



CITY OF
PORT PHILLIP

SPECIAL COUNCIL

MINUTES

30 JANUARY 2002

**MINUTES OF THE SPECIAL COUNCIL OF THE PORT PHILLIP CITY
COUNCIL HELD ON 30 JANUARY 2002, IN THE
COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.10pm.

PRESENT

Cr Hill (Chairperson), Cr Brand, Cr Gross, Cr Hutchens, Cr Johnstone, Cr Lewisohn, Cr Ray, David Spokes Chief Executive Officer, Geoff Oulton Director City Development, Bruce Phillips Manager Planning and Building Services, Sue Wilkinson Team Leader Statutory Planning, Peter Boyle Senior Urban Designer, Rebecca Doherty Planner.

The Chairperson (Cr Hill) acknowledged the traditional owners of the land on which the Council meets, the Boonerwung language people and the Wurundjeri people as custodians.

1. APOLOGIES

Nil.

2. DECLARATIONS OF PECUNIARY INTEREST

Nil.

3. PRESENTATION OF REPORTS

The order of business was as follows:

- 1 280 FERRARS STREET, SOUTH MELBOURNE
- 2 95 ORMOND ESPLANADE, ELWOOD
- 3 ST KILDA JUNCTION NIGHT ARCH – WITHDRAWAL OF PLANNING APPLICATION
- 4 SEALING SCHEDULE – VARIOUS ITEMS

1 280 FERRARS STREET, SOUTH MELBOURNE

Purpose

The application seeks to add a new room to the rear of the hotel. The application has received 9 objections relating to noise, concerns about the loss of residential amenity and the potential to increase patron numbers.

MOVED Crs Lewisohn/Brand

That the Council having caused the application to be advertised and having received nine 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 Planning Permit be issued for the purposes of alterations and additions to the existing hotel including demolition of canopies and iron roof abutting the laneway and construction of a covered yard, and associated car parking dispensation in accordance with the endorsed plans.

That a Notice of Decision to Grant a Planing Permit be issued subject to the following conditions:

1. Before the use and development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) The plans modified to detail the use of the room for the hotel and not a 'covered service yard'.
 - (b) Construction detail to ensure noise attenuation, including:
 - Flat metal deck roof and plasterboard ceiling, with rockwool insulation within the cavity. The ceiling joists are to be at least 250mm deep.
 - Walls are to be cement sheet to outside ('blue board'), plasterboard to inside, and rockwool insulation to cavity.
 - A skylight to incorporate a sealed double glazed system within 10mm thick glass. The air cavity between the two panes of glass should be at least 100mm.
 - No less than 12mm fire-rated plasterboard is to be used to line walls and ceilings.
 - The internal plasterboard on he north wall and the entire ceiling should be fixed via a 13mm resilient furring channel, or alternative approved resilient mounting system.
 - Rockwool of density no less than 38kg/m³ is to be used in the walls and ceilings (75mm thick in walls, 200mm thick in ceilings).
 - (c) All wall heights above natural ground level to be nominated on the plans.
 - (d) A schedule of finishes (2 coloured copies to be provided), detailing materials and colours of main external surfaces, including roofs, walls, windows, doors.

2. Within three (3) months of the completion of the buildings and works herein permitted, the owner, operator or manager of the site must provide Council with two copies of a report prepared by an independent acoustic engineer, verifying that suitable acoustic treatment measures have been undertaken and satisfactorily completed as part of the buildings and works to ensure compliance with relevant EPA legislation and that there is no emission of noise in contravention of relevant EPA legislation.
3. No speakers (amplified music) are to be located within the new room.
4. The external door provided from the room to the outdoor service yard must be self closing and not remain open during hotel operation times.
5. The rear gate may not be used for entrance and egress, except in emergencies.
6. Empty bottles are not to be placed outside the curtilage of the premises for rubbish collection before 7.00am or after 10.00pm on any day.
7. No rubbish collection is to be carried out from the site before 7.00am on any day.
8. A maximum of one hundred and ninety (190) patrons are permitted on the premises at any one time, without the further written consent of the Responsible Authority.
9. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
10. No equipment, services and architectural features other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
11. Outdoor lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
12. Exposed walls on or facing the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
13. All piping and ducting (excluding downpipes) shall be concealed to the satisfaction of the Responsible Authority.
14. 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.
15. The amenity of the area must not be detrimentally affected by the use or development 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, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) Presence of vermin.
 - (e) In any other way.

16. The level of noise emitted from the premises must not exceed the permissible levels specified in the State Environmental Protection Policy No. N-2.

17. Toilets for patrons to be provided to the satisfaction of the Responsible Authority.

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

- (a) The development and use is not started within 1 year of the date of this permit.
- (b) The development is not completed within 2 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.

FOOTNOTES

- 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.

Note

That the Council has made this decision having particular regard to Sections 58, 59, 60, 61 and 62 of the Planning & Environment Act 1987.

A vote was taken and the MOTION was CARRIED (unanimously).

2 95 ORMOND ESPLANADE, ELWOOD

Cr Gross left the meeting at 6.45pm.
Cr Gross returned to the meeting at 6.50pm.

Purpose

To consider the application for the construction of a three storey apartment building including eight apartments and a basement car park providing 12 car spaces, which was advertised and received six objections.

MOVED Crs Johnstone/Ray

That the Council having caused the application to be advertised and having received and noted 2 objections, is of the opinion that the proposed construction of a three storey apartment building including three apartments and six car parking spaces will not cause material detriment to any person other than the applicant.

That a Notice of Decision be issued for the construction of a three storey building including three apartments and six car parks generally in accordance with the endorsed plans.

That a Notice of Decision be issued 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 submitted with the application but modified to show:
 - a) Full dimensions to the sill heights of windows above ground floor level, with all windows facing east (towards 97 Ormond Esplanade) apart from the first window in the family room at second floor level, to have a minimum sill height above floor level of 1.6 metres.
 - b) Deletion of the master bedroom and en-suite area at the second floor level to achieve a setback of 8 metres.
 - c) Deletion of the bedroom and en-suite area at the first floor level to achieve a setback of 7 metres from the rear boundary.
 - d) Relocation of the rear stairwell to the satisfaction of the responsible authority to achieve a reduction in bulk to the adjacent property and increase interest and activity on the Pine Avenue Streetscape.
 - e) Deletion of the visitors car space and the replacement with garden and landscaping. This area should provide for the planting of 1 (one) mature screening tree or effective series of plantings.
 - f) The proposed crossover to be located and arranged so that it is at right angle to the property boundary and a minimum of two metres from the existing street tree as per the amended plan submitted to Council on the 16th of January 2002.
 - g) Without increase in the projection of the balconies facing Ormond Esplanade, a re-design of the shape of the terraces to provide for a more rectilinear form.
 - h) Reduction in the amount of hard surface or paving within the front setback.

- i) Reduction in the size of the second floor level balcony so that it does not project any further than the first floor level;
- j) Provide a decrease in the amount of rendered or solid balastrading to balconies facing Ormond Esplanade, and increase in the glazed or similar material balustrading.
- k) Location of garbage and recycle bin storage.
- l) The incorporation of energy efficient design features.

All to the satisfaction of the Responsible Authority.

- 2. No buildings or works shall be commenced until a landscape plan in A3 format is prepared by a suitably qualified and experienced person or firm has been submitted and approved by the Responsible Authority. Landscaping in accordance with this approval plan and schedule shall be completed before the building is occupied.
- 3. Landscaping works as shown on the endorsed plans must be completed within three (3) months from the completion of works (defined by the issue of Certificates of Occupancies for the dwellings) to the satisfaction of the responsible authority and then maintained to the satisfaction of the responsible authority.
- 4. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- 5. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.
- 6. Provision must be made for a suitable structure or structures for receiving mail and newspapers. Such area shall be kept clean and tidy.
- 7. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.
- 8. Car spaces and driveways must be kept available for parking and access purposes at all times.
- 9. No external equipment (including air-conditioning units, heating units, satellite dishes), services and architectural features, other than those shown on the endorsed plan, shall be permitted unless otherwise agreed to in writing by the responsible authority.
- 10. All new piping and ducting above the ground floor level of the buildings except for downpipes and rainwater heads shall be concealed to the satisfaction of the responsible authority.
- 11. Vehicle crossings to gain ingress and egress to and from the site shall be provided only in a location(s) approved in writing by the Responsible Authority.

12. The Applicant/Owner shall 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 development.
 - (b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatements.
 - (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.
13. The redundant crossover in Pine Avenue must be removed on completion of the development and the area reinstated to Councils satisfaction.
14. 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 of works.

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.

PERMIT FOOTNOTES

- (a) 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.*
- (b) The developer shall show due care in the development of the proposal so as to ensure that no damage is incurred to the buildings on adjoining properties.*
- (c) Prior to the removal of the crossover a vehicle crossing permit must be obtained from Council's Standard Roads.*

A vote was taken and the MOTION was CARRIED (unanimously).

3 ST KILDA JUNCTION NIGHT ARCH - WITHDRAWAL OF PLANNING APPLICATION

Purpose

To inform Council of developments in the approach to funding of the St Kilda Junction Night Arch and the subsequent withdrawal of the application for planning permission.

MOVED Crs Gross/Lewisohn

PART A

1. That Council notes the process undertaken in seeking to develop the Night Arch and endorses the decision to formally withdraw the current town planning application for the proposal.
2. That Town Planning Department formally advise all objectors of the decision not to proceed with the application at this time.
3. That Council continue its leadership role and seek commitment from the State Government to participate in and fund the preparation of a comprehensive urban design framework for St Kilda Junction.
4. That Council endorses St Kilda Junction as a significant and appropriate site for a major piece of public art, subject to availability of funding, and that Council continue to seek funding from State Government and other sources for a project.

PART B

Given the potential contribution towards an Urban Heritage Centre stemming from the Night Arch Project and the Council note that the above decision in Part A in no way reduces Council's commitment to progressing an Urban Heritage Centre at an appropriate site in the municipality.

A vote was taken and the MOTION was CARRIED (unanimously).

4 **SEALING SCHEDULE - VARIOUS ITEMS**

Purpose

The purpose of this report is for Council to approve the signing and sealing of the various documents in the Officer's Report.

MOVED Crs Gross/Ray

That the Common Seal of the Port Phillip City Council be affixed to the documents 1-13 and 15-16 (below) in Part A and that the Authorisations listed in Part B be noted.

PART A

1. LEASE between PORT PHILLIP CITY COUNCIL and PORT MELBOURNE SOCCER CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Soccer. This agreement is for a period of 7 plus 7 years and is a continuation of the current lease agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
2. LEASE between PORT PHILLIP CITY COUNCIL and PORT MELBOURNE BOWLING CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Bowling. This agreement is for a period of 7 plus 7 years and is a continuation of the current lease agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
3. LEASE between PORT PHILLIP CITY COUNCIL and SANDRIDGE LIFE SAVING CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Life Saving. This agreement is for a period of 7 plus 7 years and is a continuation of the current lease agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
4. LEASE between PORT PHILLIP CITY COUNCIL and ST KILDA LIFE SAVING CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Life Saving. This agreement is for a period of 7 plus 7 years and is a continuation of the current lease agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
5. LEASE between PORT PHILLIP CITY COUNCIL and ALBERT PARK LAWN TENNIS CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Tennis. This agreement is for a period of 7 plus 7 years and is a continuation of the current lease agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.

6. LEASE between PORT PHILLIP CITY COUNCIL and MIDDLE PARK LIFE SAVING CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Life Saving. This agreement is for a period of 7 plus 7 years and is a continuation of the current lease agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
7. LEASE between PORT PHILLIP CITY COUNCIL and PORT MELBOURNE LIFE SAVING CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Life Saving. This agreement is for a period of 7 plus 7 years and is a continuation of the current lease agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
8. LICENCE AGREEMENT between PORT PHILLIP CITY COUNCIL and PORT COLTS FOOTBALL CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Football. This agreement is for a period of 3 years only and is a continuation of the current licence agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
9. LICENCE AGREEMENT between PORT PHILLIP CITY COUNCIL and ELWOOD CITY SOCCER CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Soccer. This agreement is for a period of 3 years only and is a continuation of the current licence agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
10. LICENCE AGREEMENT between PORT PHILLIP CITY COUNCIL and SOUTH PORT UNITED SOCCER CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Soccer. This agreement is for a period of 3 years only and is a continuation of the current licence agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
11. LICENCE AGREEMENT between PORT PHILLIP CITY COUNCIL and CLARENDON PORT COLTS CRICKET CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Cricket. This agreement is for a period of 3 years only and is a continuation of the current licence agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
12. LICENCE AGREEMENT between PORT PHILLIP CITY COUNCIL and PORT MELBOURNE FOOTBALL CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Football. This agreement is for a period of 3 years only and is a continuation of the current licence agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.

13. LICENCE AGREEMENT between PORT PHILLIP CITY COUNCIL and PORT MELBOURNE CRICKET CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Cricket. This agreement is for a period of 3 years only and is a continuation of the current licence agreement.
Item previously considered by Council on 20 November 2000.
Responsible Manager: Peter Bromley, Project Officer Sport and Recreation.
14. TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and JASADAC NOMINEES PTY LTD and JOHN SAUNDERS, for the sale of a right of way at 189-191 St Kilda Road, St Kilda.
Item previously considered by Council on 23 December 1994.
Responsible Manager: David Yeouart, Director Physical Services.
15. CONTRACT NO. 0579 between PORT PHILLIP CITY COUNCIL and SPACEFORMER INDUSTRIES P/L, to formalise the agreement for the provision of Civil Engineering Works to rehabilitate Park and Mary Streets St Kilda.
Item not previously considered by Council. The issue of this contract has been considered via a report by the Director Physical Services.
Responsible Manager: David Yeouart, Director Physical Services.
16. CONTRACT NO.0577 between PORT PHILLIP CITY COUNCIL and CDS PTY LTD, for the design, construction and installation of three gross pollutant traps within the City of Port Phillip.
Item not previously considered by Council. The issue of this contract has been considered via a report by the Director Physical Services.
Responsible Manager: David Yeouart, Director Physical Services.

PART B

AUTHORISATIONS

By this instrument of appointment and authorisation Port Phillip City Council –

1. Under Section 224 of the *Local Government Act 1989* – appoints the Officer (**Allison Down**) to be an authorised Officer for the administration and enforcement of –

The *Liquor Control Reform Act 1998*

The *Litter Act 1987*

The *Local Government Act 1989*

The *Prostitution Control Act 1994*

The *Summary Offences Act 1966*

The *Tobacco Act 1987*

The regulations made under each of those Acts

The local laws made under the *Local Government Act 1989*

and any other Act, regulation or local law which relates to the functions and powers of the Council;

2. Under section 12 of the *Litter Act 1987* – appoints the officer (**Allison Down**) to be an authorised officer for the purposes of the *Litter Act 1987*.

By this instrument of appointment and authorisation Port Phillip City Council –

1. Under Section 224 of the *Local Government Act 1989* – appoints the Officer (**Deborah Lloyd**) to be an authorised Officer for the administration and enforcement of –

The Domestic (Feral & Nuisance) Animals Act 1994
The Environment Protection Act 1970
The Litter Act 1987
The Local Government Act 1989
The Summary Offences Act 1966
The Impounding of Livestock Act 1994
The regulations made under each of those Acts
The local laws made under the *Local Government Act 1989*

and any other Act, regulation or local law which relates to the functions and powers of the Council;

2. Under section 72 of the *Domestic (Feral and Nuisance Animals) Act 1994* - appoints the officer (**Deborah Lloyd**) to be an authorised officer for the purposes of the *Domestic (Feral and Nuisance Animals) Act 1994*.
3. Under section 12 of the *Litter Act 1987* – appoints the officer (**Deborah Lloyd**) to be an authorised officer for the purposes of the *Litter Act 1987*.

By this instrument of appointment and authorisation Port Phillip City Council –

1. Under section 224 of the *Local Government Act 1989* - appoints the officer (**Stephen Cooper**) to be an authorised officer for the administration and enforcement of –

The Domestic (Feral & Nuisance) Animals Act 1994
The Environment Protection Act 1970
The Liquor Control Reform Act 1998
The Litter Act 1987
The Local Government Act 1989
The Prostitution Control Act 1994
The Summary Offences Act 1966
The Tobacco Act 1987
The Impounding of Livestock Act 1994
The regulations made under each of those Acts
The local laws made under the *Local Government Act 1989*

and any other Act, regulation or local law which relates to the functions and powers of the Council;

2. Under section 72 of the *Domestic (Feral and Nuisance Animals) Act 1994* - appoints the officer (**Stephen Cooper**) to be an authorised officer for the purposes of the *Domestic (Feral and Nuisance Animals Act) 1994*;
3. Under section 12 of the *Litter Act 1987* – appoints the officer (**Stephen Cooper**) to be an authorised officer for the purposes of the *Litter Act 1987*.

A vote was taken and the MOTION was CARRIED.

MINUTES - SPECIAL COUNCIL MEETING - 30 JANUARY 2002

As there was no further business the meeting closed at 7.10pm.

Confirmed: 25 February 2002

Chairperson: _____