimum offset from the southern property boundary centred on the ramp. The crossover must have a minimum 2 metre offset from the southern street tree and minimum 2.9 metre offset from the northern street tree.
 - n) The bins to be relocated to the stores to allow convenient vehicular access and egress.
 - o) The car spaces to be line marked and allocated to each Unit.
 - p) Compliance with sight line requirements of AS2890.1 for the area where the driveway/ramp intersects with the footpath. All structures including foliage, front fences etc within the triangle must be limited to a height of 900mm.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. 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.
 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 above the roof level of the building without the written consent of the responsible authority.
 6. 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 be generally in accordance with the proposed landscape plan dated 5 August 2014 prepared by BJB Landscaping except that the 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 plants. Plantings are to comprise a minimum of 80% indigenous species.
- e) Landscaping and planting within all open areas of the site.
- f) The planting of one additional native tree capable of reaching a minimum height of 12m within the front setback of Unit 1.

4.8 103 DALGETTY ROAD BEAUMARIS (continued)

7. 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.
8. 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.
9. 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.
10. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council's standards.
11. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity of which is to be to the satisfaction of the Responsible Authority.
12. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". 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.
13. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto 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.
14. The driveway / parking areas / paved courtyards / paths and any 'pervious' pavers must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
15. 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.

4.8 103 DALGETTY ROAD BEAUMARIS (continued)

16. 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; and

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.

17. The protection requirements for Tree 9 (*Pittosporum undulatum* (Sweet Pittosporum)) growing in 101 Dalgetty Road and for Tree 16 (*Melaleuca styphelioides* (Prickly-leaved Paperbark)) as outlined in the Construction Impact and Tree Protection Assessment Report prepared by Treelogic, dated 15 December 2014 must be implemented to the satisfaction of the Responsible Authority to ensure the survival of these trees during and after the construction process.
18. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
- 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 dripline of the trees.
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 (Protection of trees on development sites).
 - d) During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
19. Root pruning within the TRZ (Tree Protection Zone)
- a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All affected roots must be correctly pruned according to AS 4373-2007

4.8 103 DALGETTY ROAD BEAUMARIS (continued)

20. 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 above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

N1 Crossover permit
N2 Building approval
N10 Asset Protection

Build over easement:

There is no easement within the property although records suggest there is a sewer drain at the rear of the property and a stormwater pit in the south west corner of the property. Unit 2 has pool / structures over the sewer drain which will require approval from the responsible authority as part of the Building Permit process to build over.

Permits to be acquired:

- a) Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of footpath. If this is the case, a '*Road Opening/Stormwater Tapping Permit*' is to be obtained to facilitate such works.
- b) A '*Road Opening/Stormwater Tapping Permit*' is to be obtained from the Infrastructure Department prior to connection to the Council drain/kerb/channel.

It is recorded Cr Stewart and Cr Evans withdrew as mover and seconder of the motion.

Moved: Cr Frederico

Seconded: Cr Stewart

That this item be deferred to allow for further consultation with the applicant.

CARRIED

4.9 8 HIGH STREET, BEAUMARIS

It is recorded that Mrs Diana Dugan, Dr Shirley Prager and Mr Peter Dawson spoke in relation to this matter.

It is further recorded Mr Kiril Jovanovski spoke on behalf of Mr Brian Lowe in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Evans

That the item be deferred for further consideration to allow for a landscape plan identifying trees for removal and retention to be provided to Councillors.

CARRIED

Moved: Cr Frederico

Seconded: Cr Heffernan

That items 4.10 and 4.11 be dealt with as a block motion and the recommendations be adopted.

CARRIED

4.10 60-62 MILROY STREET BRIGHTON EAST

That the Amended Plans be approved in accordance with the secondary consent provisions of Planning Permit No. 2003/978/1 issued for Construction of six (6) double storey dwellings with associated basement car parking at 60-62 Milroy Street, Brighton East, and the following table be added at the end of the permit:

Date	Amendment
10 March 2015	Amendments to plans under the provisions of Secondary Consent as follows: <ul style="list-style-type: none"> • The inclusion of a ground floor deck and spa associated with unit 2.

NOTE – Item 4.10 was **CARRIED** as part of a block motion.

4.11 15-17 EDRO AVENUE BRIGHTON EAST

It is recorded that Mr Andrea Pagliaro spoke in relation to this matter.

That the Amended Plans be approved in accordance with the secondary consent provisions of Planning Permit No. 2013/551/1 issued for The construction of two double storey dwellings and a front fence exceeding a height of 1.2 metres at 15-17 Edro Avenue, Brighton East, and the following table be added at the end of the permit.

10 March 2015	<p>Amended plans under Secondary Consent to show:</p> <p>Ground floor</p> <ul style="list-style-type: none"> • Squaring off the rear elevations of both dwellings • Extension to the rear of 15a Edro Avenue to facilitate a 4.085m long timber decking area. • Extension to the rear of 15b Edro Avenue to facilitate a 2.075m long timber decking area. • Re-arrangement to the pool space at 15a Edro Avenue. The pool will now be 5.73 metres long, and additionally include a shower (0.9 metres long) and spa measuring 1.875 metres. • Re-arrangement to the pool space at 15b Edro Avenue. The pool is now to include a spa measuring 1.71 metres, a waterfall feature and a shower. • Inclusion of a gym (demountable structure) to the rear boundary line of 15b Edro. The gym will measure 2.8 metres x 4.18 metres. • Change in finished level at the entry of 15a and 15b Edro Avenue to 23.82 to address building requirements. • Change in finished level in the dining room of 15a Edro Avenue to 23.53. • Change in finished level in the living room of 15b Edro Avenue to 23.53. • Inclusion of a front fence to be 1.5 metres high. The driveway area fence is to be kept clear of obstructions in order to provide sight lines to vehicles and pedestrians. • Internal re-arrangement to 15b Edro Avenue at ground floor. This includes moving the staircase to the west of the dwelling and providing an additional powder room. <p>First floor</p> <ul style="list-style-type: none"> • Internal re-arrangement to 15b Edro Avenue at first floor. This includes the re-alignment of the staircase to match that at ground level. • Deletion of internal wall for the walk in robe to the master bedroom at 15b Edro Avenue. This will facilitate a walk in robe directly behind the bed.
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NOTE – Item 4.11 was **CARRIED** as part of a block motion.

The Chairman declared the meeting closed at 8.21pm.

CONFIRMED THIS 14 DAY OF APRIL 2015

CHAIRPERSON: