



**STATUTORY PLANNING
COMMITTEE**

MINUTES

14 NOVEMBER 2005

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD ON 14 NOVEMBER 2005, IN
THE COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.03pm.

PRESENT

Cr Gross (Chairperson), Cr Bolitho, Cr Cribbes, Cr Klepner, Cr Logan (from 6.15pm), Geoff Oulton Executive Director City Development, Rebecca Stockfeld Urban Planner, Richard Schuster Neighbourhood Coordinator St Kilda, Simon Gutteridge Senior Urban Planner.

1. APOLOGIES

MOVED Crs Cribbes/Bolitho

That a leave of absence be granted to Cr Sait.

A vote was taken and the MOTION was CARRIED.

2. CONFIDENTIAL MATTERS

Nil.

3. CONFIRMATION OF MINUTES

MOVED Crs Cribbes/Klepner

That the minutes of the Statutory Planning Committee held on 10 October 2005, be confirmed.

A vote was taken and the MOTION was CARRIED.

4. QUESTION TIME

Nil.

5. PRESENTATION OF REPORTS

The order of business was as follows:

B1	175-177 Barkly Street, St Kilda	5
B2	79 Marine Parade, Elwood	8
B3	153-155 Cobden Street, South Melbourne	13
B4	78 Cecil Street, South Melbourne	24
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B1 175-177 BARKLY STREET, ST KILDA

Purpose

The proposal is to extend the closing time of a previously approved tavern from 1.00am to 7.00am, increase total patrons numbers from 60 to 200 persons and waive the associated parking requirements.

The following members of the public made a verbal submission in relation to this item:

Mr Hoogeveen
Jeanne Swan

Cr Logan entered the meeting 6.15pm

Ann Ryan
Li Ping Xiao

MOVED Crs Bolitho/Cribbes

- 1.1. That the Statutory Planning Committee, (having caused the application to be advertised and having received 16 objections), is of the opinion that the proposed tavern with a capacity of 190 patrons operating under an On Premises Liquor License and dispensation of parking pursuant to Clause 52.06 of the Port Phillip Planning Scheme will not cause material detriment to any person other than the applicant.
- 1.2. That a Notice of Decision to Grant a Planning Permit be issued for the proposed tavern with a capacity of 190 patrons operating under an On Premises Liquor License from 7pm till 1am the following day and dispensation of parking pursuant to Clause 52.06 of the Port Phillip Planning Scheme at 175-177 Barkly Street, St Kilda.
- 1.3. That the decision be issued as follows:
 1. The layout of the tavern as shown on the endorsed plans must not be altered except with the written consent of the Responsible Authority.
 2. The tavern use may operate only between the hours of 7pm and 1.00am the following day, everyday.
 3. The Permit Operator shall ensure that the upstairs windows of the premises are closed from 11.00pm onwards till closing hours to limit the escape of music and patron noise from the premises.
 4. Noise levels shall 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).
 5. Prior to commencement of the use, the Permit Operator must install and maintain a Noise Limiter (“the Device”), set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of SEPP N-2.

6. Within 14 days of the installation of the noise limiter a report prepared by a suitably qualified Acoustic Consultant shall be submitted to the responsible authority and shall confirm that a Noise Monitor and Limiter ("the Device") is operating and has each and every of the following characteristics which are also operating:
 - i. The Device limits internal noise levels so as to ensure compliance with the music noise limits according to *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)*.
 - ii. The Device is a stereo multi-band limiter such as a Sontec programmable noise monitor;
 - iii. The Device monitors noise levels at frequencies between 50Hz and 100Hz and is wired so as to ensure that the limiter governs all power points potentially accessible for amplification.
 - iv. The Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the owner of the land and notified to the Responsible Authority;
 - v. The Device is installed to control all amplification equipment;
 - vi. The Device is set in such a way that the power to the amplification equipment is disconnected for 15 seconds if the sound level generated by the amplification equipment exceeds for one second the maximum sound level for which the monitor is set;
 - vii. The monitor level component of the Device includes a calibratable frequency discriminating sound analyser with an internal microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person). Such a sound analyser will indicate by green, amber and red illuminated halogen lamps the approach and exceeding of the set maximum noise level. The lamps must be in the clear view of the staff and any disc jockey in the room;
 - viii. The Device must prevent a relevant noise level referred to in these conditions being exceeded.
 - ix. Which report demonstrates compliance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) noise limits.
 - x. Amplified music is not permitted to be played other than through the Permanently Installed Sound System and when the Device is installed and operating to ensure compliance with *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)*.
7. The Permit Operator must require that all employees of the premises engaged in the service of alcohol undertake a "Responsible Serving of Alcohol" course.
8. Any external lights shall be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties.

9. When live entertainment and/or recorded amplified music is being played, the Licensee shall ensure that crowd controllers licensed under the Private Agents Act are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving and departing the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided and 30 minutes after closure.
10. Prior to the commencement of the use, a Security Management Plan shall be prepared and submitted for approval to the Responsible Authority which shall provide for the following to the satisfaction of the Responsible Authority:
 - (i) An attendant or doorman responsible for monitoring the number of patrons on the premises after 11.00pm.
 - (ii) The keeping of a register recording the number of patrons on the premises each hour between 11.00pm and closing time.
 - (iii) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
 - (iv) The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner and maintain satisfactory clearance for other pedestrians on the Barkly Street pavement.
 - (v) The maintenance of a complaints register that shall be made available for inspection by Council's Officers within 24 hours on request.
11. Prior to the commencement of the use, a sign shall be installed internal to the premises that shall request that patrons leave the premises in a quiet and orderly manner. The sign shall be clearly visible and legible to patrons leaving the premises.
12. Without the further written consent of the Responsible Authority no more than 190 patrons shall occupy the premises during operating hours.
13. Provision shall be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
14. The amenity of the area must not be detrimentally affected by the use or development through the:
 - (i) Transport of materials, goods or commodities to or from the land.
 - (ii) Emission of noise, artificial light, vibration, smells, waste products.
15. Bottles shall be bagged during operation times and shall not be emptied into the external refuse bins between the hours of 11pm and 8am.
16. This permit shall expire if one of the following circumstances applies:
 - (a) The use is not started 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.

A vote was taken and the MOTION was CARRIED.

B2 79 MARINE PARADE, ELWOOD

Purpose

(Demolish existing building and) Construct four (4) dwellings in a three-storey building with basement car parking and associated works.

The following members of the public made a verbal submission in relation to this item:

Max Nigg
Jennifer Adler
Patrick Lonergan
Lesley Greagg
Kel Twite

MOVED Crs Logan/Klepner

That the Statutory Planning Committee, having caused the application to be advertised and having received Sixteen (16) objections, is of the opinion that the proposed **(demolition of existing building and) construction of four (4) dwellings in a three-storey building with basement car parking and associated works** at 79 Marine Parade, Elwood will not cause material detriment to any person other than the applicant.

That a Notice of Decision to grant a permit be issued for the **(demolition of existing building and) construction of four (4) dwellings in a three-storey building with basement car parking and associated works** at 79 Marine Parade, Elwood.

That the decision be issued as follows:

(1) Amended Plans Required

Before 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) Changes to the front balconies and first floor level rear setback in accordance with sketch plans entitled 'Proposed Projecting Balcony Solution', and 'Lytton Street Comparison', both dated Oct 2005, but with further changes as per (b) to (g) below;
- (b) The second floor level rear setback from Lytton Street increased to at least 1845mm;
- (c) The south side boundary setbacks of the framed enclosure to the level 1 and 2 south side front decks, living rooms and master bedrooms increased to at least 2465mm at Level 1 and 2510mm at Level 2 to reduce shadow impacts to the Elwood Canal reserve;
- (d) The north side ground, first and second floor level windows redesigned and/or fitted with fixed translucent glazing to at least 1700mm above floor level and/or screened to prevent overlooking to the property to the north;
- (e) Views from the roof top terrace towards the Woy Woy apartments screened by the addition of a translucent screen at or near the northern edge of the rooftop;

- (f) A substantial reduction in height or deletion of the rooftop lift core and overrun;
- (g) The permeability of the site increased, such as by setting the basement car park back further from the front boundary;
- (h) Changes as required by Melbourne Water;
- (i) Plan notations for the dwellings 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;
- (j) Deletion of new landscaping of the Elwood Canal reserve;
- (k) The external stores for each dwelling to be at least 6m³ size.
- (l) A schedule and plan notations for the inclusion of environmental features for the building and the dwellings including, but not limited to:
 - Energy efficient hot water service units;
 - Water efficient shower heads and wash basin outlets;
 - Energy efficient low voltage and fluorescent light fittings and motion detectors for public area lighting to car parks, fire stairs, outdoor areas etc.;
 - Energy efficient electrical appliances;
 - Mechanical and lift services; and
 - Waste recycling collection facilities;
- (m) 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;
- (n) A coloured schedule (two copies) of the materials, colours and finishes to be used in the external surfaces of the proposed building.

and will be subject to the following conditions.

(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) Tandem Parking

Each set of tandem car spaces shall be allocated to one residential dwelling respectively, and shall also be so indicated on any relevant Plan of Subdivision.

(5) Car Parking Allocation

The car parking allocation for this development (and any relevant Plan of Subdivision) must be not less than two car spaces for each three or more bedroom apartment;

(6) 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 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.

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

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/reinstatement.
- (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

(8) Services to be Underground

All basic 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.

(9) Lighting baffled

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

(10) Location and Screening of Equipment and Services

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. Any building or individual apartment 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.

(11) Finish of Walls on Boundary

The walls on or facing the boundary of adjoining properties and/or the laneway shall be cleaned and finished in a manner to the satisfaction of the responsible authority.

(12) Concealment of Pipes

All piping and ducting above the ground floor level of the building (except for downpipes, guttering and rainwater heads) shall be concealed.

(13) Melbourne Water Conditions

- (a) No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- (b) Finished floor levels must be a minimum of 300mm above the applicable flood level.
- (c) All entries to the basement car park must incorporate a continuous apex a minimum of 300mm above the applicable flood level;
- (d) Any new fences within the floodplain must be of an open style of construction to allow for the passage of floodwaters/overland flow.

(14) 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 three (3) 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:

Cross-over Permit Required

A cross-over permit must be obtained from Standard Roads (contact 9209.6684) prior to the carrying out of any vehicle crossing works.

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:

- (a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary;
- (b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

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.

Roads and Laneways to be kept clear

During the construction of the buildings and works allowed by this permit, the road(s) and laneway(s) adjacent to the subject land shall be kept free of parked or standing vehicles (other than for the minimum time required to unload or load, or in designated parking area) or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times.

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.

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.

Melbourne Water Footnotes

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Adam Rasmussen on telephone 9235.2240, quoting Melbourne Water's reference 69879.

The applicable flood level for the property is 1.6 metres to Australian Height Datum (AHD).

Melbourne Water Advice to Council/Applicant

The property is adjacent to Port Phillip Bay and could be affected by wave action. Melbourne Water recommends that consideration be given to additional freeboard for floor levels.

The Best Practice Environmental Management Guidelines for Urban Stormwater (The Stormwater Committee, 1999) may be used as a guide when developing site controls to minimise sediment laden runoff and stormwater pollution during construction. Section 6.3, titled Construction Activity, of these guidelines provides a useful checklist to develop a site management plan.

Note

That the Statutory Planning Committee 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.

B3 153-155 COBDEN STREET, SOUTH MELBOURNE

Purpose

The application proposes demolition of a contributory dwelling in a heritage overlay and development of two, three storey dwellings and associated two storey garage/studio buildings at the rear. There are two objectors raising concerns about the height and contemporary design of the building, the insufficient car parking arrangements and the unreasonable overshadowing of the open area at the rear of the adjoining Temple adversely affecting the emotions of worshippers.

The following members of the public made a verbal submission in relation to this item:

David Cheng
Brett O'Shannessy

MOVED Crs Logan/Klepner

That the Statutory Planning Committee having caused the application to be advertised and having received and noted two objections is of the opinion that the proposed **demolition of the existing single storey dwelling and construction of two, three storey dwellings with associated two storey garages/studios at the rear** 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 proposed **demolition of the existing single storey dwelling and construction of two, three storey dwellings with associated two storey garages/studios at the rear** at 153-155 Cobden Street, South Melbourne in accordance with the endorsed plans and subject to the following conditions:

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. Two copies of the plans must be provided and the plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The first floor wall serving the storage area above the garages setback from both side boundaries by 1.48m in accordance with Standard B18 of Clause 55 of the Planning Scheme to protect the amenity of the See Yup Temple outdoor prayer area and to retain design symmetry.
- b) The garage door openings to be increased to at least 4m in width.
- c) The first floor windows in the garage building on the south elevation centred in relation to the gable roof.
- d) A notation on the plans reflecting the installation of tinted glazing for the north facing windows of the dwellings.
- e) The service units screened on the north, south and west elevations with a solid red-face brick screen to match the finish of the dwellings and on the east elevation with a solid, openable screen to allow repair access to the units.

- f) The first floor wall of the garage building on the east elevation to be finished in render and painted a light colour.
- g) The rear yard to be laid with a fully permeable surface and the surface material to be nominated.
- h) Either the garage extended to 6m in length with a corresponding reduction in length of the dwelling, or the back wall of the garage to be removed to allow a car to project into the rear yard to accord with the parking provision objective of Standard B16 contained within Clause 55.
- i) Both decks screened around their perimeter to at least 1.7m high with solid and opaque screening to the satisfaction of the Responsible Authority to prevent overlooking and to contain noise.
- j) The zincalume verandah roofs replaced with galvanised corrugated iron.
- k) The curved verandah returns deleted and replaced with a more simplified geometric form.
- l) Detailed elevations of the front fence showing materials and height.
- m) Details of how the service area on the roof would be accessed to allow for repairs.
- n) A sustainability statement detailing sustainable design strategies to be incorporated into the development to the satisfaction of the responsible authority.
- n) Two full schedules of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file) to be used on the main external surfaces, including roofs, walls, windows and doors of the proposed additions.

All of the above dot points are to be to the satisfaction of the Responsible Authority.

2. Demolition 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 of surrounding buildings and public assets 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 (where applicable).

3. Landscape plan

Prior to the commencement of the development hereby permitted, a landscape plan and schedule must be submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of the permit. Landscaping in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the building hereby permitted.

4. Garden area to be retained

The garden areas shown on the endorsed plan and schedule must only be used as gardens and must 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.

5. No Alterations

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

6. Satisfactory continuation

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

7. No change to external finishes

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

8. Walls on or facing the boundary

Any new walls on or facing the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

9. Piping and ducting

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

10. No equipment or services

No equipment, services and architectural features other than those shown on the endorsed plan must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

11. Storage Of Garbage Bins

Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

12. Car Park

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) Constructed;
- (b) Properly formed to such levels that may be used in accordance with the plans;
- (c) Surfaced with an all weather surface or seal coat (as appropriate);
- (d) Drained and maintained.

All to the satisfaction of the Responsible Authority.

13. Vehicle crossings

Vehicular crossings must 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 must 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 the existing laneway or kerb and guttering (as appropriate),
- b) Any redundant crossing (or part thereof) must 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) to specifications to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority. 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. Any surplus bluestone pitchers must be returned to Councils depot, at cost to the applicant or owner.
- c) Any proposed vehicular crossing must 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 must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.

14. Applicant to pay for reinstatement

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.
- 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.

15. Time for starting and completion

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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within two 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 Notes

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 the appropriate building approval under the Building Code Australia.

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 must 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.

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 must 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.

Cross-over Permit Required

A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works.

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.

Note:

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

MOVED Crs Ray/Gross – AMENDMENT TO SECTION 1

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. Two copies of the plans must be provided and the plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The garage door openings to be increased to at least 4m in width.
- b) The first floor windows in the garage building on the south elevation centred in relation to the gable roof.
- c) A notation on the plans reflecting the installation of tinted glazing for the north facing windows of the dwellings.

- d) The service units screened on the north, south and west elevations with a solid red-face brick screen to match the finish of the dwellings and on the east elevation with a solid, openable screen to allow repair access to the units.
- e) The first floor wall of the garage building on the east elevation to be finished in render and painted a light colour.
- f) The rear yard to be laid with a fully permeable surface and the surface material to be nominated.
- g) Either the garage extended to 6m in length with a corresponding reduction in length of the dwelling, or the back wall of the garage to be removed to allow a car to project into the rear yard to accord with the parking provision objective of Standard B16 contained within Clause 55.
- h) Both decks screened around their perimeter to at least 1.7m high with solid and opaque screening to the satisfaction of the Responsible Authority to prevent overlooking and to contain noise.
- i) The zincalume verandah roofs replaced with galvanised corrugated iron.
- j) The curved verandah returns deleted and replaced with a more simplified geometric form.
- k) Detailed elevations of the front fence showing materials and height.
- l) Details of how the service area on the roof would be accessed to allow for repairs.
- m) A sustainability statement detailing sustainable design strategies to be incorporated into the development to the satisfaction of the responsible authority.
- n) Two full schedules of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file) to be used on the main external surfaces, including roofs, walls, windows and doors of the proposed additions.

All of the above dot points are to be to the satisfaction of the Responsible Authority.

A vote was taken and the AMENDMENT was CARRIED (with the Chair's casting vote).

MOVED Crs Ray/Gross – SUBSTANTIVE MOTION

That the Statutory Planning Committee having caused the application to be advertised and having received and noted two objections is of the opinion that the proposed **demolition of the existing single storey dwelling and construction of two, three storey dwellings with associated two storey garages/studios at the rear** 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 proposed **demolition of the existing single storey dwelling and construction of two, three storey dwellings with associated two storey garages/studios at the rear** at 153-155 Cobden Street, South Melbourne in accordance with the endorsed plans and subject to the following conditions:

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. Two copies of the plans must be provided and the plans must be generally in accordance with the plans submitted with the application but modified to show:

- n) The garage door openings to be increased to at least 4m in width.
- o) The first floor windows in the garage building on the south elevation centred in relation to the gable roof.
- p) A notation on the plans reflecting the installation of tinted glazing for the north facing windows of the dwellings.
- q) The service units screened on the north, south and west elevations with a solid red-face brick screen to match the finish of the dwellings and on the east elevation with a solid, openable screen to allow repair access to the units.
- r) The first floor wall of the garage building on the east elevation to be finished in render and painted a light colour.
- s) The rear yard to be laid with a fully permeable surface and the surface material to be nominated.
- t) Either the garage extended to 6m in length with a corresponding reduction in length of the dwelling, or the back wall of the garage to be removed to allow a car to project into the rear yard to accord with the parking provision objective of Standard B16 contained within Clause 55.
- u) Both decks screened around their perimeter to at least 1.7m high with solid and opaque screening to the satisfaction of the Responsible Authority to prevent overlooking and to contain noise.
- v) The zincalume verandah roofs replaced with galvanised corrugated iron.
- w) The curved verandah returns deleted and replaced with a more simplified geometric form.
- x) Detailed elevations of the front fence showing materials and height.
- y) Details of how the service area on the roof would be accessed to allow for repairs.
- z) A sustainability statement detailing sustainable design strategies to be incorporated into the development to the satisfaction of the responsible authority.

- n) Two full schedules of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file) to be used on the main external surfaces, including roofs, walls, windows and doors of the proposed additions.

All of the above dot points are to be to the satisfaction of the Responsible Authority.

2. Demolition 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 of surrounding buildings and public assets 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 (where applicable).

3. Landscape plan

Prior to the commencement of the development hereby permitted, a landscape plan and schedule must be submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of the permit. Landscaping in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the building hereby permitted.

4. Garden area to be retained

The garden areas shown on the endorsed plan and schedule must only be used as gardens and must 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.

5. No Alterations

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

6. Satisfactory continuation

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

7. No change to external finishes

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

8. Walls on or facing the boundary

Any new walls on or facing the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

9. Piping and ducting

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

10. No equipment or services

No equipment, services and architectural features other than those shown on the endorsed plan must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

11. Storage Of Garbage Bins

Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

12. Car Park

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Properly formed to such levels that may be used in accordance with the plans;
- c) Surfaced with an all weather surface or seal coat (as appropriate);
- d) Drained and maintained.

All to the satisfaction of the Responsible Authority.

13. Vehicle crossings

Vehicular crossings must 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 must 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 the existing laneway or kerb and guttering (as appropriate),
- b) Any redundant crossing (or part thereof) must 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) to specifications to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority. 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. Any surplus bluestone pitchers must be returned to Councils depot, at cost to the applicant or owner.
- c) Any proposed vehicular crossing must 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 must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.

14. Applicant to pay for reinstatement

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.
- 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.

15. Time for starting and completion

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

The development is not started within two years of the date of this permit.

- a) The development is not completed within two years of the date of commencement of works.
- b) 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 Notes

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 the appropriate building approval under the Building Code Australia.

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 must 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.

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 must 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.

Cross-over Permit Required

A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works.

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.

Note:

That the Statutory Planning Committee 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 AMENDMENT was CARRIED (with the Chair's casting vote).

B4 78 CECIL STREET, SOUTH MELBOURNE

Purpose

The application proposes an amendment to Condition 1 of Planning Permit 1370/2003 to extend the operating hours on Thursday to Saturday between 7am and 3am and Sunday 10am to 3am (all other times remain the same).

MOVED Crs Gross/Cribbes

- 1.1. That Statutory Planning Committee, having caused the application to be advertised and having received one objection, is of the opinion that the proposed amendment to the planning permit amend the operating hours from Sunday between 10am and 1am, Good Friday and Anzac Day between 12 noon and 11pm, and on any other day between 7am and 1am to Thursday to Saturday between 7am and 3am and Sunday 10am and 3 am, will not cause detriment to persons other than the applicant.
- 1.2. That a Notice of Decision to Amend a Planning Permit be issued for amendment the planning permit amend the operating hours from Sunday between 10am and 1am, Good Friday and Anzac Day between 12 noon and 11pm, and on any other day between 7am and 1am to Thursday to Saturday between 7am and 3am and Sunday 10am and 3 am.
- 1.3. That the Notice of Decision to Amend a Planning Permit be issued and Condition 1 be amended to include the following condition:
 1. The general liquor license may only operate between the following hours:

Sunday	Between 10 am and 3 am
Anzac Day and Good Friday	Between 12 noon and 11 pm
Thursday to Saturday	Between 7am and 3am
On any other day	Between 7am and 1am

That new conditions 10, 11 and 12 be added to the permit:

- 10 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).
- 11 Within three months of the date of the issue of this permit, a Security Management Plan must be prepared and submitted for approval to the Responsible Authority which must provide for the following to the satisfaction of the Responsible Authority:

- (i) An attendant or doorman responsible for monitoring the number of patrons on the premises after 1.00am.
 - (ii) The keeping of a register recording the number of patrons on the premises each hour between 1.00am and closing time.
 - (iii) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
 - (iv) The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner and maintain satisfactory clearance for other pedestrians on the footpath.
 - (v) The measures to be taken by management and staff to ensure that patrons do not cause nuisance or annoyance to persons beyond the land.
 - (vi) Liaison with Victoria Police, the City of Port Phillip and local residents.
 - (vii) A telephone number provided for residents to contact the premises and linked to the complaints register;
 - (viii) The maintenance of a complaints register.
- 12 Signs must be erected near the entrance/exit and in the toilets requesting that patrons leave the building in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood.

Note:

That the Statutory Planning Committee 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.

B5 DELEGATE REPORT

Purpose

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

MOVED Crs Cribbes/Gross

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.

As there was no further business the meeting closed at 7.37pm.

Confirmed: 12 December 2005

Chairperson: _____