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**Minutes of the  
Planning and Amenity Committee Meeting**

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 22 November 2016

The Meeting commenced at 7:00pm

Councillors	Cr Alex del Porto (Mayor) Cr Laurence Evans (Chairman) Cr Michael Heffernan Cr James Long BM JP Cr Clarke Martin Cr Rob Grinter Cr Sonia Castelli
In attendance	Shiran Wickramasinghe – Director City Planning and Community Services Rachel Lunn - Manager Development Services Arthur Vatzakis – Statutory Planning Coordinator Terry Callant – Manager Governance Sarah Collins – Action Statutory Planning Coordinator Katy Guest – Customer Focus Planner Sumaya Nakamya – Statutory Planner

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Nil

The Chairman declared the meeting open at 7pm and advised members of the public gallery that the Planning and Amenity Committee meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

## **1. Apologies**

There were no apologies submitted to the meeting.

## **2. Disclosure of any Conflict of Interest of any Councillor**

Cr Heffernan declared an indirect interest that is an indirect financial interest in relation to item 4.4 – 176 Esplanade Brighton.

## **3. Adoption and Confirmation of the minutes of previous meeting**

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 11 October 2016.

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That the minutes of the Planning & Amenity Committee Meeting held on 11 October 2016, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## **4. Matters of Decision**

**4.1 41 IMBROS STREET, HAMPTON  
NOTICE OF REFUSAL TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/25/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/185164

*It is recorded that Mr Peter Wright, Ms Jo Cavanagh and Mr Rob Cavanagh spoke for three minutes each in relation to this matter.*

**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council:

Issues a **Notice to Refusal to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application Number 2016/25/1 for the land known and described as **41 Imbros Street, Hampton**, for the **partial demolition and the construction of a carport, pergola and windows in a Heritage Overlay** for the following reasons:

1. The proposed alterations and additions do not adequately respond to the objectives and performance standards of Clause 22.05 (Heritage Policy) and Clause 43.01 (Heritage Overlay) of the Bayside Planning Scheme for the following reasons:
  - a) The proposed carport and pergola contravene the statement of significance through loss of architectural integrity and cohesion, particularly in scale, within the streetscape.
  - b) The location, bulk, form and appearance of the proposed buildings and works will adversely affect the significance of the heritage dwelling by setting the works in front of the front wall of the dwelling.
  - c) The location, bulk, form and appearance of the proposed buildings and works are not in keeping with the character and appearance of other contributory buildings within Imbros Street, disrupting the streetscape rhythm.
  - d) The carport is not setback behind the line of the dwelling, failing to provide visual separation from the significant dwelling.
  - e) The height and bulk of the pergola does not complement the existing dwelling and creates unnecessary visual bulk in front of the dwelling.

**CARRIED**

**4.2 51 OUTER CRESCENT, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/360/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/181111

*It is recorded that Mr Kevin Spencer and Ms Michelle Bateman spoke for three minutes each in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number 2016/360/1 for the land known and described as **51 Outer Crescent, Brighton** for **partial demolition and buildings and works** in accordance with the endorsed plans and subject to the following conditions from the standard 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 dated 21 July 2016 but modified to show:
  - a) The details of the new windows and reinstated brick wall on the south elevation of the existing building to a scale of 1:50.
  - b) Replacement planting of four trees capable of reaching a height of 8 metres and width of 6 metres at maturity located within 15 metres of the proposed music facility.
  - c) A Tree Management Plan and Tree Protection Plan in accordance with Condition 5 of this permit.
  - d) Water sensitive urban design in accordance with Condition 12 of this permit.
  - e) The location of the chapel.  
All to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the prior 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. 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. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan is to the satisfaction of the responsible authority and

must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) The Tree Protection Zone and Structural Root Zone for all the neighbouring trees along the northern boundary.
  - b) The location of tree protection measures to be utilised.
6. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority
  7. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to 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. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
  10. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
  11. Before the commencement of works, a Construction Management Plan (CMP), 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 and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
    - a) A detailed schedule of works including a full project timing.
    - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
    - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
    - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
    - e) Proposed traffic management signage indicating any inconvenience generated by construction.
    - f) Fully detailed plan indicating where construction hoardings would be located.

- g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
  - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
  - i) Site security.
  - j) Public safety measures.
  - k) Construction times, noise and vibration controls.
  - l) Restoration of any Council assets removed and/or damaged during construction.
  - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
  - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
  - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
  - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
  - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
  - r) Details of crane activities, if any.
12. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans 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 landscaped 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.

13. 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.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed

timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by telephoning the Asset Protection Administrator on 9599 4638.

**CARRIED**



**4.3 5/21 LINACRE ROAD, HAMPTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/97/1 WARD: CENTRAL**

City Planning & Community Services - Development Services

File No: PSF/15/8755 – Doc No: DOC/16/163592

*It is recorded that Mr Phil Torrent and Ms Catherine Stolp spoke for three minutes each in relation to this matter.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number **2016/97/1** for the land known and described as **5/21 Linacre Road, Hampton**, for the **alterations and additions to a single dwelling on a lot less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions from the standard 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 amended and Council date stamped 15 July 2016 but modified to show:
  - a) Trees on adjoining properties (including common property) within 3 metres of the title boundaries.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior 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 must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
8. 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.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

**CARRIED**

**4.4 176 ESPLANADE, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/257/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/179033

*It is recorded that Cr Heffernan declared an indirect interest that is an indirect financial interest in this matter given the applicant is a client of the Councillor's place of employment. Cr Heffernan declared the interest and vacated the Chamber.*

*Councillor Heffernan left the Meeting at 8:19 PM.*

*It is recorded that Mrs Kate Rouse, Mr Tim Wertheimar, Mr Kerry Callaghan, Mr Malcolm Gough, Ms Daniella Di Pilla, Dr Paul Takac and Mrs Kristee Kovacic spoke for three minutes each in relation to this matter.*

**Moved Cr Long**

**Seconded Cr Grinter**

That Mr Wertheimer be granted three minutes to speak given he lodged his request to speak on the matter by the due time.

**CARRIED**

**Moved: Cr del Porto**

**Seconded: Cr Long**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number 2016/257/1 for the land known and described as **176 Esplanade, Brighton**, for the **alterations and additions on a lot less than 500 square meters and a roof deck in a DDO1** in accordance with the endorsed plans and subject to the following conditions from the standard 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 application plans dated 12 August 2016 but modified to show:
  - a) The roof deck setback a minimum of 2 metres from the roof edge immediately below on all sides, including the north side. The stairs can be modified to accommodate for this change, but the access structure must not encroach beyond the current front setback.
  - b) The deletion of the roof storage area as this constitutes a storey under the Design and Development Overlay (Schedule 1).
  - c) Deletion of the words 'raised roof section' and replaced with the word 'roof' and annotated to say that 'this area is not part of the roof deck'.
  - d) The first floor (south) side setbacks must comply with the side setback requirements pursuant to Schedule 3 to the Neighbourhood Residential Zone.

- e) Pantry window to be openable by not more than 150mm from the vertical position.
  - f) Compliance with Standard A15 of Clause 54 of the Bayside Planning Scheme.
  - g) Water sensitive urban design measures in accordance with Condition 4 of this permit.
  - h) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
  - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - j) A Construction Management Plan prepared by a suitably qualified individual in accordance with Condition 8 of this permit.
  - k) A landscape plan showing:
    - i) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
    - ii) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
    - iii) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
    - iv) Details of surface finishes of pathways and driveways.
    - v) Planting of a *Banksia integrifolia* within the front setback of the dwelling.
  - l) The deletion of the ground floor office and the associated reduction of the first floor above the office to reduce the site coverage to meet the objectives of Clause 54 of the Bayside Planning Scheme.
2. 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.
  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. Before the endorsement of plans pursuant to Condition 1 of this permit, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans 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 landscaped areas.
    - c) Design details of the water sensitive urban design stormwater treatment measures.

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.

5. Before the occupation of the development 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.
7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. Before the commencement of works, a Construction Management Plan (CMP), 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 and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
  - a) A detailed schedule of works including a full project timing.
  - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
  - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
  - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
  - e) Proposed traffic management signage indicating any inconvenience generated by construction.
  - f) Fully detailed plan indicating where construction hoardings would be located.
  - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
  - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
  - i) Site security.
  - j) Public safety measures.
  - k) Construction times, noise and vibration controls.
  - l) Restoration of any Council assets removed and/or damaged during construction.

- m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
  - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
  - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
  - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
  - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
  - r) Details of crane activities, if any.
9. 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.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

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.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by telephoning the Asset Protection Administrator on 9599 4638.

**CARRIED**

**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.15PM.*

**CONFIRMED THIS INSERT 12 DAY OF DECEMBER 2016**

**CHAIRPERSON: .....**