



**STATUTORY PLANNING
COMMITTEE**

MINUTES

11 AUGUST 2008

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD ON 11 AUGUST 2008, IN THE
COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.01pm.

PRESENT

Cr Klepner (Chairperson), Cr Bolitho, Cr Cribbes, Cr Gross, Cr Logan, Cr Sait, Cr Ray,
Geoff Oulton Executive Director Community Development and Planning, Richard Schuster
Coordinator Statutory Planning - St Kilda/Albert Park, Phillip Beard Senior Urban Planner.

*Council pays its respects to the people and elders, past and present, of Yalukit Willam and
the Kulin Nation. We acknowledge and uphold their relationship to this land.*

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Sait/Logan

That the Minutes of the Statutory Planning Committee of the Port Phillip City Council held on
14 July 2008, be confirmed.

A vote was taken and the MOTION was CARRIED.

3. CORRESPONDENCE

Nil.

4. PUBLIC QUESTION TIME

Item 1

Mr Thomann asked the following questions in relation to the St Kilda Triangle site:

1. Can Council assure residents that the endorsed Development Plan complies in all respects with Councils decision of 7 February 2008?
2. Are there any retail or other commercial uses in the final Development Plan additional to those outlined in the 7 February decision? If yes, would you kindly explain on what basis these changes were approved?

Geoff Oulton, Executive Director Community Development and Planning advised that Mr Thomann's questions will be taken on notice and responded to accordingly.

3. Why was there no press release today?

The Mayor, Cr Cribbes advised Mr Thomann that a press release was sent out this afternoon.

Item 2

Paul Morgan asked the following questions in relation to the St Kilda Triangle site:

1. Has Council offered BBC any financial concessions since February 2008? For example, will BBC receive any rental or rate concessions as was mooted in February?
2. If discussions on concessions have taken place, where is the record of those discussions? And is the record available to rate-payers to review?
3. What, if any, concessions did Council seek from the State Government in order to ensure that BBC proceeded with the altered Development Plan?
4. Is Council aware of any financial concessions which have been offered by the State Government to BBC to offset reductions in commercial space?

Geoff Oulton, Executive Director Community Development and Planning advised that Mr Morgan's questions will be taken on notice and responded to accordingly.

Item 3

Don Gazzard asked the following question in relation to the St Kilda Triangle site:

1. In Dec 2007, the Chief Executive Officer advised that it is intended to make public those sections of the Development Agreement that are not commercially in confidence by mid-2008. Why has the Chief Executive Officer broken another promise to the community? When are we going to see the details of the Development Agreement?

Geoff Oulton, Executive Director Community Development and Planning advised that Mr Gazzard's question will be taken on notice and responded to accordingly.

Item 4

Michael Sabada asked the following questions:

1. When did the City of Port Phillip (CoPP) Arts and Festivals Service Unit move out of the CoPP owned building at 202 Bank Street, South Melbourne?
2. What were the occupational health and safety issue(s) that required the staff to be relocated from 202 Bank Street? When were they identified?
3. What is intended to be done with office space vacated at 202 Bank Street and the building as a whole?
4. What costs are the CoPP incurring for the provision of temporary office space in Carlisle Street, St Kilda, for staff of the Arts and Festivals Service Unit?
5. Where and when will the staff of the Arts and Festivals Service Unit be permanently accommodated? What costs are planned to be incurred to provide this accommodation?
6. Has the St Kilda Town Hall redevelopment as part of the "Long Term Accommodation Strategy" been completed?
7. What is the total expenditure by the CoPP to complete this redevelopment of St Kilda Town Hall?

Geoff Oulton, Executive Director Community Development and Planning advised that Mr Sabada's questions will be taken on Notice and responded to accordingly.

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

The order of business was as follows:

- B1 87 CHAPEL STREET, ST KILDA
- B2 61 FITZROY STREET, ST KILDA
- B3 DELEGATE REPORT

B1 87 CHAPEL STREET, ST KILDA

Purpose

Construction Of A Four Level Residential Development, Above Basement.

The following speakers made a comment in relation to this item:

- Christine Latham (objector)
- Ross Edwards (objector)
- Alan Pace (objector)

MOVED Crs Ray/Bolitho

That the Statutory Planning Committee, being the Responsible Authority, having caused the application to be advertised and having received 35 objections, is of the opinion that the granting of a permit will not cause material detriment to persons other than the applicant.

That the Statutory Planning Committee advise the Victorian Civil and Administrative Tribunal that had Council been the responsible authority for determining the application, that it would have issued a Notice of Decision to Grant a Permit for the construction of two 4-storey buildings for 75 dwellings and basement car park and a car parking dispensation. The relevant Notice of Decision is not issued as a result of an appeal under S. 79 of the Act having been lodged.

That the determination be based on 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 generally in accordance with the plans forming part of the application but modified to show the following:
 - a) All habitable room windows and balconies above ground level on the north elevation of the larger building directly opposite Nos. 3 to 13 Kipling Street, St. Kilda inclusive screened to a height of 1.7m from finished floor level so as to allow outward views but not downward views.
 - b) Windows or balconies above ground level on the south elevation of the larger building with an outlook to No. 162-164 Inkerman Street within a 45° angle from the edge of the window/balcony along with windows and balconies of units 47 and 48 where near the windows and balcony of No. 89 Chapel Street screened to a height of 1.7m from finished floor level allowing outward but not downward views.
 - c) Graduated setbacks of the central section of the south building away from the north boundary generally showing a transposition of the setbacks currently shown at each level to the south boundary such that they are shown to the north boundary, but with the footprint of the building remaining unchanged and with no decrease in setbacks at any level where opposite Nos. 162-164 Inkerman Street and 89 Chapel Street,
 - d) The upper level front setback of the south building increased by at least 3.2m so as to achieve a front setback of at least 8.5m from the street boundary,

- e) The vehicle ramp modified so that vehicles plateau (are parallel) to the ground at the point prior to exit from the ramp together with mirrors and/or a stop-go lighting system to ensure minimizing vehicle/pedestrian conflict at the ramp entrance to the satisfaction of the Council's Sustainable Traffic Engineer.
 - f) Car park roof pillars moved 1.5m back from the front edge of car spaces.
 - g) Redundant crossovers made good and replaced with kerb, channel and nature strip at the developer's expense.
 - h) New crossovers according with Council's standard vehicle crossover requirements and the vehicle access ramp relocated 1.5m to the south.
 - i) Materials, colours and textures used on the modified north elevation of the large building to provide visual interest and to reduce the appearance of repetition in that elevation.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.
 4. No equipment, services and architectural features other than those shown on the endorsed plans must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
 5. Any plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority and all plant and equipment, including air conditioning units, must be acoustically screened and baffled so as to minimise noise impacts on abutting and nearby residential properties.
 6. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
 7. Prior to the commencement of the development hereby permitted the applicant must demonstrate how environmentally-positive features will be incorporated into the development where possible, to the satisfaction of the responsible authority following consultation with Council's ESD officer and completion of either an appropriate STEPS assessment or a written Sustainability Statement of the various approaches to sustainability matters included in the development.
 8. The car parking areas and accessways as shown on the endorsed plans must be left open and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.

9. Before commencement of the works, a construction management plan must be prepared, including a works program, with the objective of minimising the impact of construction works on the nearby residential properties to the satisfaction of the responsible authority. The plan must specify the means of reducing the construction impact (at the cost of the applicant) of dust and noise on the nearby properties, and must provide that hours of work be in accordance with any relevant Local Law.
10. During the construction of the buildings and works allowed by this permit, the roads, laneways and streets adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
11. The car parking allocation of this development must not be less than one car space for each one or two bedroom apartment, two car spaces for every three bedroom apartment and nine visitor parking spaces held in common property.
12. Any exhaust/ventilation fan motor for the basement car park is to be located within the basement and not external to the building and is only to operate when the garage door opens or closes. The fan motor is not to operate continuously.
13. Before completion of the building allowed by this permit, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the total building cost of the development to the satisfaction of Council's Urban Art Officer.
14. Prior to the completion of the development, a Waste Management Plan must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
 - The estimated garbage and recycling generation volumes for the whole development.
 - The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
 - The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
 - The path of access for both users and collection vehicles.
 - How noise, odour and litter will be managed and minimised.
 - Approved facilities for washing bins and storage areas.
 - Who is responsible for each stage of the waste management process including details of commercial contracting in relation to waste collection (including recycled material).
 - How tenants and residents will be regularly informed of the waste management arrangements.

Once approved, the Waste Management Plan will be endorsed as part of this permit.

15. Prior to the commencement of the development hereby permitted, a landscape plan and schedule 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. Landscaping in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the building hereby permitted. The plan must depict planting of semi mature trees capable of achieving a height of 4 to 5 metres adjacent to the site's north boundary where abutting properties fronting Kipling Street, St Kilda and must also depict methods that will ensure long term growth and survival of those trees taking account of their location above basement.
16. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Chapel Street is kept to a minimum during the construction of the development. Foreseen disruption to tram operation during construction and mitigation measures must be communicated to Yarra Trams and the Director of Public Transport fourteen days (14) prior.
17. The permit holder must ensure that all track, tram overhead and supporting infrastructure is not damaged or that works do not cause unplanned disruption to tram operations. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at the full cost to the permit holder.

18. **Noise**

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) *Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5dB(A) measured at the property boundary*
 - b) *Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).*
19. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within 2 years of the date of this permit.
 - (b) The development is not completed within 2 years of the date of commencement.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

Footnotes:

Director of Public Transport

Should you require any clarification on the Director of Public Transport conditions included in this permit, contact 03 9095 4106.

A vote was taken and the MOTION was CARRIED.

Cr Gross voted AGAINST the MOTION.

B2 61 FITZROY STREET, ST KILDA

Purpose

Demolition Of Existing Buildings, Construction Of A 5 Storey Building Containing Dwellings, Nightclub, Restaurant, Convenience Restaurant (Café) And Shop, With A Reduction In Car Parking Provision And Loading Facility Waiver.

Cr Ray left the meeting at 6.40pm.

Cr Gross left the meeting at 6.40pm.

Cr Gross returned to the meeting at 6.42pm.

The following speakers made a comment in relation to this item:

- Dr Leo West (objector)

Cr Ray returned to the meeting at 6.48pm.

- Renee Young (on behalf of applicant)

Cr Gross left the meeting at 7.11pm.

Cr Gross returned to the meeting at 7.13pm.

MOVED Crs Sait/Ray

That the Statutory Planning Committee, having caused the application to be advertised and having received 14 objections is of the opinion that the demolition of existing buildings and development of the land for the purposes of the construction of a five level building (plus basement and roof terrace), comprising dwellings, along with use as a nightclub and a dispensation of car parking will not cause material detriment to any person other than the applicant.

That a Notice of Decision to grant a permit be issued for the demolition of existing buildings and the construction and carrying out of buildings & works for the purposes of the construction of a five level building (plus basement and roof terrace), comprising dwellings, a nightclub, a reduction in car parking, waiving of the provision of a loading bay and the sale & consumption of liquor.

That the decision be issued as follows:

1. Before the development starts, amended plans and elevations 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 generally in accordance with the plans submitted to Council on 30 March 2007 (Perkins Architects, TP 01 to TP 20 inclusive) and including the details of plans received by Council on 12 February, 2008 (Perkins Architects, TP 01, 02b, 03b, 04a, 05d, 06e, 07c, 08c, 09c, 10c, 11c, 12b, 13c, 14c, 15c, 16c, 17c, 18c, 19b, 20b, 21 & 22a) but modified to show the following:

- (a) Confirmation/notation that the only nightclub entry will be from Fitzroy Street, that the laneway nightclub doorway is for emergencies only and openable only from the inside, and details showing the nightclub entry as being a separate and fully segregated entry and not part of the restaurant tenancy.
 - (b) Screening of zero transparency to a minimum of 1.7m above finished floor level for the narrow balcony ends facing south –east along with cross section detail of the operable louvred walls to corridors facing south-east both so as to prevent overlooking into windows and open space areas of adjacent dwellings.
 - (c) A reduction in overall dwelling numbers from 39 to 27, along with a notation that no more than 15 dwellings, being those with the smallest floor area would be without an on site car space.
 - (d) A reduction in building height such that the DDO requirements are complied with (relevantly, 10.5m and 16.5m), and deletion of notation reference to overhang of the laneway or boundaries.
 - (e) A schedule of external materials and colours, including samples (glass and otherwise) and including details and a sample of the front timber, all in a form capable of being endorsed and placed on Council's file.
 - (f) The front canopy as being cantilevered as opposed to having columns.
 - (g) A notation that no air conditioning units are to be located on any external balcony without Council's written approval.
 - (h) The ground level as being at least 300mm above applicable flood level, i.e. 4.1m to AHD.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 4. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.
 5. Prior to the commencement of the nightclub use, a Management Plan must be submitted to and approved by the Responsible Authority. The plan must not be modified without the written consent of the Responsible Authority. The plan must cover the following points, but may include other points:
 - Details of supervision and security of the site, including external and internal signage, cameras and how any video information will be made accessible to Council and any other relevant authority.

- Installation and maintenance in good quality and to the satisfaction of the responsible authority, video surveillance recording system able to clearly identify individuals which shows time and date and provides continuous images of all entrances and exits, bars and entertainment/dance floor areas when live or recorded amplified music other than background music is provided.
- Details of how waste will be collected from the site and how/at what frequency any litter will be removed from nearby streets and lanes.
- Processes and actions with regard to catering for nightclub patron needs for public transport, including taxis, and how such taxi use will be managed.
- Details as to internal management practices and the enabling of appropriate action dealing with ongoing and excessive patron noise.
- Appropriate management and security practices (reference to security personnel to be made in the Management Plan) so as to minimise the congregation of patrons from the permitted use at the front of the site or within 10m along Fitzroy Street from the front door to the premises after 11pm. The Management Plan is to refer to the enabling of appropriate action from security personnel in relation to the above (lack of congregation/loitering) and to encouraging quiet patron departure from the premises.
- Storing and emptying bottles and barrels/kegs (not between 11pm and 8am).
- Times and locations for the delivery of bottles and barrels/kegs.
- The indication of a contact phone number(s) for residents to call to register complaints regarding the operation and occupants patrons from the premises. This contact must be available at all times. A permanent register of all calls to this number(s) must be maintained which register must be available at all times for inspection by the Responsible Authority.

This Management Plan to be prepared to the satisfaction of the Responsible Authority and endorsed to form part of this permit.

6. Prior to the commencement of works, the developer, in co-operation with Council and the relevant transport authorities must prepare a Public Transport Plan and 'Green Transport Plan' specifically with reference to residents without access to on site car parking. The plan must also make specific reference to the fact that residents of the permitted building will not be eligible for Council parking permits.
7. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
8. Any plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.

9. The amenity of the area must not be detrimentally affected by the use 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, vibration, smell, fumes, smoke, steam, waste water, waste products, grit or oil.
 - (d) Presence of vermin.
10. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
11. Prior to the commencement of the development hereby permitted the applicant must demonstrate how environmentally-positive features will be incorporated into the development where possible, to the satisfaction of the responsible authority following consultation with Council's ESD officer via completion of either a STEPS assessment or a written Sustainability Statement of the various approaches to sustainability matters included in the development.
12. The car parking areas and accessways as shown on the endorsed plans shall be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.
13. Before completion of the building, the Applicant/Owner must do the following things to the satisfaction of the Responsible Authority:
 - a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development including modifying and line marking kerbside car parking spaces and altering parking signage, all being related to the new vehicle crossover.
 - b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
 - c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.
 - d) Remove the redundant crossover to Council's specifications with associated costs to be borne by the applicant/owner/developer.
14. Before commencement of the works, a construction management plan must be prepared, including a works program, with the objective of minimising the impact of construction works on the nearby residential properties to the satisfaction of the responsible authority. The plan must specify the means of reducing the construction impact (at the cost of the applicant) of dust and noise on the nearby properties, and must provide that hours of work be in accordance with any relevant Local Law

15. Prior to the commencement of the development, a Waste Management Plan based on the draft “Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments (Sustainability Victoria June 2006) must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
 - The estimated garbage and recycling generation volumes for the whole development.
 - The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
 - The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
 - The path of access for both users and collection vehicles.
 - How noise, odour and litter will be managed and minimised.
 - Approved facilities for washing bins and storage areas.
 - Who is responsible for each stage of the waste management process.
 - How tenants and residents will be regularly informed of the waste management arrangements.
16. During the construction of the buildings and works allowed by this permit, the roads and streets adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
17. Car parking allocation must comprise one car space for each of the restaurant, shop and convenience restaurant tenancies, two car spaces for the nightclub and one car space each for all two bedroom dwellings and the largest (approximately 50m²) single bedroom dwellings (leaving 15 small dwellings without on-site car parking).
18. The building must be adequately and suitably acoustically treated such that noise levels from the on-site nightclub does not create unreasonable noise amenity impacts to any of the dwellings within the permitted development.
19. The permitted nightclub must operate only between 7am and 7am the following day, Monday to Saturday, 10am to 7am the following morning, Sunday and midday to 7am the following morning Good Friday and Anzac Day.
20. The patron capacity of the permitted restaurant must not exceed 45 except with the further consent of the responsible authority.
21. The nightclub capacity must not exceed 300 patrons.

22. The nightclub use must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environmental Protection Authority and the Australian Standard AS 2107 1987 and the noise limiter, cooling and ventilation settings and the practice of keeping entrance doors shut must be used to ensure that this condition is complied with.
23. Nightclub noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
24. Bottles from the nightclub must be bagged during operation times and must not be emptied into the external refuse bins after 10pm or before 8am Monday to Saturday or after 10 pm or before 10am on Sunday, except with further written consent of the Responsible Authority.
25. Prior to commencement of the nightclub use, the permit operator must install and maintain within the nightclub a noise limiter ("the Device"), set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of SEPP N-2.
26. Within 14 days of the installation of the noise limiter within the nightclub a report prepared by a suitably qualified acoustic consultant must be submitted to the responsible authority and must confirm that a noise monitor and limiter ("the Device") is operating and has each and every of the following characteristics which are also operating:
 - i. The Device limits internal noise levels so as to ensure compliance with the music noise limits according to *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)*.
 - ii. The Device is a limiter suitable for interfacing with a permanently installed sound system which will include any amplification equipment and loudspeakers;
 - iii. The Device monitors noise levels at frequencies between 50Hz and 100Hz and is wired so as to ensure that the limiter governs all power points potentially accessible for amplification.
 - iv. The Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the owner of the land and notified to the Responsible Authority;
 - v. The Device is installed to control all amplification equipment and associated loudspeakers;

- vi. The Device is set in such a way that the power to the amplification equipment is disconnected for 15 seconds if the sound level generated by the amplification equipment exceeds for one second the maximum sound level for which the monitor is set;
 - vii. The monitor level component of the Device includes a calibratable frequency discriminating sound analyser with an internal microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person). Such a sound analyser will indicate by green, amber and red illuminated halogen lamps the approach and exceeding of the set maximum noise level. The lamps must be in the clear view of the staff and any disc jockey in the room;
 - viii. The Device must prevent a relevant noise level referred to in these conditions being exceeded.
 - ix. Which report demonstrates compliance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) noise limits.
27. Before the development begins, either a report from a qualified Arborist is to be submitted to Council indicating the methods and requirements to ensure retention and survival of the eucalypt tree on the abutting site at 63-73 Fitzroy Street or alternatively, the tree is to be removed (at the permit applicant/owner's expense) but only with the written consent of the owner/occupier of 63-73 Fitzroy Street.
28. This permit will expire if one of the following circumstances applies:
- (c) The development is not started within 2 years of the date of this permit.
 - (d) The development is not completed within 2 years of the date of commencement.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

Permit Notes

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

The applicant/owner would provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.

MINUTES – STATUTORY PLANNING COMMITTEE – 11 AUGUST 2008

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- *Monday to Friday: 7.00am to 6.00pm; or*
- *Saturdays: 9.00am to 3.00pm.*

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

A vote was taken and the MOTION was CARRIED.

B3 DELEGATE REPORT

Purpose

To present Council with a summary of all Planning Permits issued under Delegation.

MOVED Crs Gross/Cribbes

That the Council receive and note the report regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED.

7. URGENT BUSINESS

Nil.

8. PRESENTATION OF CONFIDENTIAL REPORTS

Nil.

MINUTES – STATUTORY PLANNING COMMITTEE – 11 AUGUST 2008

As there was no further business the meeting closed at 7.25pm.

Confirmed: 8 September 2008

Chairperson: _____