



Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre
Boxshall Street, Brighton
on Wednesday 9 February 2010
at 7pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

| | | |
|-----------------|---|-----------------------------------|
| Theodora Jenkin | - | Acting Statutory Planning Manager |
| Natalie O'Leary | - | Planning Coordinator |
| Hugh Charlton | - | Senior Planner |
| Janice Pouw | - | Governance Officer |

APOLOGIES: There were no apologies submitted to this meeting.

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1.3. 16 RUSDEN STREET, BRIGHTON – APPLICATION NO: 2009/0563/18

1.4. 36 WILLIAM STREET, BRIGHTON – APPLICATION NO: 2009/0300/19

1.5. 16-20 WARLEIGH GROVE, BRIGHTON – APPLICATION NO: 2008/0133/114

1.6. 15 ST ANDREWS STREET, (230 NEW STREET AND 1A CHURCH STREET), BRIGHTON – APPLICATION NO: 1997/3063/117

DECLARATIONS OF INTEREST:

There were no declarations of interest submitted to this meeting.

Confirmation of the Minutes of the Planning Committee Meeting 27 January 2010

Moved: Cr Russell

Seconded: Cr Hayes

That the Minutes of the Planning Committee Meeting held on 27 January 2010 be confirmed.

CARRIED

REQUESTS TO BE HEARD:

Requests to be heard were received from the following people:

Item 1.1 – 62 Highett Road, Highett

1. Mr Andrew Hillgrove

Item 1.2 – 8 Maralber Road, Highett

1. Ms Annie Wylie
2. Mrs Irena Votavova
3. Mrs Lisa McCallum

Item 1.3 – 16 Rusden Street, Brighton

1. Miss Juliette Parsons
2. Mr Vincent Interlandi

Item 1.4 – 36 William Street, Brighton

1. Mr Jamie McLachlan
2. Mrs Natasha Teelow

Item 1.5 – 16-20 Warleigh Grove, Brighton

1. Mr Kel Twite

**Item 1.6 – 15 St Andrews Street,
(230 New Street and 1A Church Street) Brighton**

1. Mr Nick Baskharon

OFFICERS' REPORTS:

1.1 62 HIGHETT ROAD, HAMPTON

It is recorded that Mr Andrew Hillgrove spoke for three minutes in relation to this item.

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council having caused notice of Planning Application No. **2009/0517/1** 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 **62 Highett Road, Hampton**, for the **construction of three (3) double storey units** in accordance with the application dated 5 October 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, 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 schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
 - b) A landscape plan in accordance with Condition 8 of this planning permit
 - c) A report detailing tree protection measures in accordance with AS-4973 – Protection of Trees, for the neighbouring *Cinnamomum camphora*
 - d) Water Sensitive Urban Design measures in accordance with condition 16 of this planning permit
 - e) All garages with a minimum opening of 4.8 metres wide.
 - f) Bollard or similar lighting to be provided at 6 to 8 metre intervals along the common driveway.
 - g) The north-facing window of Bedroom 2 must be screened in accordance with Standard B23 of Clause 55 of the Bayside Planning Scheme.
 - h) The east-facing window of Bedroom 1 of Dwelling 3 must be screened with opaque glazing fixed to 1700mm above finished floor level.
2. P4 Layout not altered
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. A18 Concealment of pipes, etc.
5. A19 Plant/equipment or features on roof

1.1 62 HIGETT ROAD, HAMPTON (Continued)

6. A20 Boundary walls
7. CP7 Vehicular crossings
8. 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, including at least three (3) canopy trees capable of growing to a minimum of 8.0 metres mature height.
 - f) Landscaping and planting within all open areas of the site
 - g) An in-ground irrigation system to all landscaped areas.

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

9. L2 Completion of landscaping
10. L3 Landscaping maintenance
11. Before the development (including demolition) starts, a tree protection fence must be erected around the neighbouring *Cinnamomum camphora* at a radius of **2.0** metres from the base of the trunk to define a 'Tree Protection Zone'. 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.
12. 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.
13. T2 Regulation of activities in Tree Protection Zone
14. Any pruning that is required to be done to the canopy of the neighbouring *Cinnamomum camphora* is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of the neighbouring *Cinnamomum camphora* is to be done by hand by a qualified arborist.
15. T6 Replacement Planting
16. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

1.1 62 HIGETT ROAD, HAMPTON (Continued)

The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planing 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.

17. 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.
18. 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.
19. 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.
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. PT1 Time for starting and completion

Permit Notes

- | | |
|-----|-------------------|
| N1 | Crossover permit |
| N2 | Building approval |
| N8 | Sewerage |
| N10 | Asset Protection |

LOST

1.1 62 HIGHETT ROAD, HAMPTON (Continued)

Moved: Cr Hayes

Seconded: Cr Long

That Council having caused notice of Planning Application No. **2009/0517/1** 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 **Refuse a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **62 Highett Road, Hampton** for the **construction of three (3) double storey dwellings** in accordance with the application dated **5 October 2009** on the following grounds:-

1. The proposal will have an unreasonable detrimental impact upon the adjoining properties Backyardscape.
2. The proposal is not in accordance with the following standards of the Bayside Planning Scheme:
 - B6 – Street Setback
 - B17 – Side and Rear Setbacks
 - B32 – Front Fences
3. The proposal includes an unreasonable amount of vegetation removal.

CARRIED

1.2 8 MARALBER ROAD, HIGHETT

It is recorded that Mrs Irena Votavova and Mrs Lisa McCallum spoke for three minutes each in relation to this item. It is further recorded that Ms Annie Wylie was not present in the Chamber.

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That Council having caused notice of **Planning Application No. 2009/0573/1** to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **8 Maralber Road, Highett** for the **construction of two (2) double storey dwellings** in accordance with the application dated **5 November 2009**, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) A roof structure (canopy) to be extended for a minimum of 2 metres from the front entry area of each dwelling to provide an appropriate 'sense of address' for the dwellings.
 - b) All paving (except driveways) to be permeable

1.2 8 MARALBER ROAD, HIGETT (Continued)

- c) A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - d) The proposed landscape treatment to consist of a minimum of four (4) canopy tree's; one (1) within the front setback of each dwelling, and one (1) within the rear setback of each dwelling.
 - e) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.), which is proposed to be located externally, shall be identified on the plans.
 - f) The proposed garages to have a minimum opening of 2.80 metres.
 - g) The driveway for Dwelling 1 to be 3.30 metres wide at its intersection with the footpath, with a 0.75 metre offset from the western property boundary.
 - h) The driveway for Dwelling 2 to be 3.30 metres wide at its intersection with the footpath, with a 0.50 metre offset from the eastern property boundary.
 - i) The crossovers for each dwelling to be 3.30 metres and centred on the respective driveways.
 - j) A landscape plan in accordance with Condition 8. This plan must include at least four (4) canopy trees – one (1) within the front setback of each dwelling, and one (1) within the rear setback of each dwelling.
 - k) Tree protection measures in accordance with Condition 11.
 - l) A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
- 2. P4Layout not altered
 - 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. A18 Concealment of pipes, etc.
 - 5. A19 Plant/equipment or features on roof
 - 6. A20 Boundary Walls
 - 7. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be, to the satisfaction of the Responsible Authority:
 - a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Drained.
 - 8. L1Landscape plan
 - 9. L2Landscaping before commencement of use

1.2 8 MARALBER ROAD, HIGETT (Continued)

10. L3 Landscaping maintenance
11. Before the development (including demolition) starts, a tree protection fence must be erected around the nature strip tree, to define a 'Tree Protection Zone', encompassing the width of the nature strip, and two (2) metres north and south of the tree. The tree protection zones must be erected and maintained in accordance with the tree protection measures outlined in AS4970-2009 to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed.

The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.

The Tree Protection Zone may only be reduced during the construction of the vehicle crossovers as per the endorsed plans.
12. T2 Regulation of activities in Tree Protection Zone
13. T9 Retention of existing street trees
14. E2 Stormwater Discharge
15. E5 Graded & Drained Discharge
16. The proposed internal drainage is to be connected to the existing legal point of discharge.
17. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge.
18. 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 1999, to the satisfaction of the Responsible Authority.
19. PT1 Time for starting and completion.

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 in respect of the removal of the vehicular crossing and reinstatement works.

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.

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

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

CARRIED

1.3. 16 RUSDEN STREET, BRIGHTON

It is recorded that Miss Juliette Parsons and Mr Vincent Interlandi spoke for three minutes each in relation to this item.

Moved: Cr Hayes

Seconded: Cr Long

That Council having caused notice of **Planning Application No. 2009/0563/1** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **16 Rusden Street, Brighton** for the **construction of two (2) double storey attached dwellings** in accordance with the application dated **11 November 2009**, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) The storage provided to Dwelling 2 (16A) to be noted as a minimum of 6m³.
 - b) The screening to the first floor deck/balcony of Dwelling 2 (No. 16A) to be in accordance with Clause 55 – Standard B22.
 - c) The windows of Bedrooms 2 and 3 (Dwelling 2 (No. 16A)) on the northeast elevation to be screened by opaque glass fixed to 1700mm from finished floor in accordance with Clause 55 – Standard B22.
 - d) A landscape plan in accordance with Condition 7. The landscape plan is to include at least one (1) tree in the rear setback of Dwelling 1 (No. 16), and one (1) tree in the front setback of Dwelling 2 (no. 16A).
 - e) A report detailing the on-site stormwater treatment in accordance with Condition 16.
 - f) The ground floor wall on the right-of-way boundary to be set back 150mm from the title boundary to allow for planting of vegetation (green wall).
2. P4 Layout not altered
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. A18 Concealment of pipes, etc.
5. A19 Plant/equipment or features on roof
6. A20 Boundary walls
7. L1 Landscape plan required

1.3. 16 RUSDEN STREET, BRIGHTON (Continued)

8. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be, to the satisfaction of the Responsible Authority:
 - a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Drained.

9. T9 Retention of existing street trees

10. Before the development (including demolition) starts, a tree protection fence must be erected around the *Lophostemon confertus* (Brush Box) nature strip tree, to define a 'Tree Protection Zone', encompassing the width of the nature strip, and two (2) metres south-west and north-east of the tree. The tree protection zones must be erected and maintained in accordance with the tree protection measures outlined in AS4970-2009 to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed.

The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.

The Tree Protection Zone may only be reduced during the construction of the vehicle crossovers as per the endorsed plans.

11. T2 Regulation of activities in Tree Protection Zone
12. E2 Stormwater Discharge
13. E5 Graded & Drained Discharge
14. The proposed internal drainage is to be connected to the existing legal point of discharge.
15. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge.
16. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

1.3. 16 RUSDEN STREET, BRIGHTON (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 1999.

17. 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 1999, to the satisfaction of the Responsible Authority.
18. PT1 Time for starting and completion

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N8 Sewerage
- N10 Asset protection

CARRIED

1.4. 36 WILLIAM STREET, BRIGHTON

It is recorded that Mr Jamie McLachlan and Mrs Natasha Teelow spoke for three minutes each in relation to this item.

Moved: Cr Hayes

Seconded: Cr Norris

That Council having caused notice of Planning Application No. **2009/0300/1** 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 **36 William Street, Brighton** for the **additions and alterations to an existing dwelling (including a first floor) on a lot less than 500 square metres** in accordance with the application dated 9 July 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) Alterations to the proposal as indicated in the revised plans dated 5 October 2009.
 - b) The 1700mm screening to the rear deck to be noted and to comply with the requirements of Standard A15 of the Bayside Planning Scheme.
 - c) **The rear portion (south west) of the proposed second storey addition to be reduced by 2m.**
 - d) Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 3 of this permit.
2. P4 Layout not altered
3. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be appropriate by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show: -
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatments, including cross sections.

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

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

4. PT1 Time for starting and completion.

Permit Notes

Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Bernadette Brown, Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4638.

- N2 Building approval

CARRIED

1.5. 16-20 WARLEIGH GROVE, BRIGHTON

It is recorded that Mr Kel Twite spoke for three minutes in relation to this item.

Moved: Cr Hayes

Seconded: Cr Frederico

That the Amended Plans be **approved** under the Secondary Consent Provisions of Planning Permit 2008/133/1 for the **Development of the site for a four storey building with dwellings in a Design and Development Overlay 6 at 16 – 20 Warleigh Grove, Brighton.**

| Date | Amendment |
|-----------------|---|
| 9 February 2010 | <p>Secondary consent</p> <p>The amendments proposed are as follows:</p> <ul style="list-style-type: none"> • The reduction of the basement one (1) footprint (towards the north west corner), reduction of one car parking space, and the relocation and modification of the resident bike location, switch room and reduction of kerbs to all ramps. (TP4.04 E) • The reduction of basement two (2) footprint (towards the north west corner), modification of storage area, deletion of pump room, reduction of kerbs to all ramps, repositioning of roller shutter door into car parking, amendments to entrance and disabled ramp, and the reduction of two car spaces due to layout modifications of basement. (TP4.03 E) • Location of sub station towards the north western corner of the site, the reduction in the private open space of areas of apartments 1, 1A, 2 and 3, deletion of shutters to apartments 1,1A, 2, opaque glazing to apartments 1, 1A and 2, repositioning and modification of the aluminium front fence, internal layouts of apartments 3 and 6 altered modifications of light court. (TP4.05 E) • Internal layouts of apartments 15 and 18 altered, deletion of trellis to light court, deletion of shutters to apartments 11, 12, 13 and 14, opaque glazing to apartments 13 and 14. (TP4.06) • Windows to apartments 28, 29 and 30 altered, reduction roof canopy over apartment 31 and 34, modifications of light court glazing, deletion of shutter windows to apartments 23, 24, 25, 26 and 27, opaque glazing to 25,26 and 27. (TP4.07) • Deletion of shutters to windows of apartments 36, 37 and 35, and deletion of pot plant holders. (TP4.08) • Deletion of canopy and planter boxes (TP4.09) • Alterations to glazing and shutters of windows (TP4.12 – TP4.13) • Modifications of section diagrams as a result of above changes (TP4.15) • Modifications of development data as a result of the above changes (TP4.18) |

CARRIED

1.6 15 ST ANDREWS STREET, (230 NEW STREET AND 1A CHURCH STREET), BRIGHTON

It is recorded that Mr Nick Baskharon spoke for three minutes in relation to this item.

Moved Cr Hayes

Seconded Cr Long

That Council having considered the Application to **Amend the Permit** under Section 87A of the Planning & Environment Act 1987 advises the Victorian Civil and Administrative Tribunal of its **support** of the proposed **changes to planning permit conditions 1(c), 12, 18 and 20** (with the exception of dancing outside) to **Planning Permit 1997/3036/1** issued for **Alterations and additions to Building & Use and development of a restaurant with outdoor seating, landscaping, signage and car parking and for works comprising reinstatement of a doorway in the external wall of the existing old schoolhouse building at 15 St Andrews Street, Brighton (230 New Street BRIGHTON, 1A Church Street BRIGHTON)** in accordance with the application dated 22 October 2009 but amended as follows:

- Condition 1 c) be amended from :

'that within the restaurant building no more that 80 seats are to be provided directly to the public'

to now read:

'that within the restaurant building no more that 110 seats are to be provided directly to the public'

- Condition 12 be amended from:

'The restaurant may have no more than 120 seats and at no time shall there be more than 60 seats located in the outdoor eating area or more than 80 seats located within the building'.

to now read:

'The restaurant may have no more than 150 seats and at no time shall there be more than 60 seats located in the outdoor eating area or more than 110 seats located within the building'.

- Condition 18 which currently reads:

'No alcoholic drinks are to be consumed on the restaurant premises unless they are consumed by customers seated at tables on the premises and then only in conjunction with meals or solid refreshments being consumed by such customers'.

to be deleted.

- Condition 20 be amended from:

'No dancing by patrons permitted within the restaurant or its associated outdoor eating areas and adjoining lawns'.

to now read:

'No dancing by patrons permitted in the restaurant's associated outdoor eating areas and adjoining lawns'.

1.6 15 ST ANDREWS STREET, (230 NEW STREET AND 1A CHURCH STREET), BRIGHTON (Continued)

AMENDMENT

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council having considered the Application to **Amend the Permit** under Section 87A of the Planning & Environment Act 1987 advises the Victorian Civil and Administrative of its **support** of the proposed **changes to planning permit conditions 1(c), 12, 18 and 20** (with the exception of dancing outside) to **Planning Permit 1997/3036/1** issued for **Alterations and additions to Building & Use and development of a restaurant with outdoor seating, landscaping, signage and car parking and for works comprising reinstatement of a doorway in the external wall of the existing old schoolhouse building at 15 St Andrews Street, Brighton (230 New Street BRIGHTON, 1A Church Street BRIGHTON)** in accordance with the application dated 22 October 2009 but amended as follows:

- Condition 1 c) be amended from :

'that within the restaurant building no more than 80 seats are to be provided directly to the public'

to now read:

'that within the restaurant building no more than 110 seats are to be provided directly to the public'

- Condition 12 be amended from:

'The restaurant may have no more than 120 seats and at no time shall there be more than 60 seats located in the outdoor eating area or more than 80 seats located within the building'.

to now read:

'The restaurant may have no more than 150 seats and at no time shall there be more than 60 seats located in the outdoor eating area or more than 110 seats located within the building'.

- Condition 18 which currently reads:

'No alcoholic drinks are to be consumed on the restaurant premises unless they are consumed by customers seated at tables on the premises and then only in conjunction with meals or solid refreshments being consumed by such customers'.

to be deleted.

1.6 15 ST ANDREWS STREET, (230 NEW STREET AND 1A CHURCH STREET), BRIGHTON (Continued)

- Condition 20 be amended from:

'No dancing by patrons permitted within the restaurant or its associated outdoor eating areas and adjoining lawns'.

to now read:

'No dancing by patrons permitted in the restaurant's associated outdoor eating areas and adjoining lawns unless by prior written consent by the Responsible Authority and no more than 4 functions per year and only until 11pm.

LOST

The Original Motion became the Motion before the Chair.

CARRIED

The Chairperson declared the meeting closed at 8.05pm.