



**STATUTORY PLANNING
COMMITTEE**

MINUTES

9 JUNE 2009

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD ON 9 JUNE 2009, IN THE
COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.03pm.

PRESENT

Cr. Klepner (Chairperson), Cr. Bolitho, Cr. Middleton, Cr. O'Connor, Cr. Powning, Cr. Thomann, Cr. Touzeau.

IN ATTENDANCE

Kay Rundle CEO, Geoff Oulton Executive Director Community Development and Planning, George Borg Manager City Development, Richard Schuster Coordinator Statutory Planning St Kilda/Albert Park, Jane Birmingham Coordinator Statutory Planning Port Melbourne, South Melbourne & Elwood, Phillip Beard Senior Urban Planner, Simon Gutteridge Senior Urban Planner.

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

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Thomann/O'Connor

That the minutes of the Statutory Planning Committee of the Port Phillip City Council held on 11 May 2009, be confirmed.

A vote was taken and the MOTION was CARRIED.

3. CONFLICTS OF INTEREST

CEO Kay Rundle advised in relation to Business Item B1 – 2 and 6-8 Carlisle Street, St Kilda and 3 & 9 Havelock Street, St Kilda, that pursuant to section 78 of the Local Government Act 1989 she has an indirect interest by close association in this matter as her sister is an objector to this planning permit application.

4. CORRESPONDENCE

Nil.

5. PUBLIC QUESTION TIME

Nil.

6. COUNCILLOR QUESTION TIME

Nil.

7. PRESENTATION OF REPORTS

The order of business was as follows:

- B1 2 AND 6-8 CARLISLE & 3-5 HAVELOCK STREETS, ST KILDA
- B2 RMYS- ST KILDA HARBOUR
- B4 DELEGATE REPORT
- B3 87-101 BAY STREET, PORT MELBOURNE

B1 2, 6-8 CARLISLE STREET, 3-5 HAVELOCK STREET, ST. KILDA

Purpose

Demolition of buildings, construction of four and six level buildings, use of land as convenience shop, licensed restaurant, food & drink premises (café) and reduction in parking provision.

CEO Kay Rundle advised in relation to Business Item B1 – 2 and 6-8 Carlisle Street, St Kilda and 3 & 9 Havelock Street, St Kilda, that pursuant to section 78 of the Local Government Act 1989 she has an indirect interest by close association in this matter as her sister is an objector to this planning permit application.

The following speakers made verbal submissions regarding this item:-

- Philip Eggleston (objector)
- Vivianne Reiss (objector)
- Dean Commons (objector)
- Kel Twite (on behalf of applicant)

MOVED Crs Thomann/O'Connor

That the Statutory Planning Committee, being the Responsible Authority, having caused the application to be advertised and having received 33 objections, is of the opinion that the granting of a permit will not cause material detriment to any person.

That a Notice of Decision to Grant a Permit be issued for demolition of buildings, construction and carrying out of works of four and six level buildings, use of land as convenience shop, sale and consumption of liquor, licensed restaurant, food and drink premises (café) and reduction in parking and loading bay provision.

That the Notice of Decision be subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans forming part of the application but modified to show the following:
 - a) One level deleted from the Carlisle Street building being the level currently depicted as level 6 along with the point/corner of the building at the Carlisle/Havelock Street intersection lowered by one level,
 - b) One level deleted from the buildings facing Havelock Street by deletion of Units 3.16, 3.17 & 3.19, 3.21, and dwellings 6, 8, and 9, to create a built form consisting of 2 storeys with a recessive third storey.
 - c) All pedestrian access to the non-residential tenancies, particularly the café at the Carlisle/Havelock Street intersection, as being from Carlisle Street,
 - d) Deletion of the seven residential hotel/residential residential hotel balconies facing Havelock Street together with deletion of the upper level conference room

- balconies facing Havelock Street whilst retaining the built form (two storey with recessive third storey) to Havelock Street.
- e) Notations that residential hotel/residential residential hotel windows and conference room windows facing Havelock Street are to be non-openable,
 - f) A simpler palette of colours and materials to the upper levels via deletion of the 'gold/bronze tinted curtain wall',
 - g) Design detail of the Carlisle Street tilt door such that it would be integrated into the façade of the building,
 - h) Matters referred to in the endorsed sustainability statement, in particular the solar panels referred to in that report and the storage capacity of the rainwater tanks.
 - i) Reinstatement of the Havelock Street footpath by removal of redundant vehicle crossovers.
 - j) Deletion of external timber deck on the Havelock Street frontage.
 - k) A notation on plans stating that there is no external seating to be provided on the Havelock Street frontage.
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, excluding the solar panels, 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. The development must include the environmentally sustainable initiatives referred to in the endorsed sustainability statement.
 8. The proposed crossover must meet the gradient guidelines as detailed in standard drawing SD 4101C and Council's pedestrian priority guidelines are to be met.
 9. The car parking areas and accessways as shown on the endorsed plans must be left open for those purposes at all times the uses are in operation.

Café Conditions:

10. The food and drink premises (café) at the Carlisle/Havelock Street corner is to have a maximum of 20 patrons and the restaurant tenancies are to have a total maximum of 130 patrons, except with the further written permission of the responsible authority.
11. The food and drink premises (café) is to operate only between the hours of 7.30am to 9.30pm, except with the further written permission of the responsible authority.

Conference Room condition.

12. The conference rooms as shown on the endorsed plans must only be used by persons simultaneously staying at the residential hotel on the subject site and be occupied by no more than 50 patrons.

(End conference room condition).

13. Car parking is to be allocated on the following basis with not less than the nominated number of car spaces being available for the following particular uses at all times they are operating.

Residential hotel guests:	38 spaces.
Residential hotel staff:	7 spaces.
Retail:	5 spaces.
Café/restaurant staff:	16 spaces.
Dwelling residents:	11 spaces.
Dwelling visitors:	2 spaces.

All car spaces to the dwellings are to be allocated on the basis of not more than one car space per dwelling and two for visitors. All other car spaces are to be shown on common property on any plan of subdivision.

14. Each set of tandem car spaces must be allocated to one individual commercial tenancy.
15. No buildings or works must commence until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety. Once approved these plans become the endorsed plans of this permit.

16. 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.

17. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
18. 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).
19. Bottles 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.
20. 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 with particular reference to pedestrian priority in the design of any new vehicle crossover.
 - d) Remove the redundant crossover to Council's specifications with associated costs to be borne by the applicant/owner/developer.
21. Before commencement of the works, a construction management plan must be submitted to and be to the satisfaction of the responsible authority. The plan must include 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. Once approved, the plan will be endorsed as part of the permit and all works must be carried out in accordance with this plan.
22. The submitted Waste Management Plan must be altered to the satisfaction of the responsible authority and have additional detail included, before its endorsement. Such additional detail is to be based on the draft "Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments" (Sustainability Victoria June 2006) to the satisfaction of the Responsible Authority and endorsed as part of this permit. The additional detail 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.
 - Approved facilities for washing bins and storage areas.

- How tenants and residents will be regularly informed of the waste management arrangements.

Once approved, the plan will be endorsed as part of the permit and all waste management must be carried out in accordance with this plan.

Restaurant conditions

23. The restaurants as shown on the endorsed plans and allowed by this permit must be used only for that purpose and must not be used as tavern (bar) or nightclub.

24. The restaurants allowed by this permit must only operate between the hours of 7am to midnight on any day.

25. The use of the restaurants 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. Cooling and ventilation settings and the practice of keeping entrance doors appropriately shut must be used to ensure that this condition is complied with.

(End Restaurant Conditions)

26. Before the expanded residential hotel use begins, 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,
- Processes and actions with regard to catering for 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,
- Details in terms of limiting patron noise and music noise impacts from the permitted function rooms, including limiting of hours within which amplified music is to be played in the function rooms to be between 10am to 10pm on any day.
- The indication of a contact phone number(s) for residents to call to register complaints regarding the operation and patrons at 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.

27. The residential hotel operator/management must make available no less than 10 bicycles on a shared use basis for exclusive use of hotel patrons/guests.

28. During the construction of the buildings and works allowed by this permit, the roads, lanes 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.

Melbourne Water conditions

29. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
30. The entry/exit driveway of the basement car park must incorporate a flood proof apex a minimum of 300mm above the applicable flood level.
31. All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level.
32. A flood proof wall along the Albert Street frontage of the proposed restaurant is to be constructed a minimum of 300mm above the applicable flood level.
33. All new dwellings are to be constructed with floor levels a minimum of 300mm above the applicable flood level.
34. The proposed food, drink and convenience stores in D block facing Carlisle Street are to have floor levels no lower than 150mm above the applicable flood level.
(End Melbourne Water Conditions)
35. 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.

Notes

If further information is required in relation to Melbourne Water's permit conditions, please contact Melbourne Water on 9235 2517 quoting reference No. 80606.

The applicable flood level for the property is 3.7m to AHD.

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 will 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 approved so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

A vote was taken and the MOTION was CARRIED.

B2 ST KILDA HARBOUR

Purpose

To consider an application for planning permit to redevelop the Royal Melbourne Yacht Squadron Marina (Safe Harbour).

The following speakers made submissions on this item:

- Ross Kilborn (supporter)
- Peter Holland (supporter)
- Ray Tishing (supporter)
- Commodore Ken Simpson (supporter)

MOVED Crs Bolitho/Thomann

That the Supplementary Report relating to this item be considered and noted

A vote was taken and the MOTION was CARRIED.

MOVED Crs Thomann/Bolitho

That the Council being the Responsible Authority, (having caused the application to be advertised) and having received and noted the objections, is of the opinion that the proposed development will not cause material detriment to any person other than the applicant.

That a Notice of Decision to grant a permit be issued for buildings and works comprising replacement of the existing RMYS marina with a 250 berth floating marina in the area between the existing pier arm and the breakwater, relocation of 75 swing berths and installation of a floating wave attenuator and spur groyne at the northern end of the harbour and extension of the existing rock breakwater to the east along the pier at 2 Jacka Boulevard St.Kilda (St Kilda Harbour) subject to the following conditions:

1. Before the use and/or 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 submitted documentation Royal Melbourne Yacht Squadron St Kilda Safe Harbour Ltd Redevelopment Planning Report (December 2005) prepared by GHD and the associated drawings and appendices but modified to show:
 - a) An increase in wet berths allocated to RMYS from 230 to 250 within the harbour.
 - b) Realignment and increase in length of the northern wave attenuator from 140 metres to 210 metres.
 - c) Realignment of the proposed spur groyne.
 - d) Modification of the southern breakwater extension so as to be consistent with future staged redevelopment of St.Kilda Harbour, consistent with the St.Kilda Harbour Concept Plan 2008 (Parks Victoria).

- e) Modification of infrastructure design to plan for sea level rise of not less than 0.8 metres by 2100 having regard to the design life of the works.
- f) Public access to be made available along the new marina spine.

All of the details required above are to be to the satisfaction of the Responsible Authority.

2. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. All plans and documentation associated with completion of Marina Precinct 1 must be approved by Parks Victoria prior to commencement of works and the works undertaken to the satisfaction of Parks Victoria.
4. The existing RMYS marina infrastructure must be demolished and removed within 12 months of practical completion of the new Marina Precinct 1 to the satisfaction of Parks Victoria or as otherwise agreed by Parks Victoria.
5. RMYS, in conjunction with Parks Victoria, will be responsible for managing the removal of swing moorings consistent with the St Kilda Harbour Concept Plan (2008). This may involve transition of affect swing mooring holders to interim alternative mooring facilities as part of Marina Precinct 1 works.
6. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby users and wildlife to the satisfaction of the Responsible Authority.
7. No form of public address system or sound amplification equipment installed in the premises shall be audible beyond the Harbour to the satisfaction of the Responsible Authority.
8. No advertising signs shall be displayed except with the further permission of the Responsible Authority.
9. The Construction Environmental Management Plan (CEMP), Operations Environment Management Plan (OEMP) and Asset Replacement and Management Plan as required by the Coastal Management Consent dated 24 March 2009 (DSE ref PP-CA 08/0180) must be submitted to and be to the satisfaction of Parks Victoria. Once approved by Parks Victoria, a copy of the documents must be provided to the City of Port Phillip.
10. Prior to the commencement of construction works allowed by this permit, a construction management plan to the satisfaction of Responsible Authority must be prepared and approved by the Responsible Authority. The plan must include a works program, with the objective of minimising the impact of construction works on the nearby publicly accessible land and public roads to the satisfaction of the responsible authority. The plan must also specify the means of reducing any impact on access, pedestrian and vehicular circulation and the impact of dust and noise (at the cost of the applicant). Once approved, works must be carried out in accordance with the approved construction management plan to the satisfaction of the Responsible Authority.
11. Prior to the commencement of construction works allowed by this permit, an environmental management plan to the satisfaction of the Responsible Authority must be prepared and approved by the Responsible Authority. The plan must

indicate how the interests of the penguin colony both during and after construction are to be protected in light of the comments provided by the St.Kilda Breakwater Wildlife Management Advisory Committee. The Plan must address environmental management issues including but not limited to water and air quality, noise and vibration, light spill, prevention of pollution to the environment from boat construction and maintenance activities, exotic marine pest introductions and translocations, use of copper based anti-foul paints, management of sewage and grey water discharge, rubbish and the risk of fuel spills. Once approved, works must be carried out in accordance with the environmental management plan to the satisfaction of the

12. This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two (2) years of the date of this permit.
- (b) The development is not completed within two (2) years of the date of commencement of works.
- (c) The use is not commenced within four (4) years.

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

PART B:

That the Statutory Planning Committee, as delegate of Council, advise that the provision of car parking for the approved use is satisfactory, in accordance with Clause 52.06-5 of the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED.

B3 87-101 BAY STREET, PORT MELBOURNE

Purpose

Demolish part of buildings and construct new shops and residential dwellings with associated car parking, and reduce the number of car parking spaces required

The following speakers made submissions on this item:

- Simone Cresp (objector)
- Debbie Skewes (objector)
- Jamie Govenlock (on behalf of applicant)

Cr Thomann left the meeting at 7.40pm

Cr Thomann returned to the meeting at 7.42pm

MOVED Crs Bolitho/Middleton

That the supplementary report be noted and considered in conjunction with the original officer's report to the Statutory Planning Committee Meeting of 9 June 2009 and that the decision of the Statutory Planning Committee be based on the following recommendation:

That the Statutory Planning Committee, having caused the application to be advertised and having received sixteen (16) objections, is of the opinion that the proposal to demolish part of buildings and construct two new basement car parking levels and new three, six and eleven level buildings and associated works and use for shops (inc. a supermarket) and dwellings, and reduce the number of car parking spaces required at 87-101 Bay Street, Port Melbourne will not cause material detriment to any person other than the applicant.

That a Notice of Decision to Grant a Permit be issued to demolish part of the buildings and the construction of buildings and carrying out of works for two new basement car parking levels and new three, six and eleven level buildings and the use of the land for shops (inc. a supermarket) and dwellings, a reduction in the number of car parking spaces required and the alteration of access to a road in a Road Zone, Category 1 at 87-101 Bay Street, Port Melbourne.

That the decision be issued as follows:

(1) Amended Plans Required

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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- (a) Revisions to the Bay Street facades to increase verticality and articulation generally in accordance with amended streetscape perspective drawings lodged 21st May, 2009;
- (b) Deletion of the proposed 3rd storey level sign projecting over the Bay Street footpath in lieu of a smaller sign at ground floor level;
- (c) Detail drawings of the design and finish and materials of the new windows and cantilevered awning to No. 95 Bay Street;

- (d) Plan notations for the façade of No. 95 Bay Street to be cleaned and repaired;
- (e) The provision of at least 14 parking spaces within the ground floor level car park for dwelling visitor parking out of principal hours of the Supermarket/ Major retail tenancy;
- (f) Revisions to the wall heights and lengths and light court dimensions on and facing the north side boundary to correspond with the approved design for Planning Permit No. 0887/2007 for 74 Nott Street;
- (g) Screening of windows within 9.0m of the north side boundary to prevent overlooking of properties to the north;
- (h) Screening of the first floor level communal terrace to prevent overlooking of properties to the north, with such screening to be at least 1.7m high and setback at least 1.0m from the north side boundary;
- (i) The provision of clear and direct pedestrian linkages between the ground floor level car park and the Supermarket/Major retail tenancy;
- (j) Air conditioners/split cycle heaters/coolers for the Bay Street and Nott Street dwellings to be relocated or screened so as to not be visible from the street frontages;
- (k) Details of sun control measures to the dwellings;
- (l) The elevation drawings consistent with the plan drawings;
- (m) Plan notations for sound attenuation measures to be provided between the ground floor level retail and car park and loading dock areas and the residential uses above;
- (n) Plan notations for the dwellings facing to Bay Street to incorporate appropriate noise shielding techniques such as use of double glazing or thick glass, sealing of gaps, solid-core doors, insulation and acoustic insulation and deflection surfaces in their construction;
- (o) Plan notations for lighting to main building entries, pedestrian areas & car parks;
- (p) The provision of externally accessible mailboxes;
- (q) All plan and elevation drawings to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels; and
- (r) Two copies (in a form that are able to be endorsed and held on file) of a full schedule of the materials, finishes and paint colours including colour samples to be used on the main external surfaces of the dwellings.
- (s) The provision of at least 6 additional dedicated permanent residential visitor parking spaces on site;
- (t) The provision of at least 6 additional on-site resident parking spaces or the dwelling mix altered so that all resident parking is provided at a rate of 0.8 spaces per 1 bedroom dwelling and 1 space per 2 bedroom dwelling;
- (u) Car park layout and all car space dimensions to be in accordance with AS2890.1-2004;
- (v) Parking spaces adjacent to the security gates and walls/ other obstructions within the ground floor level car park to be allocated to staff for the major retail tenancy;
- (w) The disabled car space and adjacent three spaces in the ground level car park to be fitted with wheel stops in accordance with AS2890.1-2004;
- (x) The height of planter boxes adjacent to the ground level car parking entry not to exceed 1.0m in height;
- (y) The provision of convex mirrors at the vehicle access points for the residential car park and loading bay to ensure satisfactory sightlines and the provision of a transparent wall between the residential car park entry and the loading bay to minimise vehicle conflict.

(2) Layout Not Altered

The development and uses as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

(3) Satisfactory Continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

(4) Demolition Method Statement

Prior to the commencement of the works permitted by this permit, including any demolition works, a fully detailed 'demolition method statement' must be submitted to and approved by the responsible authority. When approved, the statement will be endorsed and will then form part of the permit. The 'demolition method statement' must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the plan approved under Condition 1 of the permit will be safeguarded during and after the demolition process has occurred. The demolition method statement may need to include reference to staging of demolitions on site in some instances. The statement must detail the necessary protection works required to retain individual walls, chimneys, roofs during demolition.

(5) Construction Management Plan

Prior to commencement of the buildings and works hereby permitted, a Construction Management Plan shall be submitted to the Responsible Authority and must be to its satisfaction. The Plan shall include details of:

- (a) Construction hours;
- (b) Control of construction noise to minimise impact on neighbouring properties;
- (c) Maintaining cleanliness in abutting streets;
- (d) Minimising disruption to pedestrian access along footpaths;
- (e) Management of parking of construction worker vehicles (including construction machinery), management of site deliveries and traffic management;
- (f) The demolition waste removal process and duration, including the positions of trucks, equipment and rubbish bins, including the on-site storage of waste construction bins as much as practicable during the project's construction stages.

(6) Sustainable Design Statement

Before the development commences a sustainable design statement must be submitted to and approved by the Responsible Authority. The sustainable design statement must outline proposed sustainable design initiatives. When approved, the statement will be endorsed and will then form part of the permit.

(7) Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement.

(8) Deliveries and Collections

Deliveries and collections to and from the site must be managed to minimise noise and traffic impacts to surrounding properties as follows:

- (a) All delivery vehicles to the Nott Street loading bay must enter and exit from Graham Street only;
- (b) No delivery vehicle using the Nott Street loading bay may protrude out onto the footpath whilst deliveries are taking place;

- (c) Deliveries to the premises must only occur between the hours of:
- 6am - 7am daily (with not more than 1 delivery between these hours);
 - 9am - 5pm daily; and
 - 7pm - 10pm daily (with not more than 1 delivery between these hours).
- (d) No collections, including waste and recycling materials collections are to be made between the hours of 6.00am and 8.00pm Monday to Saturday or on Public Holidays.

(9) Environmental Assessment

The following conditions apply in respect of environmental condition, monitoring and remediation of land:

- (a) Prior to development of the land (excluding works necessarily forming part of the environmental audit process), a preliminary site assessment of the land must be conducted by a suitably qualified professional in accordance with the National Environment Protection Measure (Assessment of Site Contamination) 1999 as amended from time to time and the findings of that assessment must be submitted to the Responsible Authority.
- (b) Having regard to the Preliminary Assessment, if the Responsible Authority is satisfied that further assessment of the potential contamination of the land is required:
- An appointed auditor must be engaged pursuant to Section 53U of the Environment Protection Act 1970 to perform an environmental audit of the land.
 - An environmental audit report must be produced in accordance with Section 53X of the Environment Protection Act 1970 must be provided to the Responsible Authority and
 - A Certificate or Statement of Environmental Audit must be provided to the Responsible Authority.
- (c) Where a Statement of Environmental Audit is issued for the land:
- Development and/or use allowed by this permit must comply with any condition attached to the statement unless a certificate of environmental audit is subsequently issued for the land; and
 - At the direction of the Responsible Authority, an agreement must be prepared and entered into by the owner, at the owner's cost, pursuant to Section 173 of the Planning and Environment Act 1987 to facilitate notification of future occupiers of the land of any conditions attached to the statement of environmental audit; and
 - Prior to any use provided by this permit commencing, a letter prepared by an appointed auditor must be submitted to the Responsible Authority verifying that all conditions attached to the statement of environmental audit have been complied with.

(10) Development Contributions Plan Requirement

Prior to the commencement of the development hereby permitted, the applicant or owner must either:

- (a) Pay or provide a bank guarantee, insurance bond or similar security to the satisfaction of the Responsible Authority for the full amount of the development levy applying to the land in accordance with the provisions of the Port Melbourne Mixed Use Area Development Contributions Plan (Streetscape Works) July 1999 which is an incorporated plan under the Port Phillip Planning Scheme ('the DCP'); or
- (b) Elect by notice in writing to Council to carry out the works ('the Works') generally in accordance with plans of the streetscape works provided by the owner and consented to by the Council. If option (b) is chosen, the following provisions shall apply:
- (i) Prior to the commencement of the Works, plans and specifications of the Works shall be submitted to the Council for its approval. Once approved, the

- Works shall be carried out only in accordance with such plans and specifications subject to any amendments that the Council may agree to.
- (ii) Unless otherwise agreed in writing by the Council, the Works shall be completed to the satisfaction of the Council prior to the issue of a Certificate of Occupancy.
 - (iii) As security for the carrying out of Works, on approval by the Council of the plans and specifications for the Works, the owner shall lodge with the Council a bank guarantee or insurance bond for the value of the Works.
 - (iv) The Councils shall be entitled to call upon such security to meet the cost of carrying out or completing the Works as the case may be in the event that the Works have not been completed to its satisfaction by the completion date.
 - (v) The Bank Guarantee or insurance bond must be returned to the owner immediately upon Council advising the owner in writing that the streetscape works have been completed to its satisfaction.
 - (vi) If the works are carried out on or behalf of the Owner, the Owner shall pay to the Council a supervision fee determined in accordance with the Subdivision Act 1998 for the supervision of the Works.

(11) Waste Management Plan for Higher Density Residential Development.

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.

(12) No Equipment on Roof

No equipment (including, but not limited to, ducting and piping, air conditioning and hearing units and satellite dishes), services and architectural features other than those shown on the endorsed plan shall be permitted (other than authorised Telecommunications facilities) unless otherwise agreed to in writing by the Responsible Authority. Any plant and equipment, television antenna and/or satellite dishes shall be visually and acoustically screened (as applicable) from view as far as practicable and located to the satisfaction of the Responsible Authority.

(13) Street Crossings

Vehicular crossings shall be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority, before the use is commenced or building occupied:

- (a) Standard vehicular crossings shall be constructed and/or widened at right angles to the road to suit the proposed driveways incorporating bluestone pavers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate),

- (b) Any redundant existing crossing shall be removed and the footpath and kerb reconstructed incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate), and any new car space(s) created along the street frontage of the site as a result of the removal of the crossing must be line marked to the satisfaction of the responsible authority.
- (c) Any proposed vehicular crossing shall have satisfactory clearance of any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- (d) The proposed vehicle crossings to the car parks and loading bay off Nott Street must be constructed to Council's vehicle crossing specification that provides for pedestrian priority, comfort and DDA compliance. Cross section drawings of the ramp and vehicle crossing must be provided to Council's Traffic Engineers specification to ensure that the new vehicle crossing specification with pedestrian priority will be incorporated into the development.

(14) Alteration/Reinstatement of Council or Public Authority Assets

The Applicant/Owner shall do the following things to the satisfaction of the Responsible Authority:

- (a) All redundant vehicle crossovers shall be removed and the pavement reconstructed at cost of the applicant/owner, to the satisfaction of the Responsible Authority.
- (b) Pay the costs of all alteration/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development (including any necessary line marking of parking spaces, and/or erection of parking signs etc) including:
 - Line marking of 2 x 5.5m long car spaces between the proposed crossovers;
 - Alterations to the existing line marking for the parallel car spaces between 78 Nott Street & the western side of the development; and
 - Updating of signage to show present day restrictions.
- (c) Obtain the prior written approval of the Council or other relevant Authority for such alteration/reinstatement;
- (d) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

(15) Services to be Underground

All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority.

(16) Lighting baffled

All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties and/or roads.

(17) Amenity

The amenity of the area must not be detrimentally affected by the development through the:

- (a) Transport of materials, goods or commodities to or from the land
- (b) Appearance of any building, works or materials
- (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products, grit or oil;
- (d) Presence of vermin;
- (e) Change to television and/or radio reception

(18) SEPP N-1

The level of noise emitted from the premises 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)

(19) Agreement under Section 173 of the Planning and Environment Act 1987

Prior to the commencement of the use/development permitted the applicant must enter into an agreement under Section 173 of the Act with the Responsible Authority. The agreement must be in a form to the satisfaction of the Council, and the applicant shall be responsible for the expense of the preparation and registration of the agreement, including the Council's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- (a) The applicant shall provide or cause to be provided not less than fourteen (14) car parking spaces in the ground floor level car park, for the use of visitor parking for the dwellings between the hours of 6.00pm to 8.30am Monday to Friday and 9.00am to 6.00pm Saturday and Sunday;
- (b) The applicant shall provide or cause to be provided within the development, a car share scheme whereby not less than four (4) cars are made available for the use of residents of the dwellings by means of a booking system;
- (c) That the car share scheme shall be administered by or on behalf of the Owners Corporation for the development on an on-going basis, including the maintenance and replacement of all vehicles as necessary;
- (d) The above matters shall be to the satisfaction of the Responsible Authority.

(20) Noise Attenuation

Noise attenuation measures must be incorporated into the development to the satisfaction of the Responsible Authority as follows:

- (a) The ground floor level retail and car park and loading dock areas must incorporate appropriate noise shielding techniques in their construction to minimise noise transmission to the residential uses above;
- (b) The dwellings facing to Bay Street must incorporate appropriate noise shielding techniques such as use of double glazing or thick glass, sealing of gaps, solid-core doors, insulation and acoustic insulation and deflection surfaces in their construction;

(21) VicRoads Requirement

There is to be no vehicular access to Bay Street from the development site.

(22) Department of Transport Requirement

1. Prior to the occupation of the apartments, a Green Travel Plan (GTP) must be prepared by a suitably qualified person to the satisfaction of the Director of Public Transport. The GTP must:

- (a) Describe the location in the context of alternative modes of transport and objectives for the GTP
- (b) Outline GTP measures for the development including:
 - i. household welcome packs
 - ii. possible incentives (i.e. provision of Met Cards within the rental / ownership of apartment etc)
 - iii. cycle parking and facilities available
 - iv. bicycle pool (if provided)
 - v. GTP management

vi, monitoring and review

2. Once approved the GTP must form part of the planning permit or any ongoing Management Plan for the site to ensure the plan continues to be implemented to the satisfaction of the Responsible Authority.

(23) Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two (2) years of the date of this permit.
- (b) The development is not completed within five (5) years of the date of this permit.

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

Notations:

Building Approval Required

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.

Building Works to Accord With Planning Permit

The applicant/owner will 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.

Due Care

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

Air Conditioning Plant

Any 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:

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 5 dB(A) measured at the property boundary;

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).

Days and Hours of Construction Works

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.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal shall be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

Roads and laneways to be kept clear

During the construction of the buildings and works allowed by this permit, the roads and laneway(s) 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.

No Signs Unless No Permit Required

Unless no permit is required under the planning scheme, other signs must not be constructed or displayed without a further permit.

Waste Collection

The applicant must consult with Council's Waste Management Department regarding the location of waste bins and collection options.

No resident or visitor parking permits

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Provision of bicycle racks on the pavement

Prior to the installation of the bike racks on the footpath, the location must be approved by Council's Traffic Engineer and two copies of a street layout plan must be submitted indicating the agreed location of the bike racks to the satisfaction of the Responsible Authority.

Council contacts

Approval may be required from other Council Departments (where relevant) before the proposal may commence. The following contact details are provided for your assistance:

Building Department 9209.6253

Health Department (Community Amenity) 9209.6262

Local Laws 9209.6852

Development Engineer 9209.6774

Notwithstanding that this recommendation has been moved by Cr Bolitho and seconded by Cr Middleton, the meeting agreed that the recommendation contained a number of errors and omissions and consequently could not be voted upon in its current format.

MOVED Crs Klepner/O'Connor

To suspend consideration of this item.

A vote was taken and the MOTION was CARRIED

B4 DELEGATE REPORT

Purpose

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

MOVED Crs O'Connor/Touzeau

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.

B3 87-101 BAY STREET, PORT MELBOURNE

Cr Bolitho foreshadowed a MOTION ARISING in the event that the motion before the chair is carried.

MOVED Crs Bolitho/Powning – MOTION ARISING

1. That car parking restrictions in the Mixed Use Area, west of Bay Street, be reviewed to maximise on street parking availability.
2. That construction activity in the Mixed Use Area west of Bay Street be closely monitored for compliance.

A vote was taken and the MOTION ARISING was CARRIED.

Cr Thomann foreshadowed a MOTION ARISING in the event that the motion before the chair is carried.

MOVED Crs Thomann/Touzeau

Council requests a report regarding the monitoring of compliance of construction site management in major activity centres in the municipality and the impact on local residents.

A vote was taken and the MOTION ARISING was CARRIED.

MOVED Crs Bolitho/Middleton

That the supplementary report be noted and considered in conjunction with the original officer's report to the Statutory Planning Committee Meeting of 9 June 2009 and that the decision of the Statutory Planning Committee be based on the following recommendation:

That the Statutory Planning Committee, having caused the application to be advertised and having received sixteen (16) objections, is of the opinion that the proposal to demolish part of buildings and construct two new basement car parking levels and new three, six and eleven level buildings and associated works and use for shops (inc. a supermarket) and dwellings, and reduce the number of car parking spaces required at 87-101 Bay Street, Port Melbourne will not cause material detriment to any person other than the applicant.

That a Notice of Decision to Grant a Permit be issued to demolish part of the buildings and the construction of buildings and carrying out of works for two new basement car parking levels and new three, six and eleven level buildings and the use of the land for shops (inc. a supermarket) and dwellings, a reduction in the number of car parking spaces required and the alteration of access to a road in a Road Zone, Category 1 at 87-101 Bay Street, Port Melbourne.

That the decision be issued as follows:

(1) Amended Plans Required

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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- (a) Revisions to the Bay Street facades to increase verticality and articulation generally in accordance with amended streetscape perspective drawings lodged 21st May, 2009;
- (b) Deletion of the proposed 3rd storey level sign projecting over the Bay Street footpath
- (c) Detail drawings of the design and finish and materials of the new windows and cantilevered awning to No. 95 Bay Street;
- (d) Plan notations for the façade of No. 95 Bay Street to be cleaned and repaired;
- (e) The provision of at least 14 parking spaces within the ground floor level car park for dwelling visitor parking out of principal hours of the Supermarket/ Major retail tenancy;
- (f) Revisions to the wall heights and lengths and light court dimensions on and facing the north side boundary to correspond with the approved design for Planning Permit No. 0887/2007 for 74 Nott Street;
- (g) Screening of windows within 9.0m of the north side boundary to prevent overlooking of properties to the north;
- (h) Screening of the first floor level communal terrace to prevent overlooking of properties to the north, with such screening to be at least 1.7m high above finished floor levels and setback at least 1.0m from the north side boundary;
- (i) The provision of clear and direct pedestrian linkages between the ground floor level car park and the Supermarket/Major retail tenancy;
- (j) Air conditioners/split cycle heaters/coolers for the Bay Street and Nott Street dwellings to be relocated or screened so as to not be visible from the street frontages;
- (k) Details of sun control measures to the dwellings;
- (l) The elevation drawings consistent with the plan drawings;
- (m) Plan notations for sound attenuation measures to be provided between the ground floor level retail and car park and loading dock areas and the residential uses above;
- (n) Plan notations for the dwellings facing to Bay Street to incorporate appropriate noise shielding techniques such as use of double glazing or thick glass, sealing of gaps, solid-core doors, insulation and acoustic insulation and deflection surfaces in their construction;
- (o) Plan notations for lighting to main building entries, pedestrian areas & car parks;
- (p) The provision of externally accessible mailboxes;
- (q) All plan and elevation drawings to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels; and
- (r) Two copies (in a form that are able to be endorsed and held on file) of a full schedule of the materials, finishes and paint colours including colour samples to be used on the main external surfaces of the dwellings.
- (s) The provision of at least 6 additional dedicated permanent residential visitor parking spaces on site;
- (t) The provision of at least 6 additional on-site resident parking spaces or the dwelling mix altered so that all resident parking is provided at a rate of 0.8 spaces per 1 bedroom dwelling and 1 space per 2 bedroom dwelling;
- (u) Car park layout and all car space dimensions to be in accordance with AS2890.1-2004;
- (v) Parking spaces adjacent to the security gates and walls/ other obstructions within the ground floor level car park to be allocated to staff for the major retail tenancy;
- (w) The disabled car space and adjacent three spaces in the ground level car park to be fitted with wheel stops in accordance with AS2890.1-2004;
- (x) The height of planter boxes adjacent to the ground level car parking entry not to exceed 1.0m in height;
- (y) The provision of convex mirrors at the vehicle access points for the residential car park and loading bay to ensure satisfactory sightlines and the provision of a transparent wall between the residential car park entry and the loading bay to minimise vehicle conflict.

- (z) The provision of at least 4 car spaces for a car share scheme for the dwellings.
- (2) Layout Not Altered**
The development and uses as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- (3) Satisfactory Continuation**
Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- (4) Demolition Method Statement**
Prior to the commencement of the works permitted by this permit, including any demolition works, a fully detailed 'demolition method statement' must be submitted to and approved by the responsible authority. When approved, the statement will be endorsed and will then form part of the permit. The 'demolition method statement' must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the plan approved under Condition 1 of the permit will be safeguarded during and after the demolition process has occurred. The demolition method statement may need to include reference to staging of demolitions on site in some instances. The statement must detail the necessary protection works required to retain individual walls, chimneys, roofs during demolition.
- (5) Construction Management Plan**
Prior to commencement of the buildings and works hereby permitted, a Construction Management Plan shall be submitted to the Responsible Authority and must be to its satisfaction. The Plan shall include details of:
- (a) Construction hours;
 - (b) Control of construction noise to minimise impact on neighbouring properties;
 - (c) Maintaining cleanliness in abutting streets;
 - (d) Minimising disruption to pedestrian access along footpaths;
 - (e) Management of parking of construction worker vehicles (including construction machinery), management of site deliveries and traffic management;
 - (f) The demolition waste removal process and duration, including the positions of trucks, equipment and rubbish bins, including the on-site storage of waste construction bins as much as practicable during the project's construction stages.
- Once approved this plan will be endorsed as part of the permit and all works must be carried out in accordance with the plan.
- (6) Sustainable Design Statement**
Before the development commences a sustainable design statement must be submitted to and approved by the Responsible Authority. The sustainable design statement must outline proposed sustainable design initiatives. When approved, the statement will be endorsed and will then form part of the permit.
- (7) Incorporation of Sustainable Design initiatives**
The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement.
- (8) Deliveries and Collections**
Deliveries and collections to and from the site must be managed to minimise noise and traffic impacts to surrounding properties as follows:
- (a) All delivery vehicles to the Nott Street loading bay must enter and exit from Graham Street only;

- (b) No delivery vehicle using the Nott Street loading bay may protrude out onto the footpath whilst deliveries are taking place;
- (c) Deliveries to the premises must only occur between the hours of:
 - 6am - 7am daily (with not more than 1 delivery between these hours);
 - 9am - 5pm daily; and
 - 7pm - 10pm daily (with not more than 1 delivery between these hours).
- (d) No collections, including waste and recycling materials collections are to be made between the hours of 8.00pm and 6.00am daily.

(9) Environmental Assessment

The following conditions apply in respect of environmental condition, monitoring and remediation of land:

- (a) Prior to development of the land (excluding works necessarily forming part of the environmental audit process), a preliminary site assessment of the land must be conducted by a suitably qualified professional in accordance with the National Environment Protection Measure (Assessment of Site Contamination) 1999 as amended from time to time and the findings of that assessment must be submitted to the Responsible Authority.
- (b) Having regard to the Preliminary Assessment, if the Responsible Authority is satisfied that further assessment of the potential contamination of the land is required:
 - An appointed auditor must be engaged pursuant to Section 53U of the Environment Protection Act 1970 to perform an environmental audit of the land.
 - An environmental audit report must be produced in accordance with Section 53X of the Environment Protection Act 1970 must be provided to the Responsible Authority and
 - A Certificate or Statement of Environmental Audit must be provided to the Responsible Authority.
- (c) Where a Statement of Environmental Audit is issued for the land:
 - Development and/or use allowed by this permit must comply with any condition attached to the statement unless a certificate of environmental audit is subsequently issued for the land; and
 - At the direction of the Responsible Authority, an agreement must be prepared and entered into by the owner, at the owner's cost, pursuant to Section 173 of the Planning and Environment Act 1987 to facilitate notification of future occupiers of the land of any conditions attached to the statement of environmental audit; and
 - Prior to any use provided by this permit commencing, a letter prepared by an appointed auditor must be submitted to the Responsible Authority verifying that all conditions attached to the statement of environmental audit have been complied with.

(10) Development Contributions Plan Requirement

Prior to the commencement of the development hereby permitted, the applicant or owner must either:

- (a) Pay or provide a bank guarantee, insurance bond or similar security to the satisfaction of the Responsible Authority for the full amount of the development levy applying to the land in accordance with the provisions of the Port Melbourne Mixed Use Area Development Contributions Plan (Streetscape Works) July 1999 which is an incorporated plan under the Port Phillip Planning Scheme ('the DCP'); or
- (b) Elect by notice in writing to Council to carry out the works ('the Works') generally in accordance with plans of the streetscape works provided by the owner and consented to by the Council. If option (b) is chosen, the following provisions shall apply:
 - (i) Prior to the commencement of the Works, plans and specifications of the Works shall be submitted to the Council for its approval. Once approved, the

Works shall be carried out only in accordance with such plans and specifications subject to any amendments that the Council may agree to.

- (ii) Unless otherwise agreed in writing by the Council, the Works shall be completed to the satisfaction of the Council prior to the issue of a Certificate of Occupancy.
- (iii) As security for the carrying out of Works, on approval by the Council of the plans and specifications for the Works, the owner shall lodge with the Council a bank guarantee or insurance bond for the value of the Works.
- (iv) The Councils shall be entitled to call upon such security to meet the cost of carrying out or completing the Works as the case may be in the event that the Works have not been completed to its satisfaction by the completion date.
- (v) The Bank Guarantee or insurance bond must be returned to the owner immediately upon Council advising the owner in writing that the streetscape works have been completed to its satisfaction.
- (vi) If the works are carried out on or behalf of the Owner, the Owner shall pay to the Council a supervision fee determined in accordance with the Subdivision Act 1998 for the supervision of the Works.

(11) Waste Management Plan for Higher Density Residential Development.

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.

(12) No Equipment on Roof

No equipment (including, but no limited to, ducting and piping, air conditioning and hearing units and satellite dishes), services and architectural features other than those shown on the endorsed plan shall be permitted (other than authorised Telecommunications facilities) unless otherwise agreed to in writing by the Responsible Authority. Any plant and equipment, television antenna and/or satellite dishes shall be visually and acoustically screened (as applicable) from view as far as practicable and located to the satisfaction of the Responsible Authority.

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- a) Standard vehicular crossings shall be constructed and/or widened at right angles to the road to suit the proposed driveways incorporating bluestone pitchers or suitably shaped

and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate),

- b) Any redundant existing crossing shall be removed and the footpath and kerb reconstructed incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate), and any new car space(s) created along the street frontage of the site as a result of the removal of the crossing must be line marked to the satisfaction of the responsible authority.
- c) Any proposed vehicular crossing shall have satisfactory clearance of any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- d) The proposed vehicle crossings to the car parks and loading bay off Nott Street must be constructed to Council's vehicle crossing specification that provides for pedestrian priority, comfort and DDA compliance. Cross section drawings of the ramp and vehicle crossing must be provided to Council's Traffic Engineers specification to ensure that the new vehicle crossing specification with pedestrian priority will be incorporated into the development.

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The Applicant/Owner shall do the following things to the satisfaction of the Responsible Authority:

- (a) All redundant vehicle crossovers shall be removed and the pavement reconstructed at cost of the applicant/owner, to the satisfaction of the Responsible Authority.
- (b) Pay the costs of all alteration/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development (including any necessary line marking of parking spaces, and/or erection of parking signs etc) including:
 - Line marking of 2 x 5.5m long car spaces between the proposed crossovers;
 - Alterations to the existing line marking for the parallel car spaces between 78 Nott Street & the western side of the development; and
 - Updating of signage to show present day restrictions.
- (c) Obtain the prior written approval of the Council or other relevant Authority for such alteration/reinstatement;
- (d) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

(15) Services to be Underground

All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority.

(16) Lighting baffled

All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties and/or roads.

(17) Amenity

The amenity of the area must not be detrimentally affected by the development through the:

- (a) Transport of materials, goods or commodities to or from the land
- (b) Appearance of any building, works or materials
- (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products, grit or oil;
- (d) Presence of vermin;
- (e) Change to television and/or radio reception

(18) SEPP N-1

The level of noise emitted from the premises 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)

(19) Agreement under Section 173 of the Planning and Environment Act 1987

Prior to the commencement of the use/development permitted the applicant must enter into an agreement under Section 173 of the Act with the Responsible Authority. The agreement must be in a form to the satisfaction of the Council, and the applicant shall be responsible for the expense of the preparation and registration of the agreement, including the Council's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- (a) The applicant shall provide or cause to be provided not less than fourteen (14) car parking spaces in the ground floor level car park, for the use of visitor parking for the dwellings between the hours of 6.00pm to 8.30am Monday to Friday and 9.00am to 6.00pm Saturday and Sunday;
- (b) The applicant shall provide or cause to be provided within the development, a car share scheme whereby not less than four (4) cars are made available for the use of residents of the dwellings by means of a booking system;
- (c) That the car share scheme shall be administered by or on behalf of the Owners Corporation for the development on an on-going basis, including the maintenance and replacement of all vehicles as necessary;
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There is to be no vehicular access to Bay Street from the development site.

(22) Department of Transport Requirement

- 1. Prior to the occupation of the apartments, a Green Travel Plan (GTP) must be prepared by a suitably qualified person to the satisfaction of the Director of Public Transport. The GTP must:
 - (a) Describe the location in the context of alternative modes of transport and objectives for the GTP
 - (b) Outline GTP measures for the development including:
 - i. household welcome packs
 - ii. possible incentives (i.e. provision of Met Cards within the rental / ownership of apartment etc)
 - iii. cycle parking and facilities available
 - iv. bicycle pool (if provided)

- v. GTP management
- vi, monitoring and review

2. Once approved the GTP must form part of the planning permit or any ongoing Management Plan for the site to ensure the plan continues to be implemented to the satisfaction of the Responsible Authority.

(23) Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two (2) years of the date of this permit.
- (b) The development is not completed within five (5) years of the date of this permit.

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

Notations:

Building Approval Required

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.

Building Works to Accord With Planning Permit

The applicant/owner will 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.

Due Care

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

Air Conditioning Plant

Any 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:

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 5 dB(A) measured at the property boundary;

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).

Days and Hours of Construction Works

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.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal shall be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

Roads and laneways to be kept clear

During the construction of the buildings and works allowed by this permit, the roads and laneway(s) 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.

No Signs Unless No Permit Required

Unless no permit is required under the planning scheme, other signs must not be constructed or displayed without a further permit.

Waste Collection

The applicant must consult with Council's Waste Management Department regarding the location of waste bins and collection options.

No resident or visitor parking permits

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Provision of bicycle racks on the pavement

Prior to the installation of the bike racks on the footpath, the location must be approved by Council's Traffic Engineer and two copies of a street layout plan must be submitted indicating the agreed location of the bike racks to the satisfaction of the Responsible Authority.

Council contacts

Approval may be required from other Council Departments (where relevant) before the proposal may commence. The following contact details are provided for your assistance:

Building Department 9209.6253

Health Department (Community Amenity) 9209.6262

Local Laws 9209.6852

Development Engineer 9209.6774

PART B

That the section of Nott Street between the proposed car park access and loading dock be restricted to facilitate short term loading activities between 8am and 6pm.

A vote was taken and the MOTION was CARRIED.

As there was no further business the meeting closed at 9.05pm.

Confirmed: 13 July 2009

Chairperson: _____