



## **Minutes of the Planning & Amenity Committee Meeting**

held in the Council Chamber  
Boxshall Street, Brighton  
on Tuesday 14 April 2015  
at 7.00pm

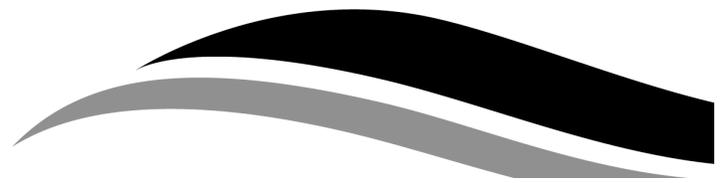
### **PRESENT:**

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:**

- Cr Frederico declared an indirect conflict of interest by close association in item 4.3 given her son is a student at Xavier College Kostka Hall.

**Confirmation of the Minutes of the Planning & Amenity Committee Meeting 10 March 2015**

**Moved: Cr Frederico**

**Seconded: Cr Evans**

That the Minutes of the Planning & Amenity Committee Meeting held on 10 March 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 28 Cromer Road, Beaumaris**

1. Mr Ken Beadle (O)
2. Mrs Katharine Overton (O)
3. Mr Warren Overton (O)
4. Mr Colin Martin (O)

**Item 4.2 1/25 Landcox Street, Brighton East**

1. Mr John Herniman (A)

**Item 4.3 47 South Road, Brighton**

1. Mr Daniel Whelan (O)
2. Ms Natalie Gray (A)

**Item 4.4 2 Austin Road, Hampton**

1. Mr Paul Garratt (O)
2. Mrs Charlotte Farrugia (O)
3. Mr Corey Farrugia (O)
4. Mr Richard Umbers (A)

**Item 4.5 3 Primrose Crescent, Brighton East**

1. Mr Daniel Spirdonoff (O)
2. Mr Robert Burnell (O)

**Item 4.6 33 Baird Street, Brighton East**

1. Mr David Whipp (O)
2. Mr Zachary Miller (O)
3. Mr Jason Pasqual (A)

**Item 4.7 21 Wentworth Avenue, Sandringham**

1. Ms Estelle Bode (O)
2. Mr Peter Barglowski (A)
3. Mr Peter Barglowski on behalf of Mrs Diana Barglowski (A)

**Item 4.8 1/193A Bay Street, Brighton**

1. Mr Barry Brooker (O)
2. Ms Blanche Manuel (A)

## **OFFICERS' REPORTS:**

### **4.1 28 CROMER ROAD, BEAUMARIS**

*It is recorded that Mrs Katharine Overton, Mr Warren Overton, Mr Colin Martin and Mr Ken Beadle spoke in relation to this matter.*

**Moved: Cr Frederico**

**Seconded: Cr Lowe**

That the Committee under section 73(c) of the Governance Local Law 1, grant Mr Chris Barlow the opportunity to speak for three minutes.

**CARRIED**

**Moved: Cr Evans**

**Seconded: Cr Stewart**

That Council having caused notice of Planning Application No. 2014/304/1 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 Not Support the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 28 Cromer Road, Beaumaris for partial demolition, buildings and works (including a double storey extension, basement car park and swimming pool) in a Heritage Overlay (HO474) and the removal of vegetation in a Vegetation Protection Overlay, Schedule 3 for the following reasons:

1. The proposed development does not accord with the objectives of Clause 22.05 of the Bayside Planning Scheme for the following reasons:
  - a) The construction of 'The Barn' has a high visual impact, detracts from the significance of the heritage place, fails to maintain the integrity of the architectural character of the dwelling and dramatically alters the character of the immediate environment of the heritage dwelling.
  - b) The construction of the rear 'loggia' is not complementary and overwhelms the significance of the heritage dwelling, particularly when viewed from The Close. The 'loggia' also fails to maintain a consistency of architectural styles with the heritage dwelling.
  - c) The restoration of the front verandah is inconsistent with what is likely to have been the original or early appearance of the dwelling and would compromise the architectural integrity of the heritage dwelling.
  - d) The car parking facilities dominate views of the heritage dwelling from The Close and detract from its significance and contribution to The Close streetscape.
2. The removal of Tree No. 24, the likely loss of Tree Nos. 32 and 33 and the potential impact on the structural root systems of the trees at the rear of 3 Lileura Avenue to accommodate the development would undermine the preferred vegetated character of the immediate surrounding area in contravention of the overarching objectives of the Vegetation Protection Overlay, Schedule 3 of the Bayside Planning Scheme.

**CARRIED**

## **4.2 1/25 LANDCOX STREET, BRIGHTON EAST**

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

**Moved: Cr Heffernan**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2014/578/1 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 1/25 Landcox Street, Brighton East for the construction of a second storey addition to a dwelling on a lot less than 500 square metres in accordance with the application dated 22 January 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 dated 22 January 2015 but modified to show:
  - a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
  - b) The south facing bedroom window to be screened in accordance with Standard A15 of Clause 54 of the Bayside Planning Scheme.
  - c) All plant and equipment (including air conditioning units, heating units, hot water systems, etc.) which is proposed to be located externally identified on the plans.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority
3. 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.
4. 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**

*It is recorded Cr Frederico declared an indirect conflict of interest by close association in item 4.3 given her son is a student at Xavier College Kostka Hall.*

*Cr Frederico was not present in the Chamber when this item was considered and vacated the Chamber at 7.55pm.*

### **4.3 47 SOUTH ROAD, BRIGHTON**

*It is recorded that Mr Daniel Whelan and Ms Natalie Gray spoke in relation to this matter.*

**Moved: Cr Lowe**

**Seconded: Cr Evans**

That Council having caused notice of Planning Application No. 2014/475/1 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 47 South Road, Brighton, to Erect and display signage generally and associated works in accordance with the submitted plans in accordance with the application dated 25/06/2014, 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 erection of the signage, 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 in-ground LED lights deleted.
2. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
3. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25cd/metres square, throughout the driver's approach to the advertising sign.
4. The signs must not dazzle or distract road users due to its colouring.
5. The signs must not be animated and no flashing or intermitted light(s) may be displayed.
6. This permit will expire within 15 years of the date of this permit at which point the signs hereby approved must be removed.
7. This permit will expire if the signs are not erected within two (2) years of the date of this permit.

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

### **4.3 47 SOUTH ROAD, BRIGHTON (continued)**

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**

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

*It is recorded Cr Frederico re-entered the Chamber at 8.01pm following consideration of the above item.*

#### 4.4 2 AUSTIN ROAD, HAMPTON

*It is recorded that Mrs Charlotte Farrugia, Mr Corey Farrugia and Mr Richard Umbers spoke in relation to this matter.*

*It is further recorded Mr Paul Garratt was not present in the Chamber.*

**Moved: Cr Frederico**

**Seconded: Cr Heffernan**

That Council having caused notice of Planning Application No. 2014/147/1 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 Austin Road, Hampton, for the Construction of two double storey dwellings and a front fence exceeding a height of 1.2 metres in accordance with the plans date stamped 10 December 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 render of the first floor south elevation of Unit 2 and the east elevation of Unit 1 and 2 to be replaced and clad in timber weatherboard.
  - b) Bedroom 2 of dwelling 1 to be setback a minimum of 8.0m from Austin Road without impacting other setbacks
  - c) The first floor setback of dwelling 2 to the south be a minimum of 3.68m from the boundary.
  - d) A 3.0m wide new crossing is provided for Dwelling 1 with 0.8m offset from the eastern property boundary, centred to the driveway. A 0.8m separator is to be installed.
  - e) A 3.0m wide new crossing is provided for Dwelling 2 with 0.8m offset from the southern property boundary, centred to the driveway.
  - f) A minimum 2m x 2m corner splay must be provided in the north-west corner of the site, concreted to match the footpath and clear of obstructions. A small garden bed in lieu of concrete can be provided. Any planting in this area must not exceed a height of 0.9m.
  - g) All building services and equipment located so as to not impact adversely upon the general amenity of neighbouring properties;
  - h) A landscape plan in accordance with Condition 4 of this planning permit
  - i) The access and fencing for Dwelling 1 altered to provide visibility splays in accordance with Design standard 1 – Accessways of Clause 52.06-08 (Design standards for car parking) of the Bayside Planning Scheme.

#### **4.4 2 AUSTIN ROAD, HAMPTON (continued)**

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. 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
  - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used
  - e) 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
  - f) Landscaping and planting within all open areas of the site
  - g) An in-ground irrigation system to all landscaped areas.
  - h) A canopy tree to reach a minimum height of 6.0m at maturity in the SPOS areas of both dwellings.
  - i) A canopy tree to reach a minimum height of 6.0m at maturity in the POS areas of both dwellings.

All species selected must be to the satisfaction of the Responsible Authority.

5. 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.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

#### 4.4 2 AUSTIN ROAD, HAMPTON (continued)

7. Tree Protection Fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. 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.
8. 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.
9. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
10. The wall on the boundary of the adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
11. 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.
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 with Council's Engineering Services department for approval.

#### **4.4 2 AUSTIN ROAD, HAMPTON (continued)**

17. 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.
18. This permit will expire if one of the following circumstances applies:
  - a) The development has not commenced 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**

A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

Building approval must be obtained prior to the commencement of the above approved works.

Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.

The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees.

The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.

Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

The existing street tree/s must not be removed or damaged.

Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.

Permits to be acquired

- i) 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.
- ii) 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.

**CARRIED**

## **4.5 3 PRIMROSE CRESCENT, BRIGHTON EAST**

*It is recorded that Mr Daniel Spirdonoff and Mr Robert Burnell spoke in relation to this matter.*

**Moved: Cr Long**

**Seconded: Cr Heffernan**

That the Committee under section 73 (c) of the Governance Local Law 1, grant Mr George Mandalos and Mr John Lambis the opportunity to speak for three minutes.

**CARRIED**

**Moved: Cr Heffernan**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2013/748/1 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 Primrose Crescent Brighton East, for the Construction of a two-storey dwelling at the rear of the existing dwelling and site accessed via Locke Street in accordance with the application dated 19/12/2013, 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 plans dated 27 November 2013 (Revision 2) but modified to show:
  - a) The setback to the first floor from the southern side boundary is to be a minimum 2.5 metres;
  - b) All external mechanical plant for the new dwelling, including air conditioning condenser units, to be located away from adjoining neighbour habitable room windows; and
  - c) A landscape plan in accordance with Condition 6.
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 new dwelling to the rear 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.

#### **4.5 3 PRIMROSE CRESCENT, BRIGHTON EAST (continued)**

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 should include the following:
  - a) A substantial planted screen along the common northern property boundary with No. 5 Primrose Crescent.
  - b) A survey (including botanical names) of all existing vegetation to be retained or removed; and includes trees (including botanical names) on neighbouring properties whose Tree Protection Zone extends within the subject site.
  - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, pot sizes, sizes at maturity, and quantities of each plant.

All species selected must be to the satisfaction of the Responsible Authority.

7. Before the occupation of the development 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. Tree Protection Fencing is to be established around the street tree and the Lilly Pilly on the neighbouring property at 1 Primrose Crescent prior to demolition and maintained until all works on the site are complete, to the satisfaction of the Responsible Authority.
  - The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - The fencing is to encompass the entire dripline of the trees.
  - Any excavation works are to maintain a minimum 1.6 metre setback to the tree.
10. Tree Protection Zones (TPZ) are to be established and maintained in accordance with Australian Standards 4970 *Protection of Trees on Development Sites*, to the satisfaction of the Responsible Authority.
  - During construction of the crossover in Locke Street, tree protection fencing for the street tree may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
11. Root pruning within the Tree Protection Zones (TPZ).
  - Prior to soil excavation for the new crossover, a trench along the line of the proposed crossover must be dug by hand.
  - Excavation for the footings along the western side of the new dwelling within the Tree Protection Zone for the Lilly Pilly should be dug by hand or other non-destructive method (e.g. compressed air).

#### **4.5 3 PRIMROSE CRESCENT, BRIGHTON EAST (continued)**

- A suitably qualified Arborist is to be available onsite for advice and to inspect all works. Roots with a diameter of 30mm or less can be cut cleanly with secateurs, while larger roots will be treated to the satisfaction of the Arborist. These works should be documented and photographed.
  - All affected roots must be correctly pruned according to AS 4373-2007 and to the satisfaction of the Responsible Authority.
12. Prior to commencement of works, civil engineering design drawings are required to be submitted to Council showing the following:
    - a) An extension of the footpath around the Locke Street court;
    - b) Relocation of the existing side entry pit for the new crossover; and
    - c) A vehicle crossing in accordance with relevant Council standards.
  13. Before the occupation of the development, the area 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 dwelling
    - c) Surfaced with an all-weather-seal coat
    - d) Drainedto the satisfaction of the Responsible Authority.
  14. Car spaces and driveways must be kept available for these purposes at all times.
  15. 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.
  16. The applicant must apply for the nominated legal point of discharge for the development where stormwater runoff must be collected and free drained to Council's drainage assets to Council standards.
  17. 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 with the design capacity to be to the satisfaction of the Responsible Authority.
  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. The design must meet the requirements of Council's discharge of Pumped Subterranean Water Associated with Basements or Below-Ground Structures.

#### **4.5 3 PRIMROSE CRESCENT, BRIGHTON EAST (continued)**

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 issued date of this permit.
  - b) The development is not completed within four years of the issued 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

A permit must be obtained from Council for all vehicular crossings.

These must be constructed under Council's supervision for which 24 hours' notice is required.

##### N2 Building approval

Building approval must be obtained prior to the commencement of the above approved works.

##### (a) Build Over Easement

Council records indicate that there is no easement within the property.

#### 4.5 3 PRIMROSE CRESCENT, BRIGHTON EAST (continued)

Note a sewer pipe (South East Water asset) and Stormwater pipe (Council asset) are within reasonably close proximity to the rear fence and just within the property at 4 Frances Street to the north. There should be sufficient foundations of the rear dwelling to allow the Stormwater pipe to be excavated and replaced should this be required without undermining the rear dwelling structure. Any requirements regarding the sewer pipe should be confirmed with the sewer authority (South East Water).

- (b) Permit to be acquired
  - i 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.
  - ii 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.

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

**DIVISION:**   **FOR:**           Crs Evans, Heffernan, Frederico and Lowe (4)  
                  **AGAINST:**       Crs Stewart, Long and del Porto (3)

**CARRIED**

## 4.6 33 BAIRD STREET, BRIGHTON EAST

*It is recorded that Mr David Whipp, Mr Zachary Miller and Mr Jason Pasqual spoke in relation to this matter.*

**Moved: Cr Lowe**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2014/170/1 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 33 Baird Street, Brighton East, for the construction of a two storey building consisting two dwellings in accordance with the endorsed plans and 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) The dwelling 1 carport offset from the northern property boundary by 2m.
  - b) The northern window of bedroom three of dwelling 2 screened to a height of 1.7m.
  - c) The east facing bedroom three window and east facing rumpus/entertainment window of dwelling 2 increased in size to full length windows.
  - d) The rear access door from the garage of dwelling 2 deleted.
  - e) The east-west running fence running parallel with the ground floor south facing windows of dwelling 1 deleted.
  - f) The gate at the western end of the fence mentioned in Condition 1e) deleted.
  - g) The south facing windows of the master bedroom and bedroom two of Dwelling 1 provided as full length windows.
  - h) The bins associated with dwelling 2 relocated to that dwellings garage.
  - i) A storage shed servicing dwelling 2 adjacent to the pantry of dwelling 1.
  - j) The provision of a 1m separator between the existing vehicle crossover and the vehicle crossover servicing the property to the south.
  - k) Visibility splays in accordance with Design Standard 1 of Clause 52.06-8.
  - l) A schedule of external materials and finishes in accordance with Condition 3 of this planning permit.
  - m) An arborist report in accordance with Condition 8 of this planning permit and any minor amendments required to comply with the recommendations of this report.
  - n) A landscape plan in accordance with Condition 9 of this planning permit.

#### **4.6 33 BAIRD STREET, BRIGHTON EAST (continued)**

2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) 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. 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.
5. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the responsible authority.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Before the development starts, an arborist report in accordance with AS4970 is required to be submitted to and be approved by the Responsible Authority. This arborist report must comment on the impact of the proposed development on all trees on adjacent properties whose Tree Protection Zone extends into the subject site in accordance with AS4970. This report must also provide a construction impact assessment and tree protection methodology for the duration of the construction period to the satisfaction of the Responsible Authority.
9. Before the development starts, an amended 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 amended landscaping plan must show:
  - a) Provision of additional screen planting along the northern and western boundaries of the site
  - b) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - c) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
  - d) Tree protection zones of all trees on adjoining properties, where such tree protection zones extend into the subject site. Tree Protection Zones are to be calculated in accordance with AS4970.
  - e) Details of surface finishes of pathways and driveways
  - f) Details of water sensitive urban design elements to be incorporated and the plant species to be used

#### **4.6 33 BAIRD STREET, BRIGHTON EAST (continued)**

- g) 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
  - h) Landscaping and planting within all open areas of the site
  - i) An in-ground irrigation system to all landscaped areas. All species selected must be to the satisfaction of the Responsible Authority.
  - j) Landscaping of all areas within the front setback not required for pedestrian or vehicle movements.
  - k) A minimum one canopy tree capable of reaching 12m in height with a canopy spread of 8m within the front setback.
10. 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.
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. Tree Protection Fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. 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.
13. Vehicular crossing/s must be constructed to the road to suit the proposed driveway/s 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.
14. 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;

#### **4.6 33 BAIRD 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 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.

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 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. The design must meet the requirements of Council's discharge of Pumped Subterranean Water Associated with Basements or Below-Ground Structures.
18. 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 trench grate (150mm minimum internal width) located within the property and/or shaping the driveway so that water is collected in a grated pit on the property and/or another Council approved equivalent.
19. 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.
20. 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.
21. 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.

## **4.6 33 BAIRD STREET, BRIGHTON EAST (continued)**

### **Permit Notes**

#### Build over easement

There is an easement at the rear of the property with a sewer drain within it. Nothing is proposed for building over the easement but for any future proposals, building over or near this easement will require approval from the responsible authorities 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**

## **4.7 21 WENTWORTH AVENUE, SANDRINGHAM**

*It is recorded that Ms Estelle Bode, Mr Peter Barglowski and Mr Peter Barglowski on behalf of Mrs Diana Barglowski spoke in relation to this matter.*

**Moved: Cr Stewart**

**Seconded: Cr Evans**

That Council having caused notice of Planning Application No. 2013/733/1 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 Support the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 21 Wentworth Avenue, Sandringham, for the Construction of 3 double storey dwellings, 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) Modifications in accordance with the plans submitted to Council on 9 January 2015 and referenced TP.01.4\_2 Revisions 3 Dated: 21/11/2014, TP.01.5\_2 Revisions 3 Dated: 21/11/2014, TP.02.1\_2 Revisions 3 Dated: 21/11/2014, TP.02.2\_2 Revisions 3 Dated: 21/11/2014, TP.02.3\_2, TP.01.6\_2 Revisions 3 Dated: 21/11/2014, TP.01.7\_2 Revisions 3 Dated 21/11/2014.
  - b) The maximum building height of Dwelling 1 reduced to 8 metres.
  - c) The height of obscure glazed windows to be 1.8 metres above floor level.
  - d) All air conditioning units to be setback 9 metres from the common boundary with 21 Wentworth and located on the ground floor rooves between Dwelling 1 and Dwelling 2 and Dwelling 2 and Dwelling 3.
  - e) The landscape plan amended to replace the Spiny Head Matt Bush with a Lilly Pilly or similar native species capable of reaching a mature height of 2 metres.
  - f) The colour and materials schedule amended to replace the timber finish with an artificial timber cladding.
  - g) The existing northern cross-over to be replaced with a new 3 metre crossover setback 800 mm from the north boundary between the subject site and 19 Wentworth Avenue.
  - h) The new southern cross-over is to be constructed 800 mm from the south boundary between the subject site and 23 Wentworth Avenue.
  - i) Adequate vehicle sight lines must be achieved were both access ways intersect with the road reserve in accordance with AS2890.1.
  - j) Compliance with Standard B30 of Clause 55.05-2 'Storage objective'.
  - k) Compliance with Clause 22.08 Water Sensitive Urban Design (Stormwater Management) pursuant Condition 13.

#### **4.7 21 WENTWORTH AVENUE, SANDRINGHAM (continued)**

- l) The front porch to Dwelling 1 with a maximum height of 3.6 metres.
  - m) All dwelling to comply with Standard B17 of Clause 55.01-1 'Side and rear setbacks' of the Bayside Planning Scheme.
  - n) The provision of a 3.15m acoustic fence along the entire boundary with 19 Wentworth Avenue.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. 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.
  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. 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.
  6. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority.
  7. 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.
  8. Before the development starts, a tree protection fence must be erected around the two street trees in the road reserve abutting the front boundary. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 *Protection of trees on development sites*. The fencing is to encompass the entire road reserve under the drip line of the trees. The fence must be constructed of 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.
  9. The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.
  10. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist. Prior to soil excavation regarding the crossover a trench must be dug by hand along the line of the crossover.

#### **4.7 21 WENTWORTH AVENUE, SANDRINGHAM (continued)**

11. Prior to soil excavation regarding the street trees a trench along the line of the proposed crossover must be dug by hand. All affected roots must be correctly pruned according to AS 4373-2007.
12. Before the development commences the applicant must pay \$5,570.69 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree(s) has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree(s).

Any replacement planting will be at the discretion of the Responsible Authority.

13. 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;

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.

14. 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.
15. Stormwater discharge must be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. 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.

#### **4.7 21 WENTWORTH AVENUE, SANDRINGHAM (continued)**

17. 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.
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 follow 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 trench grate (150mm minimum internal width) located within the property and/or Shaping driveway so that water is collected in a grated pit on the property and/or 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.

#### **Permit Notes**

- Building approval must be obtained prior to the commencement of the above approved works.
- Construction of any fence/wall/letterbox structure may necessitate removal/damage of some sections of footpath.

If this is the case, a 'Road Opening Permit' must be obtained to facilitate such works.

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.

**CARRIED**

## 4.8 1/193A BAY STREET, BRIGHTON

*It is recorded that Mr Barry Brooker and Ms Blanche Manuel spoke in relation to this matter.*

### **Moved Cr Frederico**

### **Seconded Cr Heffernan**

That Council having caused notice of Planning Application No. 2014/844/1 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 1/193A Bay Street Brighton, for the 'use of premises as a restricted recreation facility (personal training studio) and car parking to Council's satisfaction' in accordance with the application dated 19/11/2014, 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 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 but modified to show:
  - a) A provision of one bicycle parking space provided to the rear of the site for customers and staff of the new use.
2. The applicant must provide bicycle parking hoops on the footpath adjacent to the premises at the applicants expense or on-site to the satisfaction of the Responsible Authority
3. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
4. Unless with the further consent of the Responsible Authority, the use including the serving of alcohol may only operate between the following hours:

o Monday to Thursday	6am to 8:30am and 5:30pm to 7pm
o Friday	6am to 8:30am
o Saturday	7am to 10am

A minimum of 15 minutes must be provided between classes
5. Not more than 10 patrons and 2 staff may be present on the premises at any time without the written consent of the Responsible Authority.
6. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industrial and Trade), No. N-1
7. The use of the personal training studio must be contained to within the premises at all times and not in any open areas on site.
8. The use must be managed so that the amenity of the area is not detrimentally affected, through 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 or vibration

#### **4.8 1/193A BAY STREET, BRIGHTON (continued)**

- d) presence of vermin.
- 9. This permit will expire if one of the following circumstances applies:
  - a) The use is not started within two 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 the use has not commenced;

### **AMENDMENT**

**Moved: Cr Long**

**Seconded: Cr Lowe**

That Council having caused notice of Planning Application No. 2014/844/1 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 1/193A Bay Street Brighton, for the 'use of premises as a restricted recreation facility (personal training studio) and car parking to Council's satisfaction' in accordance with the application dated 19/11/2014, 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 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 but modified to show:
  - a) A provision of one bicycle parking space provided to the rear of the site for customers and staff of the new use.
2. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Unless with the further consent of the Responsible Authority, the use including the serving of alcohol may only operate between the following hours:
  - Monday to Thursday                      6am to 8:30am and 5:30pm to 7pm
  - Friday    6am to 8:30am
  - Saturday    7am to 10amA minimum of 15 minutes must be provided between classes
4. Not more than 10 patrons and 2 staff may be present on the premises at any time without the written consent of the Responsible Authority.
5. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industrial and Trade), No. N-1

#### 4.8 1/193A BAY STREET, BRIGHTON (continued)

6. The use of the personal training studio must be contained to within the premises at all times and not in any open areas on site.
7. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
  - e) transport of materials, goods or commodities to or from the land
  - f) appearance of any building, works or materials
  - g) emission of noise, artificial light or vibration
  - h) presence of vermin.
8. This permit will expire if one of the following circumstances applies:
  - a) The use is not started within two 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 the use has not commenced;

The Amendment was **CARRIED** and became the Motion before the Chair.

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

**DIVISION:**   **FOR:**           Crs Stewart, Long, Evans, Heffernan, Frederico and Lowe (6)  
                  **AGAINST:**       Cr del Porto (1)

**CARRIED**

## 4.9 18 HORNBY STREET, BRIGHTON EAST

**Moved: Cr Heffernan**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2014/225/1 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 Hornby Street Brighton East, for the Construction of two (2) double storey dwellings in accordance with the application dated 24 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) A landscape plan in accordance with Condition 11 of this planning permit;
  - b) The southern side setback which directly abuts the garage of Unit 2 is to be exclusively used for the replanting of medium sized vegetation;
  - c) Visibility splays in accordance with Design Standard 1 – Accessways of Clause 52.06-8 of the Bayside Planning Scheme;
  - d) A STORM Report in accordance with Condition 15; and
  - e) Six cubic metres of externally accessible storage.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.
5. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.
6. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;
  - c) Surfaced with an all-weather-seal coat;
  - d) Drained;To the satisfaction of the responsible authority.

#### **4.9 18 HORNBY STREET, BRIGHTON EAST (continued)**

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

7. The existing crossover must be removed. A 3.0 metre wide new crossover must be constructed with a 0.8 metre offset from the northern property boundary, centred to the driveway.
8. A 3.0 metre wide new crossover to be constructed with 0.8 metre offset from the southern property boundary, centred to the driveway.
9. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the responsible authority.
10. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.
11. The landscaping plan must be generally in accordance with the landscape concept plan dated June 2014 prepared by Cycas Landscape Design & Consultancy except that the plan must show:-
  - o Two canopy trees capable of reaching a height of 10 metres at maturity within the front setback (one for each dwelling).
  - o One canopy tree capable of reaching a height of 7.0 metres at maturity within the rear setback of each dwelling.
  - o A minimum of three medium sized shrubs capable of reaching a height of 2.0 metres at maturity within the southern side setback which abuts the garage of unit 2.

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.

12. Prior to the commencement of any works (including demolition) an 'Arboriculture Construction Impact Assessment' must be submitted and approved to the satisfaction of Responsible Authority. This assessment must include information on how Tree 2 - 'Grey Poplar' and Tree 3 - 'Jacaranda mimosifolia' will be successfully retained.
13. 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.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

#### **4.9 18 HORNBY STREET, BRIGHTON EAST (continued)**

15. 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;

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.

16. 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.
17. 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.
18. 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.
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.

**4.9 18 HORNBY STREET, BRIGHTON EAST (continued)**

- 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 and approved by Council's Engineering Services department.
- 21. Before the development starts a fee of \$7087.31 must be paid to Council for the removal of the existing street tree.
- 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.

**Permit Notes**

- a) Permits to be acquired:
  - i. 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.
  - ii. 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.

b) Street Tree:

The cost associated with the removal and replacement of the existing street tree has been determined in accordance with Councils current policy for the removal of street tree(s). The amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree(s) has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree(s). Any replacement planting will be at the discretion of the responsible Authority.

- N1 Crossover permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees

**CARRIED**

**The Chairman declared the meeting closed at 9.55pm.**

**CONFIRMED THIS 12 DAY OF MAY 2015**

**CHAIRPERSON: .....**