



CITY OF
PORT PHILLIP

**ORDINARY
MEETING OF
COUNCIL**

AGENDA

22 APRIL 2002

PORT PHILLIP CITY COUNCIL BUSINESS PAPER

To Councillors

Notice is hereby given that an **Ordinary Meeting** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Monday, 22 April 2002 at 6.00pm**.

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF PECUNIARY INTEREST**
3. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - Minutes of the Ordinary Meeting of the Port Phillip City Council held on 8 March 2002.
 - Minutes of the Annual General Meeting of the Port Phillip City Council held on 20 March 2002.
 - Minutes of the Special Council of the Port Phillip City Council held on 2 April 2002.
 - Minutes of the Statutory Planning Committee of the Port Phillip City Council held on 8 April 2002.
4. **PETITIONS AND JOINT LETTERS**
5. **SEALING SCHEDULE**
6. **CORRESPONDENCE**
7. **PUBLIC QUESTION TIME**
8. **PRESENTATION OF REPORTS AND RECOMMENDATIONS**
 - Reports of the Strategy and Policy Review Committee - 2 April 2002.
 - Reports of the Statutory Planning Committee - 8 April 2002.
9. **ORDERS OF THE DAY**
10. **REPORTS BY DELEGATES APPOINTED TO OTHER BODIES**
11. **URGENT BUSINESS**
12. **COUNCILLORS QUESTION TIME**
13. **CONFIDENTIAL MATTERS**

Including reports considered at the Strategy and Policy Review Committee and the Statutory Planning Committee.

4. PETITIONS AND JOINT LETTERS

5. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and LATHANON NOMINEES PTY LTD, to ensure that the applicant covenants and agrees that the dwelling on the land at 118 Moray Street, South Melbourne, shall only be used for a Caretaker's house for occupation by a supervisor of the existing use of the building, or other subsequent use of the building as allowed by the Port Phillip Planning Scheme. This requirement shall cease if the zoning of the subject land is changed to allow the use of a dwelling. Further use of the land for a caretaker's house shall only be the land that is shown within the lines delineated in red on the plans to be endorsed by Council.

Item previously considered by Council on 10 September 2001. Council considered a planning application for an office and caretaker's residence at its meeting of 10 September 2001. Council resolved to Refuse the proposal. The applicant reviewed Council's decision at VCAT and Council's decision was overturned. VCAT imposed conditions as recommended by Council including the requirement for a Section 173 Agreement to ensure that the caretaker's dwelling is only used for that purpose.

Responsible Manager: Bruce Phillips, Manager Planning and Building Services.

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and 333 ST KILDA ROAD PTY LTD (ACN 088904107) OF 412 JOHNSTONE STREET, ABBOTSFORD. This is Council owned land. Other remnant land parcels from St Kilda Road widening works were sold to the same owner of 331 St Kilda Road, St Kilda in the past.

Item not previously considered by Council.

Responsible Manager: David Yeouart, Director Physical Services

CONTRACT NO 0591 between PORT PHILLIP CITY COUNCIL and ASTEC PTY LTD of Dana Court, Dandenong. This is for the Beach Road Blessington to Dickens Streets rehabilitation and resheet project. This is a VICROADS funded project. After calling for tenders, the Infrastructure Department has ascertained that ASTEC is the best tender. Item not previously considered by Council.

Responsible Manager: David Yeouart, Director Physical Services

RECOMMENDATION

That the Common Seal of the Port Phillip City Council be affixed to the above documents.

6. CORRESPONDENCE

Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors between the months of 21 February 2002 and 16 April 2002 is attached for information.

7. PUBLIC QUESTION TIME

8. PRESENTATION OF REPORTS AND RECOMMENDATIONS

8(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 2 APRIL 2002

A1 KRA MONTHLY MANAGEMENT REPORT FROM THE CHIEF EXECUTIVE OFFICER

Purpose

This report aims to provide Councillors with a summary of the major areas of activity and operational performance as at 23 February 2002 and compares actual performance against forecast.

COMMITTEE'S RECOMMENDATION

That the monthly management report from the CEO detailing Council's year to date financial and operating performance be received and noted.

**A2 2002/03 APPOINTMENTS TO COUNCIL INTERNAL AND EXTERNAL COMMITTEES
(SEE SUPPLEMENTRY REPORT)**

Purpose

To appoint Councillor representatives to its internal and external committees for 2002/03.

COMMITTEE'S RECOMMENDATION

That Council, for 2002/03, appoints the chairpersons and Council representatives to its internal and external committees as per the table below including Leadership Councillors for each Key Result Area within Council's Corporate Plan:

COMMITTEE	MEMBERSHIP	CHAIRPERSON
Strategy and Policy Review	All Councillors	Cr Johnstone
Statutory Planning	All Councillors	Cr Ray/Cr Hill (Cr Brand as backup)

KEY RESULT AREA	COMMITTEES	COUNCILLOR REPRESENTATION
KRA 1 Building Stronger Communities (Cr Hutchens/Cr Logan)	<ul style="list-style-type: none"> • Memorandum of Understanding & Indigenous Reference Group • Multicultural Advisory Committee • Port Phillip Housing Association Inc. Committee of Management • Healthy & Safer Cities Alliance • Cultural Programs Board • Library Advisory Committee • National Academy of Music Liaison • Older Persons Reference Group • Community Grants • External Relations Committee • Friends of Suai Community Steering Group • Gay and Lesbian Advisory Committee • Youth Advisory Committee • State Government Housing Council (VLGA representative) • South Port Community Residential Home 	<ul style="list-style-type: none"> • Mayor • Cr Hutchens • Cr Ray (Cr Gross as backup) • Cr Hutchens • Cr Brand (Cr Gross as backup) • Cr Johnstone (Cr Logan as backup) • Cr Logan (Cr Hutchens as backup) • Cr Hutchens • Cr Hutchens/Cr Logan • Mayor/Cr Johnstone/Cr Hill • Mayor/Cr Brand • Cr Gross/Cr Hill • Cr Logan • Cr Ray • Vacant

AGENDA - ORDINARY MEETING OF COUNCIL - 22 APRIL 2002

KEY RESULT AREA	COMMITTEES	COUNCILLOR REPRESENTATION
KRA 2 Improving our Built Environment (Cr Brand/ Cr Johnstone)	<ul style="list-style-type: none"> • Association of Bayside Municipalities • Planning Advisory Committee • Eastern Bayside Traffic Monitoring Committee • Metropolitan Transport Forum 	<ul style="list-style-type: none"> • Cr Johnstone (Cr Ray as backup) • To be confirmed following terms of reference review • Deputy Mayor/Cr Hill • Cr Hill (Cr Gross as backup)
KRA 3 Building a Sustainable Environment (Cr Johnstone/ Cr Hutchens)	<ul style="list-style-type: none"> • EcoCentre Committee of Management • Western Region Waste Management Group • Sustainable Environment Advisory Committee • St Kilda Breakwater Protection Committee • St Kilda Botanical Gardens Reference Group 	<ul style="list-style-type: none"> • Cr Gross • Cr Gross • Cr Hutchens (Cr Johnstone as back-up) • Cr Brand • Cr Gross
KRA 4 Enhancing our Neighbourhoods and Places (All Councillors)	<ul style="list-style-type: none"> • St Vincent's Gardens Advisory Committee • South Melbourne Market Management Committee • Melbourne Sports and Aquatic Centre • Elwood Canal Implementation Committee • Port Phillip Business Association • South Melbourne Business Association • Implementation Committee on Street Prostitution • Drugs Round Table 	<ul style="list-style-type: none"> • Cr Logan • Cr Logan/Cr Hutchens • Cr Hutchens • Cr Johnstone/Cr Gross • Cr Johnstone • Cr Logan • Cr Gross/Cr Hutchens • Cr Gross/Cr Hill (to be confirmed)
KRA 5 Improving our Service and Capabilities (Cr Ray/Cr Hill)	<ul style="list-style-type: none"> • Human Resources Committee 	<ul style="list-style-type: none"> • Mayor/Deputy Mayor/Cr Hill

AGENDA - ORDINARY MEETING OF COUNCIL - 22 APRIL 2002

KEY RESULT AREA	COMMITTEES	COUNCILLOR REPRESENTATION
KRA 6 Ensuring a Sustainable Organisation (Cr Ray/ Cr Gross)	<ul style="list-style-type: none">• City of Port Phillip Audit Committee• Municipal Association of Victoria• Australian Local Government Women's Association• Victorian Local Governance Association• Inner South Metropolitan Mayors' Forum	<ul style="list-style-type: none">• Mayor• Cr Johnstone• Cr Hutchens/Cr Johnstone• Cr Gross (Cr Ray as backup)• Mayor (Deputy Mayor as backup)

Note

Cr Hutchens to be Councillor's representative on the Feasibility Working Party for the Southport Community Residential Home.

**A3 PROPOSAL TO MAKE COMMUNITY AMENITY (AMENDMENT) LOCAL LAW
NO. 2 OF 2002**

Purpose

To consider possible amendments to the provisions of Community Amenity Local Law No. 1
- Clause 25 - Managing Amenity on Building Sites.

COMMITTEE'S RECOMMENDATION

1. That Council, in accordance with sections 119 and 223 of the Local Government Act 1989, give notice in the Government Gazette and public notice that it proposes to make the Community Amenity (Amendment) Local Law No. 2 of 2002.
2. That the notices referred to in paragraph 14.1 be generally in the form of the Notice attached (refer Attachment 7).
3. That any submissions made in response to the notices referred in to in Recommendation 1 be considered by a committee of the Council, such committee to comprise Cr Hill, Director City Development and Manager Health and Enforcement.

A4 CITY OF PORT PHILLIP NEIGHBOURHOOD FORUMS

Purpose

This report provides a descriptive overview of the neighbourhood forum program to date and provides a clear direction for the next round of forums.

COMMITTEE'S RECOMMENDATION

That Council adopts the proposal for conducting the next round of neighbourhood forums as outlined in Section 3 of this report.

**A5 SUSTAINABLE REVIEW PANEL REPORT CORPORATE COMMUNICATIONS
(SEE SUPPLEMENTARY REPORT)**

Purpose

To provide Council with the report of the Sustainable Review Panel - Corporate Communications, management's response and the proposed Communications Strategy.

COMMITTEE'S RECOMMENDATION

1. That Council note the report of the Sustainable Value Evaluation Panel on the review of Corporate Communications and adopt the Implementation Plan
2. That advice be provided to Council detailing the three key KPIs and that the five principles of community communication be clearly formulated as part of Council's Communication Policy.

A6 RESEARCH INTO CONCRETE DWELLINGS, FISHERMENS BEND, PORT MELBOURNE

Purpose

This report provides the outcomes of the research work undertaken by Building Solutions Victoria into the various amenity and livability matters in relation to concrete dwellings in the Fishermen's Bend Area, Port Melbourne.

COMMITTEE'S RECOMMENDATION

That Council:

1. Note the comments received from two owners of concrete dwellings in Fishermens Bend and thank these owners for their input.
2. Note and receive the report 'Investigation of Various Amenity Matters in Relation to Concrete Dwellings, Fishermens Bend, Port Melbourne, December 2001', prepared by Building Solutions Victoria.
3. Provide a copy of the report to all owners of concrete dwellings in Fishermens Bend, Port Melbourne Library and on Council's web site.
4. Endorse the report being used as an information resource for Council, owners of concrete dwellings and other interested people.

A7 AMENDMENT C30 - SHRINE VISTA AMENDMENT

Purpose

The key issues associated with this report are for Council to consider the submissions made in respect of Amendment C30 to the Port Phillip Planning Scheme and form a position on the submissions made in respect of Amendment C30 to the Port Phillip Planning Scheme.

COMMITTEE'S RECOMMENDATION

1. That Council, having complied with Part 3, Divisions 1 and 2 of the Planning and Environment Act 1987, resolves to adopt Amendment C30 to the Port Phillip Planning Scheme with changes.
2. That Council resolves to submit the amendment to the Minister for Planning for approval pursuant to Section 31(1) of the Planning and Environment Act 1987.

Note

Correction to 11.2 of the Report to read "A Panel does not need to be requested to consider the submissions".

**A8 PORT PHILLIP PLANNING SCHEME AMENDMENT C24 PART 2
(SEE SUPPLEMENTARY REPORT)**

Purpose

For Council to consider the Panel's report and adopt Amendment C24 Part 2.

COMMITTEE'S RECOMMENDATION

1. It is considered appropriate that Council adopts Amendment C24 Part 2 to the Port Phillip Planning Scheme subject to the changes outlined in this report and once all documentation is finalised, forward it to the Minister for Planning for approval.
2. That Council, having considered the report of the Panel, decides to:
 - 2.1 Retain 49A Blanche Street, St Kilda in Amendment C24 Part 2 and that:
 - it be listed in the Schedule to the Heritage Overlay and Mapped as HO357
 - a new citation, amended in accordance with Attachment 1 of this report, be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
 - 2.2 Retain 58 Crockford Street, Port Melbourne in Amendment C24 Part 2 and that:
 - it be mapped within HO1
 - a new citation, amended to delete reference to its location in a "multi-storey office environment", be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
 - 2.3 Delete 63 Farrell Street, Port Melbourne from Amendment C24 Part 2 and agree to identify it as a contributory heritage place as part of a future amendment.
 - 2.4 Retain 2 Marine Parade, St Kilda in Amendment C24 Part 2 and that:
 - HO298 to be extended to cover the property
 - an updated citation be included in the Port Phillip Heritage Review in accordance with the revised citation prepared by Andrew Ward and circulated to the owner/submitter on 4 September 2001
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay

- 2.5 Retain 23 Mitford Street, St Kilda in Amendment C24 Part 2 and that:
- the 1920's dwelling be listed individually within the Schedule at Clause 43.01 of the Port Phillip Planning Scheme as HO368 and that the land be mapped within both HO368 and HO193
 - existing citations in the Port Phillip Heritage Review be updated to show place as being located within HO368 & HO193
- 2.6 Retain 32 Mitford Street, Elwood in Amendment C24 Part 2 and that:
- a new citation be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to show place as a significant heritage place
- 2.7 Retain 2A Spray Street, Elwood in Amendment C24 Part 2 and that:
- it be listed in the Schedule to the Heritage Overlay and Mapped as HO352
 - a new citation, amended to describe the condition as "fair", be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
- 2.8 Retain 22 Wellington Street, St Kilda in Amendment C24 Part 2 and that:
- it be listed in the Schedule to the Heritage Overlay and Mapped as HO363
 - the citation in the Port Phillip Heritage Review to be amended in accordance with Attachment 2 of this report
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
- 2.9 Retain 105 Wellington Street, St Kilda in Amendment C24 Part 2 and that:
- it be listed in the Schedule to the Heritage Overlay and Mapped as HO360
 - a new citation be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay

- 2.10 Retain 425 Williamstown Road, Port Melbourne in Amendment C24 Part 2 and that:
- the Statement of Significance in the citation included within the Port Phillip Heritage Review be amended to include the following wording:
The fire station and the residence facing Williamstown Road are significant elements. The rear single storey section of the fire station commencing at the north chimney, 20.5 metres from the Williamstown Road property boundary and running parallel to the Williamstown Road boundary, are non-contributory. The recent rear structures (detached from the significant buildings) are also non contributory.
3. That Council, having complied with Part 3, Divisions 1 and 2 of the Planning and Environment Act 1987, adopts Amendment C24 Part 2 to the Port Phillip Planning Scheme subject to the changes outlined.
4. That Council authorises the Manger Building and Planning to finalise all documentation for Amendment C24 Part 2.
5. That Council submits Amendment C24 Part 2 to the Minister for Planning for approval pursuant to Section 31(1) of the Planning and Environment Act 1987 once all documentation is finalised.

A9 SERVICE AGREEMENTS REVIEW - OUTCOMES FROM REALLOCATION OF FAMILY AND CHILDRENS SERVICES FUNDING

Purpose

Following decision a by Council 19th March 2001, funding from Uniting Care Connections and Inner South Community Health Centre was marked for reallocation. This Report, forming part of the Stage 2 Review process, recommends funding for two alternative programs that address risk and meet primary care needs and reduce social isolation.

COMMITTEE'S RECOMMENDATION

1. That Council enters a service agreement arrangement with the Inner South Community Health service to contract them to deliver an extension to the Assertive Outreach Midwife project for \$19,720 per annum until 30 June 2004.
2. That Council enters a service agreement arrangement with St. Kilda Community Group and the Port Melbourne Neighbourhood House to contract them to deliver the "Get Out of Town" program for socially isolated Port Melbourne families to an amount of \$18,280 per annum.
3. That a media release, in collaboration with the agencies, be prepared to announce the two new programs.
4. That a progress report on these two new service agreements be presented to Council in the December 2002 meeting cycle.

**A10 EVALUATION OF TENDER 0585 – CLEANING SERVICES – PUBLIC TOILETS
AND BBQS**

**PLEASE REFER TO THE CONFIDENTIAL SECTION OF THE AGENDA FOR THE
COMMITTEE'S RECOMMENDATION ON THIS ITEM**

8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 8 APRIL 2002

Note: Business Items B1, B4 and B5 were resolved by the Statutory Planning Committee held on Monday, 8 April 2002, in accordance with Section 86 of the Local Government Act 1989.

B2 27 CHARNWOOD ROAD, ST KILDA

Purpose

The construction of a three level building containing 13 dwellings and basement carparking.

COMMITTEE'S RECOMMENDATION

That this matter be deferred for further advice on traffic movements in the lane and practicability thereof should private land cease to be available for passing traffic.

****NOTE: THIS ITEM HAS NOW BEEN REFERRED TO THE TRAFFIC ENGINEER FOR ADVICE AND THERE WILL BE FURTHER DISCUSSIONS WITH THE APPLICANT PRIOR TO THIS ITEM BEING REPORTED TO COUNCIL.***

B3 372 DANKS STREET, MIDDLE PARK

Purpose

The proposal is for the construction of alterations and additions to the existing two storey dwelling. The additions include a ground floor extension, new first floor balcony and construction of a cellar and in ground swimming pool at rear.

COMMITTEE'S RECOMMENDATION

That this item be deferred to allow further discussion between Council, the owners of the subject site and the owners of 374 Danks Street, Middle Park regarding the appropriate means of addressing the issue of overlooking of the common boundary.

****NOTE: THIS ITEM WILL NOW BE REFERRED TO A CONSULTATION MEETING WITH THE APPLICANT AND OBJECTORS.***

B6 DELEGATE REPORT

Purpose

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

COMMITTEE'S RECOMMENDATION

That, subject to clarification of applications 699/2001 and 1261/2001, the Council receive and note the report regarding the summary of all Planning Permits 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 for the Port Phillip Planning Scheme.

9. ORDERS OF THE DAY

ORDER OF THE DAY 1

THE ESPLANADE HOTEL AMENDMENT C25 (CONFIDENTIAL)

(Note: This item is classified as a Confidential Item in accordance with Section 89 (h) of the Local Government Act 1989).

(Refer to attached Report).

ORDER OF THE DAY 2

50 STATION STREET, PORT MELBOURNE

(Refer to attached Report).

ORDER OF THE DAY 3

LUNA PARK MEDIATION

(Refer to attached Report).

ORDER OF THE DAY 4

DEPUTY MAYOR

(Refer to attached Report).

ORDER OF THE DAY 5

RETURN OF 2002 GENERAL VALUATION

(Refer to attached Report).

ORDER OF THE DAY 6

PROPOSED LOCAL LAW FEE CHANGES

(Refer to attached Report).

ORDER OF THE DAY 7

VCAT – TRIBUNAL COMPOSITION – (CONFIDENTIAL)

(Note: This item is classified as a Confidential Item in accordance with Section 89 (h) of the Local Government Act 1989).

(Refer to attached Report).

**10. REPORTS BY DELEGATES (COUNCILLOR) APPOINTED TO
OTHER BODIES**

11. URGENT BUSINESS

12. COUNCILLORS QUESTION TIME

13. CONFIDENTIAL MATTERS

**ORDINARY COUNCIL
22 APRIL 2002**

SUPPLEMENTARY REPORT

A2	2002/03 APPOINTMENTS TO COUNCIL INTERNAL AND EXTERNAL COMMITTEES
KEY RESULT AREA:	IMPROVING OUR SERVICE AND CAPABILITIES
LOCATION/ADDRESS:	
RESPONSIBLE MANAGER:	DAVID GRAHAM – GENERAL MANAGER CORPORATE
AUTHOR:	MURRAY CHICK
FILE NO.:	
ATTACHMENTS:	NIL.

KEY ISSUES

To appoint John Lewisohn as a member and Chairperson of the South Melbourne Market Management Committee.

To set remuneration levels for John Lewisohn and Tony Wait, being external members of the South Melbourne Market Management Committee.

To appoint Councillor Hutchens as the council representative to the Urban History Reference Group.

BACKGROUND

The Strategy and Policy Review Committee at its meeting held on 2 April 2002, considered and made a recommendation to council on appointments to various internal and external committees for 2002/03.

Since that meeting, the South Melbourne Market Management Committee has met and discussed its external membership and the need to elect a Chairperson for the next twelve months. The Market Management Committee Charter states that council has the power to appoint committee members, the Chairperson and to set remuneration levels for external members if required.

Previously the Chairperson of the Market committee was John Lewisohn who acted in this capacity during his term as a councillor of the City of Port Phillip. Currently John is a co-opted member to the Market Committee and therefore cannot act as Chairperson as he is not an appointed member. In the interim David Graham, Director of Governance and Council Services is acting Chairperson.

Separately, the first meeting of the Urban History Reference Group will be held in April and council at a briefing held in February recommended that council appoint a representative to this committee. The committee consists of ten community representatives and will consider concept development of the Urban History Centre. Appointing a representative to this committee was not on the original list of committees presented to the 2 April Strategy and Policy Review Committee.

PROPOSAL

That council appoints John Lewisohn as a member of the Market Management Committee. Currently John is a co-opted member as has no voting rights and is not an appointed member.

That council appoints John Lewisohn as Chairperson of the Market Management Committee. Currently David Graham is acting Chairperson and it would be preferable if the Chairperson was not an officer of council.

That council set a remuneration level for its two external members (John Lewisohn and Tony Wait), of \$5000 each per annum, based on attendance at one Market Management Committee meeting per month. Any payment for attendance at additional special meetings of the committee would be negotiated with David Graham, Director of Governance and Council Services.

That council appoints Councillor Hutchens as its representative to the Urban History Reference Group.

OPTIONS

It is a requirement in the Charter of the South Melbourne Market Committee that Council appoint its members, its Chairperson and set relevant remuneration levels for external members.

An appointment is required to the Urban History Reference Group as this was not included in the original list presented to council.

POLICY CONTEXT

The appointments to these committees cover KRA's 1 and 2.

ENVIRONMENTAL ASSESSMENT

N/A.

TRIPLE BOTTOM LINE ASSESSMENT

N/A.

RESOURCE IMPLICATIONS

Designated council staff support these committees as required.

INTERNAL CONSULTATION

N/A.

EXTERNAL CONSULTATION

These issues were discussed at a meeting of the South Melbourne Market Management Committee held on April 11, 2002 and a councilor briefing relating to the Urban History Reference Group held on 4 February 2002.

IMPLEMENTATION

These appointments will take affect from the date they are adopted by Council.

The remuneration levels remain unchanged unless amended by council.

CONCLUSION

That council adopts the recommendations of the South Melbourne Market Management Committee.

That council appoints a representative to the Urban History Reference Group.

COMMUNICATION

All relevant organisations will be notified of appointments to council committees.

RECOMMENDATION

That Council appoints John Lewisohn as a member and Chairperson of the South Melbourne Market Management Committee up to 1 March, 2004 (being the period consistent with other previously appointed members).

That the remuneration payable to South Melbourne Market Management Committee external members, John Lewisohn and Tony Wait, be \$5000 each per annum, based on attendance at one Market Management Committee meeting per month and that any payment for attendance at additional meetings would be negotiated with David Graham, Director Governance and Council Services.

That council appoints Councillor Hutchens as its representative to the Urban History Reference Group.

**ORDINARY COUNCIL
22 APRIL 2002**

SUPPLEMENTARY REPORT

A5	KEY PRINCIPLES TO GUIDE COUNCIL'S COMMUNICATION POLICY
KEY RESULT AREA:	IMPROVING OUR SERVICE AND CAPABILITIES
LOCATION/ADDRESS:	
RESPONSIBLE MANAGER:	STEPHEN O'KANE – DIRECTOR ORGANISATION DEVELOPMENT
AUTHOR:	ALLAN GATISS
FILE NO.:	16/08/11
ATTACHMENTS:	NIL.

KEY ISSUES

Council at the Strategy and Policy Review Committee meeting of 2 April 2002 requested further information regarding the key principles which guide the City's Communication Policy

PROPOSAL

The following principles are proposed:

- Policy Development. We seek to effectively communicate Council's view on broad policy and strategic directions
- Service levels. We should increase the knowledge in our community of what services we provide and to what levels they are provided
- Service Changes. We should clearly communicate when Council is intending to introduce new services and changes in services in a timely manner
- Topics of the Day. This will change regularly reflecting important community issues such as Street Sex Work, service improvements and planning issues
- Educating our Community. This is an important medium term goal of educating our community in values such as environmental sustainability with a long-term objective of fostering behavioural changes such as increasing recycling and reducing waste going to landfill

OPTIONS

Council adopts these five guiding principles as the basis of Council's Communication Policy.

Council requests that further work be done in relation to the guiding principles and presented in the next meeting cycle

POLICY CONTEXT

Council does not currently have a clearly enunciated Communications Policy. There are however established principles/protocols guiding the way in which Council and Council officers may communicate with the public on a range of issues. These include the Mayor being the spokesperson for Council. The CEO and Directors being able to comment on operational issues within their respective areas of responsibility. The Manager Communications and the Council Media Officer may comment on behalf of the Council on previously agreed issues.

The five principles outlined above provide a policy framework in which the corporate communication strategy can be delivered

IMPLEMENTATION

Following Council's adoption of the five principles the communications unit will conduct a series of explanatory workshops within the Divisions to introduce them to:

- The Communications Policy Framework
- The Communications Strategy
- The Service Level Agreement
- The communications staff member designated to the particular Divisions and the way in which the relationship will operate

CONCLUSION

The five guiding principles which provide a framework for the Communications Policy will inform the implementation of the Communications Strategy. They will contribute to measuring the effectiveness of the communications strategy by providing the basis for Key Performance Indicators which can be reported to Council on a regular basis.

RECOMMENDATION

That Council, in establishing the Communications Policy adopts the key principles of:

- Policy Development. We seek to effectively communicate Council's view on broad policy and strategic directions
- Service levels. We should increase the knowledge in our community of what services we provide and to what levels they are provided
- Service Changes. We should clearly communicate when Council is intending to introduce new services and changes in services in a timely manner
- Topics of the Day. This will change regularly reflecting important community issues such as Street Sex Work, service improvements and planning issues
- Educating our Community. This is an important medium term goal of educating our community in values such as environmental sustainability with a long-term objective of fostering behavioural changes such as increasing recycling and reducing waste going to landfill

**ORDINARY COUNCIL
22 APRIL 2002**

SUPPLEMENTARY REPORT

A8	PORT PHILLIP PLANNING SCHEME AMENDMENT C24
KEY RESULT AREA:	IMPROVING OUR BUILT ENVIRONMENT
LOCATION/ADDRESS:	VARIOUS
RESPONSIBLE MANAGER:	BRUCE PHILLIPS - MANAGER BUILDING AND PLANNING SERVICES
AUTHOR:	DENISE THORSON - STRATEGIC PLANNER
FILE NO.:	66/02/109
ATTACHMENTS:	NIL.

KEY ISSUES

The key issue associated with this report is for Council to consider a list of alternative properties to 58 Crockford Street, Port Melbourne as presented to Council's Strategy and Policy Review Committee by the owner of 58 Crockford Street, Port Melbourne.

BACKGROUND

The owner of 58 Crockford Street, Port Melbourne has lodged a submission objecting to inclusion of the property within HO1 as proposed by Amendment C24 (Part 2).

The owner was represented at an independent panel hearing. The submission presented to the panel on behalf of the owner continued to object to inclusion of the property within HO1 (the Port Melbourne area based overlay) as proposed by Amendment C24 (Part 2).

The panel, in relation to 58 Crockford Street, Port Melbourne, made the following observations and recommendations:

...The Panel is not required to make a recommendation as to the inclusion of the other properties in Crockford Street or elsewhere in Port Melbourne, and is of the opinion that this property has inherent qualities that ought to be protected. Although this building style is not uncommon in wider Melbourne, Port Melbourne is generally characterised by small workers cottages...

...Overall, the Panel considers this property be represent [sic] an excellent example of its time and is worthy of inclusion in the Heritage Overlay.

The Panel supports the application of the Heritage Overlay on the property at 58 Crockford Street, Port Melbourne and recommends that the citation be amended to delete reference to its location in a "multi-storey office environment".

The owner of 58 Crockford Street, Port Melbourne presented to Council's Strategy and Policy Review Committee arguments to exclude the property from Amendment C24, including a list of alternative properties as justification for excluding 58 Crockford Street, Port Melbourne from Amendment C24.

DISCUSSION

The following table summarises the alternative properties proposed by the owner of 58 Crockford Street, Port Melbourne. It identifies any existing heritage controls and provides comments in relation to each of these properties, including their status under the Port Phillip Heritage Review.

It is noted that Andrew Ward identified 58 Crockford Street, Port Melbourne as being a C graded building as part of the field surveys undertaken for the Port Phillip Heritage Review.

Address	Existing Heritage controls	Comments
151 Evans Street, Port Melbourne	Within HO1	Identified as a significant heritage place on Council's Heritage Policy Map The property was given a D grading by Andrew Ward as part of the Port Phillip Heritage Review.
49 Station Street, Port Melbourne	Within HO1	Identified as a significant heritage place on Council's Heritage Policy Map The property was given a D grading by Andrew Ward as part of the Port Phillip Heritage Review.
75-76 Station Street, Port Melbourne	Within HO1	Identified as a significant heritage place on Council's Heritage Policy Map These properties were all given a C grading by Andrew Ward as part of the Port Phillip Heritage Review.
161-164 Station Street, Port Melbourne	Within HO1	Identified as a significant heritage place on Council's Heritage Policy Map These properties were all given a C grading by Andrew Ward as part of the Port Phillip Heritage Review.
325-327 Nott Street, Port Melbourne	Within HO1	Identified as a significant heritage place on Council's Heritage Policy Map These properties were all given a C grading by Andrew Ward as part of the Port Phillip Heritage Review.

Address	Existing Heritage controls	Comments
55-57 Garton Street, Port Melbourne	Not within a Heritage Overlay	<p>Identified as contributory heritage places not covered by a heritage overlay on Council's Neighbourhood Character Policy Map.</p> <p>These properties were given a D grading by Andrew Ward as part of the Port Phillip Heritage Review.</p>
232 Esplanade East, Port Melbourne	Within HO1	<p>Identified as a significant heritage place on Council's Heritage Policy Map</p> <p>The property was given a C grading by Andrew Ward as part of the Port Phillip Heritage Review.</p>
382-378 Bay Street, Port Melbourne	Within HO1	<p>Identified as a significant heritage place on Council's Heritage Policy Map</p> <p>These properties were all given a C grading by Andrew Ward as part of the Port Phillip Heritage Review.</p>
427-431 Bay Street, Port Melbourne	Within HO1	<p>Identified as a significant heritage place on Council's Heritage Policy Map</p> <p>These properties were given the following gradings by Andrew Ward as part of the Port Phillip Heritage Review.</p> <p>433 = D; 435 - 437 = C</p>
433-437 Dorcas Street, South Melbourne	Within HO3	<p>Identified as a significant heritage place on Council's Heritage Policy Map</p> <p>These properties were given the following gradings by Andrew Ward as part of the Port Phillip Heritage Review.</p> <p>433 = D; 435 - 437 = C</p>

Address	Existing Heritage controls	Comments
335-349 Bank Street, South Melbourne	Within HO3	Identified as a significant heritage place on Council's Heritage Policy Map These properties were given the following gradings by Andrew Ward as part of the Port Phillip Heritage Review. 335 = C; 337 - 347 = D 349 = C
72-78 Nelson Road, South Melbourne	Within HO3	Identified as a significant heritage place on Council's Heritage Policy Map These properties were all given a C grading by Andrew Ward as part of the Port Phillip Heritage Review.
82-104 Nelson Road, South Melbourne	Within HO3	Identified as a significant heritage place on Council's Heritage Policy Map These properties were all given a C grading by Andrew Ward as part of the Port Phillip Heritage Review, with the exception of 96 which was graded D

OPTIONS

Council has the following options available:

Council may retain 58 Crockford Street, Port Melbourne as part of Amendment C24 (part 2) to the Port Phillip Planning Scheme as recommended in the report presented to the Strategy and Policy Review Committee on 2 April 2002; OR

Council may decide to change Amendment C24 (Part 2) before adoption by removing 58 Crockford Street, Port Melbourne.

On the basis of the research undertaken and the views and recommendations of the Panel, it is considered appropriate for Council to retain 58 Crockford Street, Port Melbourne as part of Amendment C24 (Part 2).

POLICY CONTEXT

As the table in this report outlines, the properties identified by the owner and presented to Council's Strategy and Policy Review Committee, with the exception of one (55-57 Garton Street, Port Melbourne), are all within area based heritage overlays.

In accordance with the methodology of the Port Phillip Heritage review, all buildings with a grading of A, B, or C are considered to be of individual significance and worthy of a heritage overlay in their own rights. Council has only applied individual heritage overlays where such properties are isolated from and area based overlay, or warrant additional controls to those afforded by the area based overlay (eg. internal controls).

To be consistent with Council practice, 58 Crockford Street, Port Melbourne should be covered by the adjacent area based heritage overlay HO1 as proposed by Amendment C24 (Part 2).

CONCLUSION

For the reasons outlined in this report, it is considered appropriate that Council retain 58 Crockford Street, Port Melbourne as part of Amendment C24 (Part 2), and that the officer's recommendations as presented to Council's Strategy and Policy Review Committee be upheld.

RECOMMENDATION

That Council receive and note this report; and

That Council considers this report in conjunction with *Item A8 - Port Phillip Planning Scheme Amendment C24* presented to the Strategy and Policy Review Committee on 2 April 2002.

**ORDINARY COUNCIL
22 APRIL 2002**

**CONFIDENTIAL
ORDER OF THE DAY**

ORDER 1	THE ESPLANADE HOTEL AMENDMENT C25
KEY RESULT AREA:	IMPROVING OUR BUILT ENVIRONMENT
LOCATION/ADDRESS:	
RESPONSIBLE MANAGER:	BRUCE PHILLIPS – MANAGER PLANNING AND BUILDING SERVICES
AUTHOR:	SUE WOOD
FILE NO.:	
ATTACHMENTS:	TBA

THIS ITEM IS NOW CLASSIFIED AS A CONFIDENTIAL ITEM.

**ORDINARY COUNCIL
22 APRIL 2002**

ORDER OF THE DAY

ORDER 2	50 STATION STREET, PORT MELBOURNE
ADDRESS:	50 Station Street, Port Melbourne
PROPOSAL:	Demolition of the existing single storey dwelling and construction of a new single storey dwelling.
APPLICATION NO.:	274/2002
APPLICANT:	Infill Planning
EXISTING USE:	Single dwelling
ABUTTING USES:	Residential
ZONING:	Residential 1 Zone
OVERLAYS:	Heritage Overlay 1 (contributory heritage place)
PLANNING SCHEME PROVISIONS:	22.01, 22.04, 22.05, 32.01, 43.01
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	30 days
RESPONSIBLE MANAGER:	Bruce Phillips - Manager, Planning & Building Services (CoMPS)
AUTHOR:	Gabby Perkins

EXECUTIVE SUMMARY

It is proposed to demolish the existing contributory graded building within the heritage overlay and replace it with a single storey weatherboard dwelling.

This is the second application for the site. Permit 1559/1998/U issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) allowed the demolition of the building and replacement with a two storey building. The issue of demolition has already been considered by the VCAT and it was determined that the building is not worthy of retention. Accordingly the main focus of this report will be the appropriateness of the single storey replacement building.

The replacement dwelling would have a similar building envelope to the existing dwelling, so it is not considered that there will be unreasonable amenity impacts on the adjoining properties.

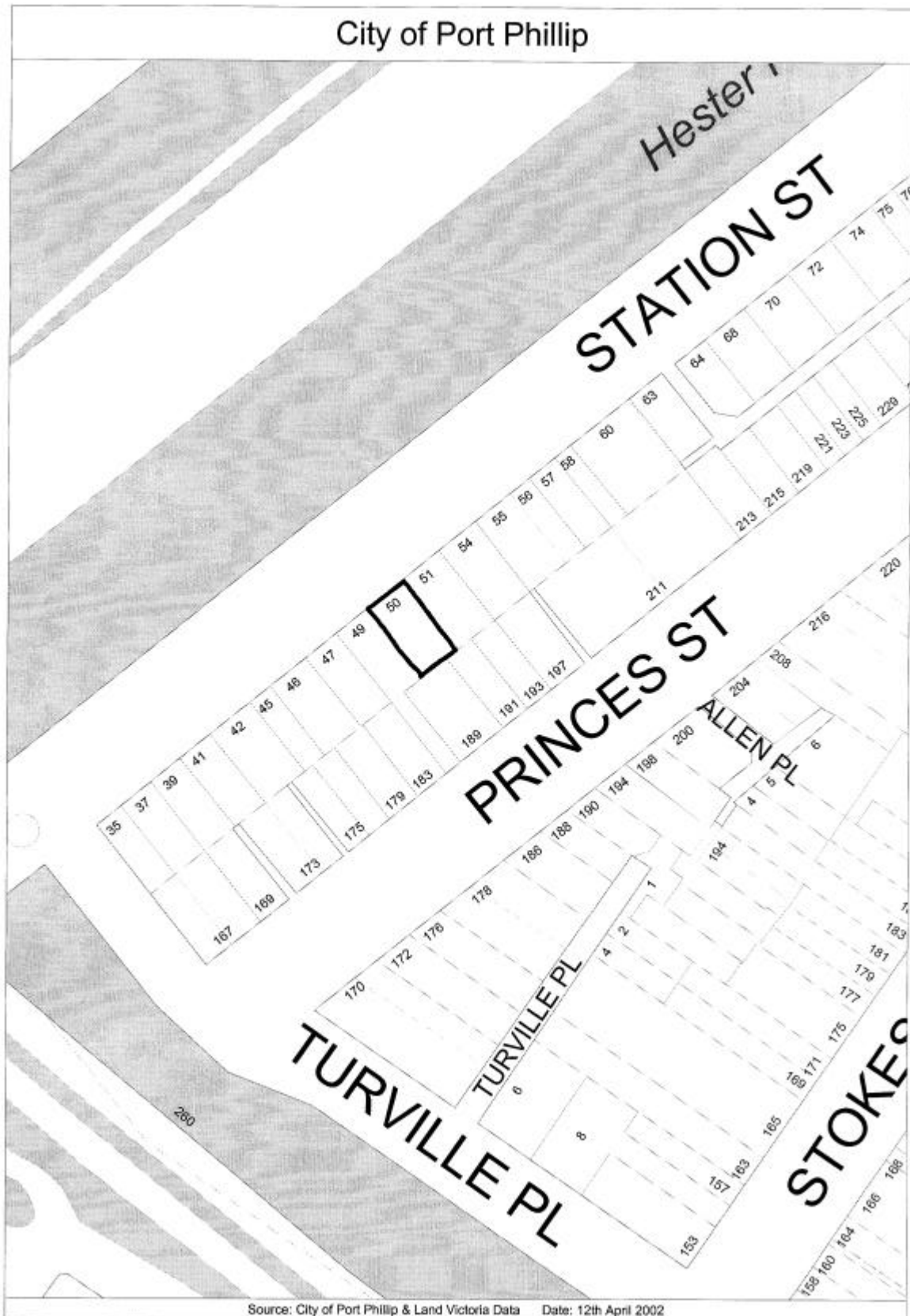
The design and form of the replacement building is similar to what exists, although simple enough so as not to mimic the heritage characteristics of other buildings in the streetscape.

Following advice from Council's Heritage Advisor the applicant has revised the detail of the facade.

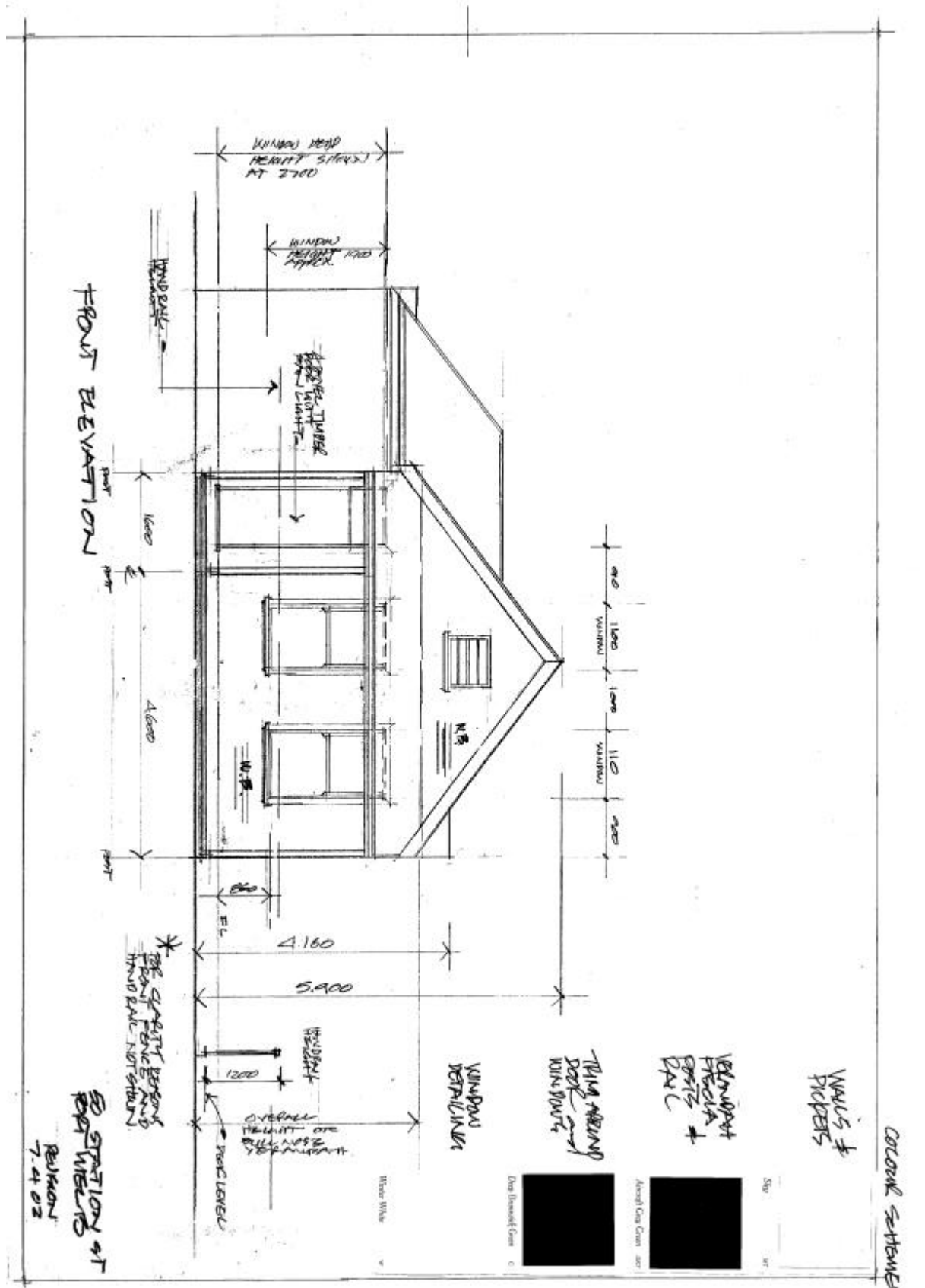
It is considered that the replacement building, subject to some conditions recommended in the report, would generally comply with Council's Local Planning Policy Framework, including the Municipal Strategic Statement, Residential Neighborhood Character Policy and Heritage Policy.

KEY ISSUES

1. Demolition of a contributory building within the heritage overlay
2. Amenity impacts on the adjoining neighbours



Subject Property Objectors X Supporters



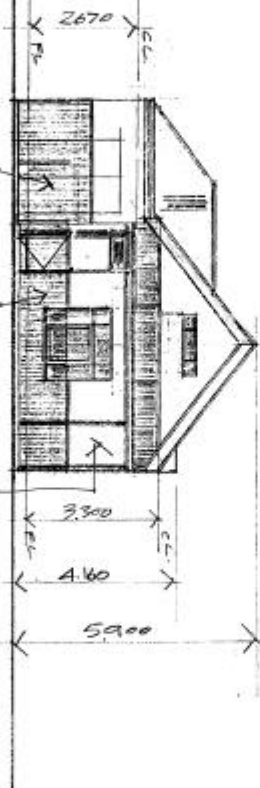
TOWN PLANNING

FRONT ELEVATION NORTH

Lighting provided to front of wall

NEED STATION STREET

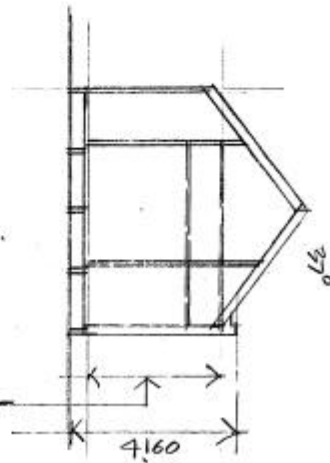
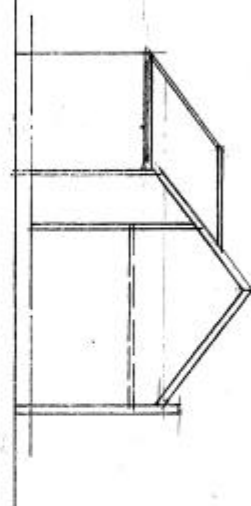
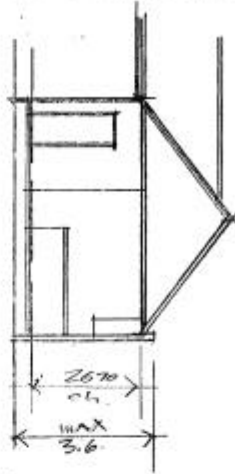
SUNGS 1:160 5.3.02



SECTION C-C

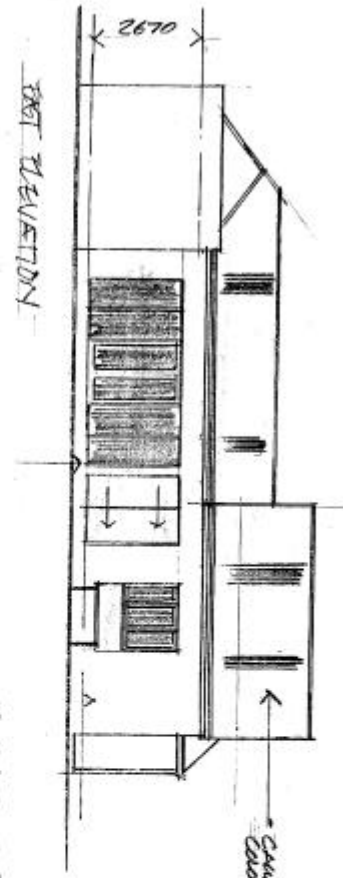
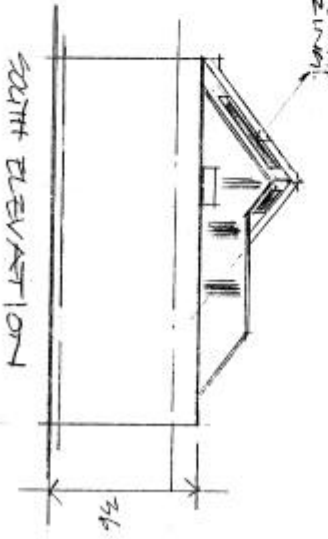
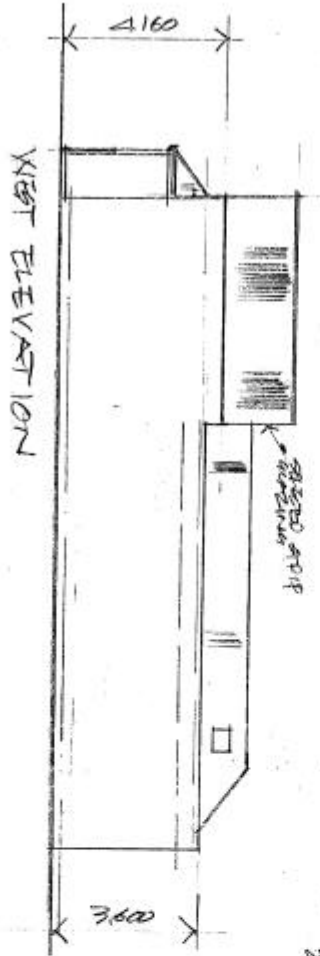
SECTION B-B

SECTION A-A



TOWN PLANNING

ELEVATIONS



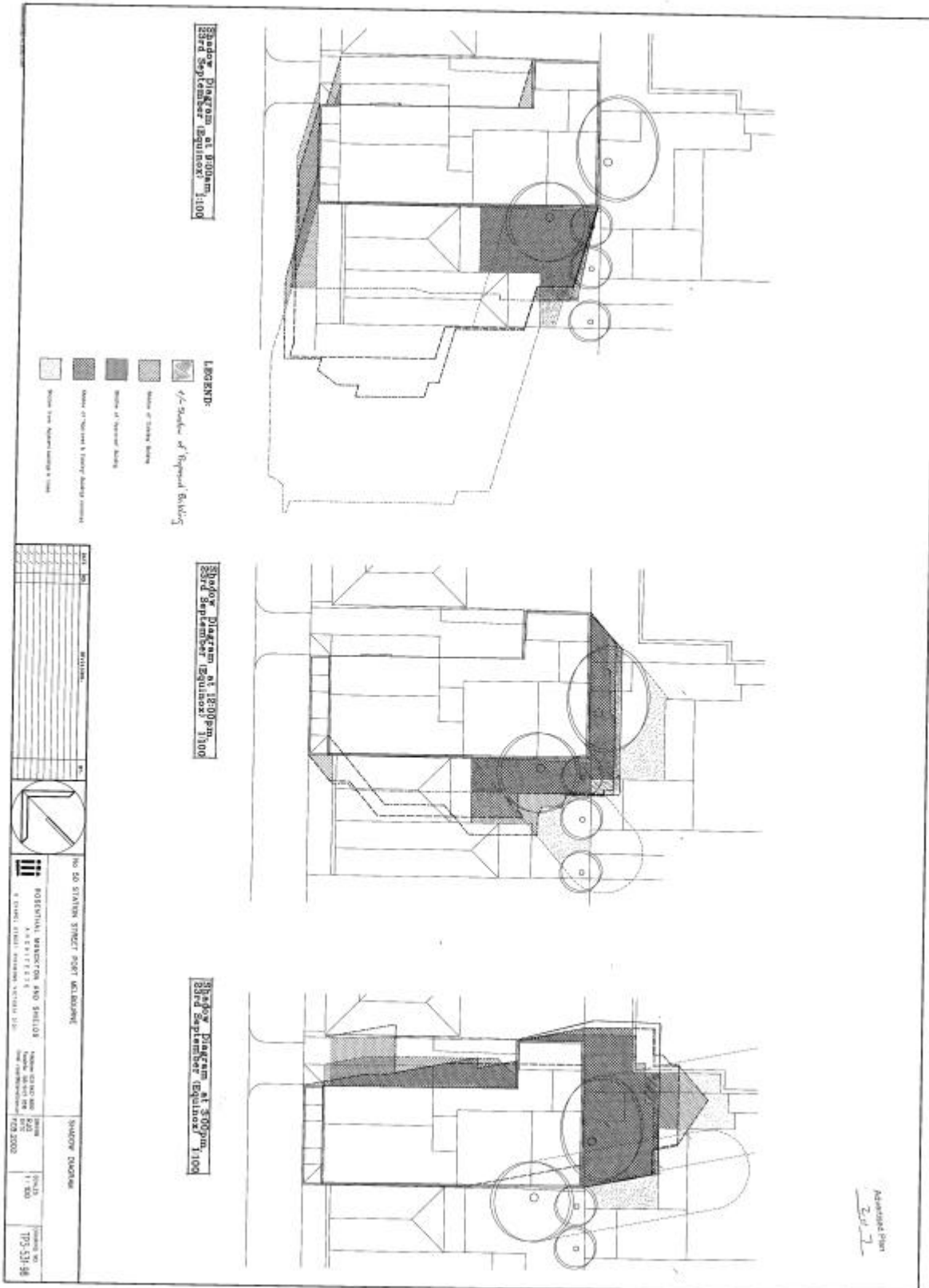
BRICK FINISHES TO WITHDRAW

SWITCH BENCHED OVER
"CONSISTENT STREET COLOUR IN DETAILS" (OR OTHER COLOUR TO THE SATISFACTION OF COUNCIL)

CALCIPRO GREEN (OR OTHER COLOUR TO THE SATISFACTION OF COUNCIL)

NO 10 STATION STREET

SKETCHES 1:50 S.S.02



HISTORY

A permit was issued for the demolition of the existing dwelling and the construction of a new double storey dwelling at the direction of the Tribunal on 18 September 2000. The applicant originally proposed a three storey replacement building and Council refused the proposal. The proposal was refused on several grounds, some of which included non compliance with Local Policies and the requirements of the Good Design Guide.

The applicant appealed Council's decision and at the hearing substituted plans. The substituted plans showed a double storey replacement dwelling, rather than the three storey dwelling, as assessed by Council. The Tribunal approved the proposal, which included the demolition of the existing dwelling.

The Tribunal considered that the building was not worthy of retention for several reasons, some of which are summarised as follows:

- The streetscape in which the proposed is located and the extensive linear parkland opposite.
- The condition of the building.
- The amended plans showing a two storey single dwelling and its design to fit the area and in fact complement the existing adjacent Victorian building.
- The response from Council's Heritage Advisor as indicated in the Coome's report that there was no objection to the demolition if the proposal contributes to the streetscape (The Tribunal believes that it does).

Following the issue of Planning Permit 1559/98/U the applicant decided they would like to amend the plans to a single storey dwelling rather a double storey dwelling. Officers advised that Council could not amend the plans as it did not meet the tests set out in Section 73 of the Planning and Environment Act, 1987. The applicant was advised that if they wanted to proceed with a single storey dwelling a new application would need to be lodged. This current application has come about as a result.

The issues surrounding the demolition of the building will have to be reconsidered, however appropriate weight needs to be put on the fact that the Tribunal has already determined that the building is not worthy of retention.

PROPOSAL

It is proposed to demolish the existing single storey dwelling and replace it with a single storey dwelling.

The new dwelling would contain a study, living room, dining area, laundry, WC and one bedroom. The living area would open out to a court yard which would be located on the north east side of the site. The layout of the dwelling would closely resemble the ground floor level of the development already approved under Planning Permit 1559/98.

The dwelling would fully abut the south west and south east boundaries and abut the north east boundary for a length of 3.8m. The maximum wall height on the boundary would be 4.16m near the front of the site where the dwelling would abut the adjoining dwelling. The remainder of the wall on the boundary would be at a height of 3.6m.

The facade of the dwelling would be constructed of weatherboards and the remainder of the dwelling brick with render. There would be a verandah at the front with a 1.2m high picket fence and another 2m high gate which would provide access to the courtyard on the north east side of the site.

A total of 33.5m² of private open space would be provided on site. The site coverage would be approximately 67%.

ADVERTISING/OBJECTIONS

The application was advertised to the adjoining property owners and occupiers by way of letters and a sign posted on the site for 14 days. No objections have been received.

URBAN PLANNERS ANALYSIS OF KEY ISSUES

Strategic Issues

The application requires a permit pursuant to the Residential 1 Zone (Clause 32.01) as the dwelling would be constructed on a lot less than 500m². The requirements of Clause 54 and Council's Residential Neighbourhood Character Policy are relevant for this application.

The proposal also requires a permit pursuant to the Heritage Overlay (Clause 43.01) to demolish the building. The Heritage Policy is relevant for this application.

Matrix 2 – Good Design Guide Residential in Heritage Overlay:

Local Planning Policy Framework	Officers assessment
Objectives:	
Protect heritage & streetscape character.	Achieved- The prevailing neighbourhood is characterised by a fairly uniform line of single storey cottages with the tram reserve on the opposite side of Station Street. There are some double storey dwellings within the streetscape, some later infill developments and one to the south west of the subject site

	<p>which is a Victorian terrace. The replacement building would be a single storey dwelling and would sit well within the streetscape.</p>
<p>Ensure high level of amenity & design excellence.</p>	<p>Achieved- The design of the dwelling would ensure a higher level of amenity for the residents. It is considered that the private open space is located to maximise solar access and improve the energy efficiency of the dwelling.</p>
<p>Achieve constant residential population.</p>	<p>Achieved- The replacement of the existing single dwelling with a new single dwelling will ensure a constant residential population.</p>
<p>Encourage retention & construction of larger dwellings & range of housing types.</p>	<p>Achieved in part- The previous planning permit gave approval for the demolition of the existing dwelling. The proposal will however ensure that a site is utilised by a similar sized dwelling.</p>
<p>Strategies:</p>	
<p>Ensure new development in establishment residential areas does not adversely affect amenity & neighbourhood character.</p>	<p>Variation required- It is considered that the 3.6m walls on the boundary are appropriate in a normal residential setting, and consistent with adjoining residential dwellings.</p>
<p>Encourage medium density housing on sites with frontage to a Main Road or public transport route or within identified growth area on Framework Plan.</p>	<p>Not applicable</p>
<p>Encourage energy efficient design.</p>	<p>Achieved- The design of the dwelling and layout incorporates north east facing open space and several north facing windows. It is considered that this would reduce the need for artificial light sources and improve the energy efficiency of the dwelling.</p>
<p>Support restoration & retention of older dwellings.</p>	<p>Not Achieved- The previous permit as determined by the Tribunal, has given approval for the demolition of the dwelling on the site.</p>
<p>Ensure non-residential uses are limited in residential areas & located on Main Roads & do not result in loss of amenity for residential properties.</p>	<p>Not applicable</p>
<p>In transition areas, consider the affect of landuse on residential opportunities.</p>	<p>Not applicable</p>

Neighbourhood Character: (Municipal Strategic Statement CI 21.05-3):	
Objectives	
Respond to site, its context & integrate with & enhance the prevailing neighbourhood character.	Achieved It is considered that the replacement building would respond to the site and the predominantly single storey character of the neighbourhood. It is a characteristic of the neighbourhood that boundary construction is extensive and that the private open space is located to the rear. The open space would be located in a similar position to what is existing and would maximise solar access without reducing the privacy of the surrounding dwellings. It is considered that the length of walls on the boundary is consistent with what currently exists on the site and the pattern of development in the immediate area.
Strategies:	
Respect & enhance scale, form & setback of nearby heritage buildings.	Achieved The dwellings on either side of the subject site are graded significant. The setback and form of the replacement building is similar to what currently exists and is considered to respect the adjoining dwellings.
Retain low rise scale of established residential areas.	Achieved The replacement building is single storey and would maintain the general pattern of single storey development.
Respond to characteristics of adjacent and nearby buildings in relation to prevailing scale, orientation, side & rear setbacks.	Variation required The adjoining dwellings abut part of the boundary and the extent of walls built on the boundary would not exceed the length of walls currently built on the boundary. The orientation and scale of the replacement dwelling would essentially remain as exists currently.
Encourage retention of existing street trees.	Achieved- The large street tree at the front of the site would be retained. No new crossover is proposed which would impact on the tree.
Encourage retention of established trees & vegetation in front & side setbacks where this is an important part of streetscape character.	Variation required- There is a tree located near the north east boundary of the site. This is proposed to be removed and the area would be paved. This is considered to be contrary to policy and it is

	recommended that, as a condition of any permit issued the tree by retained.
Encourage retention of mature trees on private property.	Variation required- As above it would be recommended that the tree on the north east side of the site be retained on any permit issued.
Residential Neighbourhood Character Policy (CI 22.01).	
Discourage that adversely affects the character of area or the amenity of adjoining properties.	Achieved- It is considered that the replacement building would be consistent with the character of the neighbourhood and would not adversely affect the amenity of the surrounding neighbours.
Encourage design responses which identify & show how contributory heritage buildings outside of the Heritage Overlays have been considered where they form part of the neighbourhood character.	Not applicable- The site and the surrounding dwellings are located within a heritage overlay. The design has taken account of the setbacks, form and features of the surrounding significantly graded buildings.
Respect & where possible enhance character elements for each of the 6 local neighbourhoods: <i>Port Melbourne & Garden City:</i> <ul style="list-style-type: none"> • Predominant single storey scale in established residential areas; • Fine subdivision grain & small lot size; • Garden City – uniform lot size, building styles, setbacks & landscaping. 	Achieved The proposal would respect the pattern of subdivision and would be single storey in keeping with the streetscape.
Urban Design (MSS CI 21.05-4):	
Objectives:	
Provide net improvement in the public realm & minimise impacts such as overshadowing, wind tunnelling & appearance.	Variation required- Due to the increased area of private open space part of the front fence will be 2m high. A high front fence can adversely impact on the public realm, as it provides a barrier between the private and public realm. However in this instance it is considered that part of the front fence can be higher, however it is recommended that the maximum height of 1.8m. A 1.8m fence would ensure that the open space at the side of the dwelling will be

	secluded but not adversely impact on the streetscape.
Development to be high quality, enhance streetscape amenity, neighbourhood character & minimise detrimental impact on neighbouring properties.	Achieved- It is considered that the design of the replacement building would be in keeping with the character of the neighbourhood. The existing street setbacks would be retained.
Consistent with Design and Development Overlay requirements.	Not applicable
Encourage gradual stepping up of built form at interface of existing low rise & proposed higher rise development.	Achieved- The single storey dwelling would be of the same scale as the existing dwelling. The proposal would maintain the low rise scale of development.
Encourage energy efficiency.	Achieved- The orientation of the private open space and the north east facing windows would provide adequate natural light, which would reduce the reliance on artificial light sources
Sensitively site solar panels, satellite dishes, air conditioning units & other building equipment.	Not applicable
Sensitively site plumbing & servicing equipment.	Condition required- A condition would be placed on any permit issued that the applicant would need the consent of Council to add any additional services or equipment.
Heritage (Municipal Strategic Statement Cl 21.05):	
Objectives:	
Development to be sympathetic & respectful of heritage place, high quality design that positively contributes to heritage values.	Achieved- It is considered that the simple design and scale of the replacement building is respectful of the adjoining significant buildings. The proposal incorporates similar design features to the cottage style dwelling to the north east but is simple enough so as not to detract from the double storey terrace dwelling to the south west.
Strategies:	
Development respectfully & harmoniously integrates with neighbourhood character.	Achieved- The prevailing neighbourhood is characterised predominantly by single storey dwellings. The single storey dwelling would not dominate the streetscape and would sit comfortably within Station Street.
Heritage places are to be restored, recycled or	Refer to Planning Permit 15595/19888/U-

AGENDA - ORDINARY MEETING OF COUNCIL - 22 APRIL 2002

renovated in a sympathetic manner that enhances the heritage value of the place.	At the direction of the Tribunal, a permit has been issued for the demolition of the heritage place.
Conservative approach to urban consolidation – increase density only where it does not affect heritage significance.	Achieved- The proposal would not contribute to an increase in the density of development.
Refer to Statement of Significance in Heritage Review – respect & conserve all identified elements.	Not applicable
Heritage Policy (CI 22.04):	
Objectives:	
Conserve all significant/contributory buildings & discourage demolition.	Refer to Planning Permit 15595/19888/U- At the direction of the Tribunal, a permit has been issued for the demolition of the heritage place.
Promote design excellence which clearly & positively supports ongoing heritage significance.	Achieved- The design of the replacement building is simple and it is considered that the building would contribute to the ongoing heritage significance of the area.
Maintain significance of heritage place & employ a contextual design approach.	Refer to Planning Permit 15595/19888/U- At the direction of the Tribunal, a permit has been issued for the demolition of the heritage place. It is considered that the design of the single storey replacement building is appropriate and would respect the surrounding significant heritage places.
<i>General:</i>	
Encourage restoration & reconstruction of all significant/contributory buildings, particularly in intact or substantially consistent streetscapes in Heritage Overlay Area 3.	Achieved- Given that the building has already been determined by the Tribunal to not be worthy of retention, the heritage place will not be restored.
Respect scale, form, siting & setbacks of nearby significant/contributory buildings.	Achieved- The form and scale of the building is consistent with traditional cottage dwellings in the street. The street setback and wall heights are in keeping with the nearby buildings.
Disregard buildings atypical to the streetscape character when determining appropriate mass & scale.	Achieved- The buildings atypical in the streetscape have been disregarded when determining mass and scale. It is also noted that although the terrace to the south west of the site is a significant heritage place, it is still an anomaly

	in the streetscape given that it is double storey. The single storey dwelling would be more consistent with the typical streetscape.
Contextual approach – development “sits comfortably” & does not diminish significance of heritage place or streetscape character.	Achieved- The proposed replacement building would be setback to align with the building to the north west and the scale of the development would not detract from the heritage significance of the surrounding dwellings.
Contemporary architecture encouraged.	Variation considered acceptable- The proposed dwelling does not incorporate many contemporary design features, however given the context of the street and the visibility of window openings it is considered that the architectural style is appropriate.
In limited cases (HO3) reproduction architecture appropriate – where not easily distinguishable from original or adjacent buildings due to similar elements, detailing, material & finishes.	Achieved- The roof form and facade features of the replacement dwelling are similar to the surrounding cottages in Station Street although they are not considered reproduction architecture. The simplified design features are considered to respect the neighbourhood character while not detracting from the original heritage buildings.
Remove additions & alterations that detract from significance but retain additions & alterations that are significant (heritage adviser to advise).	Not applicable
Demolition application to be accompanied by application for new development.	Achieved- The application is for the demolition of the existing building and this has been accompanied by an application for a replacement building.
Demolition of part of heritage place allowed if significance not affected & proposed addition is sympathetic.	Not applicable
Allow demolition of contributory building only if structurally unsound & not feasibly reusable & new building displays design excellence & supports ongoing significance of area or streetscape not intact or consistent.	Refer to Planning Permit 15595/19888/U- At the direction of the Tribunal, a permit has been issued for the demolition of the heritage place. Refer section 6.1 of this report for a more detailed discussion on this matter.
<i>Car parking:</i>	
No new front crossover if street frontage is narrow or if street has few or no crossovers.	Achieved- No new front crossover is proposed.
On-site car park at rear or in side setback.	Not applicable
Visible carports, garages & outbuildings are to complement main building & streetscape.	Not applicable
<i>New development:</i>	
Maintain existing vista to adjacent heritage place Performance Measure 2: <ul style="list-style-type: none"> • Equivalent frontage setback to 	Achieved The single storey form of the replacement building would maintain vistas to the

<p>one adjacent significant/contributory buildings or maintains reasonable vista to building;</p> <ul style="list-style-type: none"> • If significant/contributory buildings on both adjacent sites, then setback is in between largest & smallest setback. 	<p>adjoining significant heritage places.</p>
<p>Reflect prevailing streetscape scale & not dominate. Performance Measure 3:</p> <ul style="list-style-type: none"> • If consistent building scale & adjacent to significant/contributory building, building height no higher than highest adjacent roof ridgeline but may have higher component to rear; • If diverse building scale & adjacent to significant/contributory building, new building height respects both adjacent buildings & area's prevailing scale. 	<p>Achieved- The adjoining dwellings are double and single storey. The single storey dwelling proposed would respect the scale and would be no higher than the adjoining dwellings. The gable roof form would be located farthest from the single storey dwelling to reduce the impact on the adjoining dwelling.</p>
<p>Roofs, doors & windows complementary to streetscape character.</p>	<p>Achieved The proportions and style of the windows and doors have been decided following advice from Council's Heritage Advisor. It is considered that they are appropriate within the streetscape.</p>
<p>Avoid large expanses of glass or horizontal windows unless appropriate contextual response.</p>	<p>Achieved The proposal would not include large expanses of glass.</p>
<p>If major redevelopment site contains heritage place, then respect setting & individual building & area's building scale.</p>	<p>Not applicable</p>
<p>Side setbacks reflect adjacent dwellings & streetscape where an important element of the streetscape.</p>	<p>Achieved The setbacks of the replacement building are the same as the existing dwelling on the site apart from the setback from the north east boundary which is increased.</p>
<p>Visible wall elevations, materials, textures, colour schemes & fences are appropriate to the streetscape.</p>	<p>Achieved Following discussions with Council's Heritage Advisor the applicant and officers have agreed to a range of finishes for the replacement building.</p>
<p>Protect Port Phillip parks & open space from overshadowing by private development.</p>	<p>Achieved The reserve on the north west side of Station Street will not be overshadowed or adversely impacted by the replacement building.</p>

Heritage/Demolition Issues

The proposal has been referred to Council's Heritage Advisor for comment and the response can generally be summarised as follows:

- The existing house is clearly an early one in the area, but it has been so much changed that its original form and detail are no longer evident or at best certain. Consequently, its contribution to the streetscape is minimal in heritage terms, although in character terms it is a modest contribution. Most of the structure is low quality. Thus there is no strong argument for retention. This appears to have been the position taken by VCAT previously, supported by the then Heritage Advisor, for a two storey replacement that was a contributory character building. The building proposed in the current application is more modest than the two storey replacement building and exception cannot be taken to it.
- The proposed replacement building is effectively a reconstruction of what exists, but brought up to scratch functionally and structurally. A modest, unassertive infill of vaguely historic character is acceptable. It will be clearly distinguishable as new by modern detailing and this should be sufficient to identify the age. It is recommended that a condition be placed on any permit issued, requiring the detail of the front facade to be to the satisfaction of the Responsible Authority.

An on site meeting was held between officers and the heritage advisor to discuss the detail of the design. A scheme, including colours was agreed to by the applicant and the Heritage Advisor. The applicant subsequently submitted a revised plan of the facade in line with the scheme discussed at the meeting. These plans have formed the basis for the assessment.

Council's Heritage Advisor did have a preference for a natural galvanised roof rather than the colourbond proposed on the plans originally submitted. It is understood that during the time when the applicant consulted with the adjoining neighbours that some concerns were raised about shine from a galvanised roof surface.

In order to ensure that the expectations of the neighbours are met, while also meeting the heritage objectives, it is recommended that a grey (or other colour similar to natural galvanised steel) colourbond material be used for the roof. This surface would be non reflective but sit better with the traditional roof styles in the area.

Council's Heritage Advisor has also recommended that the higher section of fence at the front of the site be located on the front boundary line of the site, rather than being setback to align with the dwelling. It is considered that if the higher component of the fence was located right on the boundary that this would interrupt the streetscape and impact more on the public realm. Contrary to the Heritage Advisor's request it is recommended that the fence be setback slightly from the front boundary and reduced to 1.8m so to have less impact on the public realm.

Assessment against Clause 54

Objectives and summary of standards <ul style="list-style-type: none"> • A development must meet all objectives • A development should meet all these standards 	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
Clause 54.01: Neighbourhood and Site Description and Design Response An application must be accompanied by: <ul style="list-style-type: none"> • A Neighbourhood and site description. • A Design Response 	Achieved
Clause 54.01-1: Neighbourhood and site description The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe: <ul style="list-style-type: none"> • In relation to the neighbourhood: <ul style="list-style-type: none"> - The built form, scale and character of surrounding development including front fencing. - Architectural and roof styles. - Any other notable features or characteristics of the neighbourhood. • In relation to the site: <ul style="list-style-type: none"> - Site shape, size, orientation and easements. - Levels of the site and the difference in levels between the site and surrounding properties. - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site. - The use of surrounding buildings. - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres. - Solar access to the site and to surrounding properties. - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known. - Any contaminated soils and filled areas, where known. - Views to and from the site. - Street frontage features such as poles, street trees and kerb crossovers. - Any other notable features or characteristics of the site. <p><i>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</i></p>	Achieved The information submitted with the application adequately describes the site and surrounding neighbourhood.

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.01-2: Design Response The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> • Derives from and responds to the neighbourhood and site description. • Meets the objectives of Clause 54. • Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay. • The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. <p><i>If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</i></p>	<p>Achieved The design response submitted indicates how the proposal would address the constraints and opportunities on the site.</p>
<p>Clause 54.02: Neighbourhood character</p> <p>Clause 54.02-1 - Neighbourhood character objectives</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character; • To ensure that the design responds to the features of the site and the surrounding area. <p>Standard A1 (Cannot be varied)</p> <ul style="list-style-type: none"> • The design response must be appropriate to the neighbourhood and the site. • The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The neighbourhood and site description. • The design response. <p>Standard A2 (Can be varied)</p> <ul style="list-style-type: none"> • Dwellings should be orientated to front existing and proposed streets • High fencing in front of dwellings should be avoided if practicable. <p>Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. 	<p>Achieved The surrounding neighbourhood is characterised by predominantly single storey dwellings with fairly uniform setbacks. There are some double storey dwellings in the streetscape, the one immediately to the south west of the subject site is a Victorian terrace while other double storey dwellings are more recent developments. It is considered that the single storey replacement dwelling is of an appropriate scale and design to complement the existing streetscape and would respect the character of Station Street.</p> <p>Achieved The dwelling is orientated to face the front of the site. There would be one section of a high front fence, although considering that there is already one component of high front fencing and that the fence will provide privacy for the residents it is considered to be acceptable. The majority of the street frontage would have a 1.2m high fence in accordance with the suggestions of Council's Heritage Advisor.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.03: Site layout and Building Massing</p>	
<p>Clause 54.03-1 - Street setback objective To ensure that setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</p> <p>Standard A3 (Can be varied) Walls of buildings <u>should</u> be setback from streets the distance specified in Table A1 as follows:</p> <ul style="list-style-type: none"> • Where there are existing buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of front walls of existing adjacent buildings facing the same street or 9m, whichever is lesser. • Where there is an existing buildings on one abutting lot facing the same street, and no existing building on the other abutting lot facing the same street and the site is not on a corner, the same distance as the front wall of the existing adjacent building or 9m, whichever is lesser. • Where there is no existing buildings on either abutting lot facing the same street and the site is not on a corner, 6m for streets in a Road Zone Category 1, and 4m for other streets. • Where the site is on a corner, and there is a building on the abutting lot facing the front street, the same distance as the setback of the front wall of the existing abutting building facing the front street, or 9m whichever is lesser. • Where the site is on a corner and there is no building on the abutting lot facing the front street, 6m for streets in a Road Zone Category 1, and 4m for other streets. • Buildings should be setback from the side street of a corner site, the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 2m, whichever is the lesser. <p>Note 1: <i>for a corner lot, the frontage or front street is the smaller frontage. For lots with equal frontage to two streets, the Council may nominate the frontage or front street.</i></p> <p>Note 2: <i>Porches, pergolas and verandahs that are less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i></p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</i> • <i>The design response.</i> • <i>Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.</i> • <i>The visual impact of the building when viewed from the street and adjoining properties.</i> • <i>The value or retaining vegetation within the front setback.</i> 	<p>Achieved</p> <p>The front setbacks of the proposed dwelling would align with the setbacks of both of the adjoining dwellings.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.03-2 - Building height objective To ensure that the height of the buildings respects the existing or preferred neighbourhood character</p> <p>Standard A4 (Can be varied)</p> <ul style="list-style-type: none"> • The maximum building height <u>should</u> not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10m. • Change of building height between existing buildings and new buildings <u>should</u> be graduated. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</i> • <i>The design response.</i> • <i>The effect of the slope of the site on the height of the building.</i> • <i>The relationship between the proposed building height and the height of existing adjacent buildings.</i> • <i>The visual impact of the building when viewed from the street and adjoining properties.</i> 	<p>Achieved</p> <p>The maximum building height would not exceed 9m.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.03-3 - Site coverage objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p> <p>Standard A5 (Can be varied) The site area covered by buildings <u>should</u> not exceed 60%.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The existing site coverage and any constraints imposed by existing development or the features of the site. • The site coverage of adjacent properties. • The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood. 	<p>Variation considered acceptable</p> <p>The site coverage would be approximately 67%. This variation from the standard is considered to be acceptable as characteristically sites in the surrounding area have relatively high site coverages.</p> <p>It is also considered that the layout of the replacement dwelling better responds to the site and would provide for a higher level of amenity for the occupants. It is also considered that the layout would be more useable.</p>
<p>Clause 54.03-4 - Permeability objectives</p> <ul style="list-style-type: none"> • To reduce the impact of increased stormwater run-off on the drainage system; • To facilitate on-site stormwater infiltration <p>Standard A6 (Can be varied) At least 20 % of the site <u>should</u> not be covered by impervious surfaces.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • The design response • The existing site coverage and any constraints imposed by existing development or the features of the site. • The capacity of the drainage network to accommodate additional stormwater. • The capacity of the site to absorb run-off. • The practicality of achieving at least 20 per-cent site coverage of pervious surfaces, particularly on lots of less than 300m². 	<p>Variation required</p> <p>Currently the site is covered by a large area of impervious surfaces. The proposal would further diminish the area of permeable surfaces on the site and it would be less than 20%, as required by the standard.</p> <p>It is recommended that the permeability of the site be increased. As previously discussed it is recommended that the tree be retained and this will ensure that there is some permeable area around the tree. It is also recommended that the paved area incorporate permeable pavers to facilitate on site stormwater infiltration.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.03-5 - Energy efficiency protection objectives</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings; To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. <p>Standard A7 (Can be varied)</p> <p>Buildings <u>should</u> be:</p> <ul style="list-style-type: none"> Orientated to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space <u>should</u> be located on the north side of the dwelling, if practicable.</p> <p>Dwellings <u>should</u> be designed so that solar access to north-facing windows is maximised.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> The design response The size, orientation and slope of the lot. The existing amount of solar access to abutting properties. The availability of solar access to north facing windows on the site. 	<p>Achieved</p> <p>The layout and orientation of the dwelling would ensure that the main living areas and the secluded open space have a northerly aspect. The northerly aspect maximises natural light and subsequently reduces the need for artificial light sources.</p>
<p>Clause 54.03-6 - Significant tree objectives</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood; To encourage the retention of significant trees on the site <p>Standard A8 (Can be varied)</p> <ul style="list-style-type: none"> Development <u>should</u> provide for the retention or planting of trees, where these are part of the neighbourhood character. Development <u>should</u> provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The health of any trees that were removed or are proposed to be removed. Whether a tree was removed to gain a development advantage 	<p>Variation required</p> <p>It is proposed to remove the tree which is located on the site near the north east boundary. It would be easily feasible to retain the tree and it is recommended that as a condition of any permit issued that the tree be maintained.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.03-7 - Parking objective To ensure that car parking is adequate for the needs of residents.</p> <p>Standard A9 (Can be varied) Two car spaces <u>should</u> be provide per dwelling with:</p> <ul style="list-style-type: none"> • one space at least 6m x 3.5m and covered or capable of being covered. • One space at least 4.9m x 2.6m. • If the car spaces are in a garage, car port or otherwise constrained by walls, a double space may have an internal width of 5.5m. • A building may project into a car space if it is at least 2.1m above the space. <p>Note: the requirements of this standard do not apply to extensions to existing dwellings.</p> <p>Decision Guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The likely needs of users • The practicality of providing car parking on the site, particularly for lots of less than 300 square metres. • The reduction of on-street car parking spaces resulting from the provision of car parking on the site, particularly for lots of less than 300 square metres. • The availability of public transport and on-street parking. • Any relevant local planning policy or parking precinct plan. 	<p>Variation considered acceptable</p> <p>The existing dwelling on the site does not have provision for on site car parking. It is considered that given the replacement building does not represent an intensification of the use that credit applies for the car parking provision.</p> <p>Officers have also noted on various site visits that there is adequate capacity provision for on street car parking.</p>
<p>Clause 54.04: Amenity Impacts</p> <p>Clause 54.04-1 –Side and rear setbacks objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard A10 (Can be varied) New building not on, or within 150mm of boundary <u>should</u> be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. <p>Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard.</p> <p>Landings with an area of not more than 2m², and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p> <p>Decision Guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. • Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. • Whether the wall abuts a side or rear lane. 	<p>Variation required</p> <p>The maximum height of the wall on the boundary would be 4.16m. This would be on the south west boundary abutting the adjoining double storey dwelling, therefore would not impact on neighbourhood character or the amenity of the adjoining residents.</p> <p>The maximum height of the remainder of the boundary wall would be 3.6m.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.04-2 Walls on boundaries objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard A11 (Can be varied) New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary <u>should</u> not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or • the length of an existing or simultaneously constructed wall or carport. <p>whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary.</p> <p>A building on a boundary includes a building up to 150mm from a boundary.</p> <p>New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary <u>should</u> not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The extent to which wall on boundaries are part of the neighbourhood character. • The visual impact of the building when viewed from adjoining properties. • The impact on the amenity of existing dwellings. • The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. • The orientation of the boundary that the wall is being built on. • The width of the lot. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter. 	<p>Variation considered acceptable</p> <p>The length of the walls on the replacement building would be the same as the length of walls on the boundary of the existing dwelling.</p> <p>Even though the length of the walls on the boundary would exceed the standard on the south west and rear boundary it is considered that given this is the existing situation and with the recommended reduction in the height of the wall this will not unreasonably impact on the surrounding residents.</p> <p>The wall on the north east boundary would abut 3.8m of the length of the boundary. This meets the standard requirement.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.04-3 Daylight to existing windows objective</p> <p>To allow adequate daylight into existing habitable room windows.</p> <p>Standard A12 (Can be varied) Buildings opposite an existing habitable room window <u>should</u> provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot.</p> <p>Walls or carports more than 3m height opposite an existing habitable room window <u>should</u> be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p> <p>Decision Guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwellings. 	<p>Achieved- subject to conditions</p> <p>The boundary walls, although located where the existing walls are, would provide adequate light courts around the existing habitable room windows.</p> <p>A 3.6 metre high wall on the boundary is considered appropriate in context of the existing conditions, and the existing approvals.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.04-4 North Facing windows objective To allow adequate solar access to existing north facing habitable room windows.</p> <p>Standard A13 (Can be varied) If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building <u>should</u> be setback:</p> <ul style="list-style-type: none"> • 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window. <p>Note:A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>The design response.</i> • <i>Existing sunlight on the north-facing habitable room window of the existing dwelling</i> • <i>The impact on the amenity of existing dwellings.</i> 	<p>Achieved</p> <p>There are some north east facing windows within 3m of the subject site located on the adjoining property to the rear.</p> <p>The proposed single storey wall at a height of 3.6 metres is less than that which was previously approved by VCAT.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.04-5 Overshadowing open space objective</p> <p>To ensure buildings do not unreasonably overshadow existing secluded private open space.</p> <p>Standard A14 (Can be varied)</p> <ul style="list-style-type: none"> Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, or the secluded open space <u>should</u> receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September. <p>If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight <u>should</u> not be further reduced.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> The design response. The impact on the amenity of existing dwellings. Existing sunlight penetration to the secluded private open space of the existing dwelling. The time of day that sunlight is available to the secluded private open space of the existing dwelling. The effect of a reduction in sunlight on the existing use of the secluded private open space. 	<p>Variation considered acceptable</p> <p>The shadow diagrams submitted with the application are based on the boundary wall heights at 3.6m. Shadowing resulting from the proposed development will be only marginally greater than that resulting from the approved two storey development on the site. Nonetheless, the amount of shadowing cast is still considered reasonable.</p>
<p>Clause 54.04-6 Overlooking objective</p> <p>To limit views into existing secluded private open space and habitable room windows.</p> <p>Standard A15 (Can be varied)</p> <p>Habitable room windows, balconies, terraces etc <u>should</u> be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window , balcony etc.</p> <p>The window, balcony etc may:</p> <ul style="list-style-type: none"> Be offset at least 1.5m form the edge of one window to the edge of the other; or Have sill heights, obscure glazing or permanent screens of al least 1.7m above floor level. <p>Obscure glazing may be openable provided it does not allow direct views.</p> <p>Note: This standard does not apply to a new habitable room window, balcony, terrace etc which faces a property boundary where there is a visual barrier at least 1.8m high and he floor level of the habitable room, balcony, terrace etc is less than 0.8m above ground level at the boundary.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> The design response. The impact on the amenity of the secluded private open space or habitable room window. The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. The internal daylight to and amenity of the proposed dwelling. 	<p>Achieved</p> <p>The windows would all be located at the ground floor level. The majority of the windows will face the wall of the property at 51 Station Street and the remainder of the windows will face the boundary fence or the street.</p> <p>It is considered that views from these windows will not adversely impact on the amenity of the surrounding residents.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
Clause 54.05: On-Site Amenity and Facilities	Applicant's Assessment
<p>Clause 54.05-1 Daylight to new windows objective</p> <p>To allow adequate daylight into new habitable room windows.</p> <p>Standard A16 (Can be varied) A window in a habitable room <u>should</u> be located to face:</p> <ul style="list-style-type: none"> • an outdoor space clear to the sky or a light court with a minimum area of 3m² and minimum dimension of 1m, not including land on an abutting lot, or • a verandah provided it is open for at least 1/3rd of its perimeter, or • a carport provided it has two or more open sides and is open for at least 1/3rd of its perimeter. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • The design response. • Whether there are other windows in the habitable room which have access to daylight. 	<p>Achieved</p> <p>The layout of the replacement building allows for adequate daylight to enter all habitable room windows.</p>
<p>Clause 54.05-2 Private Open Space objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard A17 (Can be varied) A dwelling <u>should</u> have private open space of:</p> <ul style="list-style-type: none"> • 80m² or 20% of the lot area, whichever is the lesser, but not less than 40m². • At least one part of the private open space <u>should</u> consist of secluded private open space with a minimum area of 25m² and a minimum dimension of 3m at the side or rear of the dwelling, with convenient access from a living room. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • The design response. • The useability of the private open space, including its size and accessibility. • The availability of and access to public open space. • The orientation of the lot to the street and the sun. 	<p>Variation considered acceptable</p> <p>Due to the size of the block it is unreasonable to expect the applicant to provide 80m² of private open space.</p> <p>More than 20% of the block is private open space, with an area totaling 33m². This amount of private open space is considered to be reasonable given the pattern of development in the neighbourhood and the accessibility of the space from the living areas of the dwelling.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.05-3 Solar access to open space objective</p> <p>To allow solar access into the secluded private open space of a new dwelling.</p> <p>Standard A18 (Can be varied)</p> <ul style="list-style-type: none"> • The private open space <u>should</u> be located on the north side of the dwelling, if practicable. • The southern boundary of secluded private open space <u>should</u> be setback from any wall on the north of the space at least (2 +0.9h), where 'h' is the height of the wall. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • The design response. • The useability and amenity of the secluded private open space based on the sunlight it will receive. 	<p>Achieved</p> <p>The private open space would be located on the north east side of the dwelling to allow maximum solar access while still ensuring that the open space is secluded.</p>
<p>Clause 54.06: Detailed Design</p> <p>Clause 54.06-1 Design detail objective</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p> <p>Standard A19 (Can be varied)</p> <p>The design of buildings <u>should</u> respect the existing or preferred neighbourhood character, including:</p> <ul style="list-style-type: none"> • facade articulation and detailing; • window and door proportions; • roof form; and • verandahs, eaves and parapets. <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting. • Whether the design is innovative and of a high architectural standard. 	<p>Applicant's Assessment</p> <p>Achieved</p> <p>The plans which were originally submitted with the application showed little detail of the facade. A meeting was held on site with officers and Council's Heritage Advisor where details were discussed.</p> <p>Revised plans have been submitted showing the detail. These plans reflect the discussions held and the windows, facade and door details are considered to reflect the prevailing streetscape. The details are simple and do not mock the original state of the building.</p>

Objectives and summary of standards	Applicant's Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.06-02 Front Fences objective</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>Standard A20 (Can be varied)</p> <p>The design of front fences <u>should</u> complement the design of the dwelling and any front fences on adjoining properties.</p> <p>A front fence within 3m of a street should not exceed:</p> <ul style="list-style-type: none"> • 2m height for streets in a Road Zone, Category 1; or • 1.5m height for any other street. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The setback, height and appearance of front fences on adjacent properties. • The extent to which slope and retaining walls reduce the effective height of the front fence. • Whether the fence is needed to minimise noise intrusion. 	<p>Achieved</p> <p>The main component of the front fence would be a simple picket fence at a height of 1.2m. This height reflects the character of the neighbourhood.</p> <p>There is one component of the fence which would be 2m high. This section has gates, which would provide access and screen the private open space. There are some examples of high front fencing along Station Street, which screen private open space, so this length of high fencing is considered appropriate.</p> <p>However it is recommended that the height of the fence be reduced to 1.8m. This would reduce the visual impact of the fence on the public realm while still providing adequate screening for the secluded open space.</p>

Car parking/Traffic

The application was not referred to Council's Traffic department, as the replacement dwelling represents a similar development to what currently exists. Given that the existing two bedroom dwelling does not provide off street car parking that there will be no increased impact.

It should also be noted that during the assessment of the previous application it was determined that a crossover to the site would be inappropriate, therefore it is difficult to make provision for any on site car spaces.

Residential Amenity

The replacement dwelling has a similar building envelope to that which currently exists on the site. It is considered that the layout, location of windows and height of walls on the boundary (subject to the conditions recommended) would not unreasonably impact on the amenity of the surrounding residents.

The scale of the replacement building fits comfortably within the streetscape, and although a similar form to the existing building, does not mimic the contributory building. There will be no potential for overlooking or overshadowing.

The height of the proposed boundary wall at 3.6 metres is considered to be appropriate given the existing conditions. Moreover, the approved development on the land which could see a wall height of 3.19 metres with a second storey set back only 1.2 metres from the boundary, would result in substantially more visual bulk concerns to neighbours. Finally it is noted that no objections to the proposal were raised by adjoining property owners. To this end, it is considered that this minor variation to the Rescode techniques can be supported.

ANALYSIS OF NON COMPLIANCES

Demolition of the contributory building

Permit 1559/1998/U has allowed the demolition of the building and replacement with a two storey building. The issue of demolition has already been considered by the Tribunal and it was decided that the building is not worthy of retention. In this light the main focus of this report has been the appropriateness of the single storey replacement building.

Nevertheless, the demolition of the contributory building has to be given some consideration as this part of the proposal still represents a variation from Council Policy. In the VCAT determination the Member also indicated that the values of the replacement building would be the key issue in determining if the demolition would be allowed. Notwithstanding, the Member indicated that an inspection of the site revealed a diverse range of building styles in the streetscape, and noted the linear park and light rail line opposite the subject land. It was decided that no. 50 Station Street was not worthy of retention based on the following reasons;

- The condition of the existing building;
- The response from Council's Heritage advisor that there was no objection to the demolition if the proposal contributes to the streetscape (The Tribunal agreed that it did);
- The diverse streetscape in which the site is located and the extensive linear parkland opposite;

Since the VCAT determination was handed down on the 31st August 2000, Local and State Policy, as it relates to demolition of heritage dwellings has changed very little. It is anticipated that if the same matter was to be heard by VCAT today, that the same decision would ensue.

Variations from the requirements of Clause 54

There are some variations from the standards of Clause 54, while some variations are considered to be acceptable and still meet the objectives, some conditions are recommended to address some of the variations.

The removal of the tree near the north east boundary is considered to be an unreasonable variation from Council Policy and the objectives of Clause 54. It would be feasible to retain the tree and it is recommended that as a condition of any permit issued that this tree be retained.

The fence/gates which are located on the front boundary is higher than the standard requirements. Given the context of the street the extent of the fence and the fact that the fence would ensure that the north east facing open space was secluded it acceptable. It is however considered that a height of 2m is excessive and that a 1.8m would serve the purpose of ensuring privacy while not interrupting the characteristically low front fences.

OPTIONS

6.1. Approve as recommended

6.2. Approve with changed conditions

6.3. Refuse - on key issues

- **Demolition of a contributory building within the heritage overlay**
- **Amenity impacts on the adjoining neighbours**

CONCLUSION

That the proposed demolition of the existing building and replacement with a single storey dwelling is appropriate and will not unreasonably impact on the streetscape or the amenity of the neighbouring residents.

The key issue of the demolition has been addressed at a previous Tribunal hearing and although this has been considered the main focus during the assessment has been placed on the single storey replacement building. The single storey replacement building is modest in comparison to what has been previously approved on the site and it is considered to fit comfortably within the streetscape.

RECOMMENDATION

That the Council, having caused the application to be advertised and having received no objections is of the opinion that the proposed demolition of the existing single storey dwelling and the construction of a new single storey dwelling in accordance with the endorsed plans will not cause material detriment to any person other than the applicant.

That a Planning Permit be issued for the demolition of the existing single storey dwelling and the construction of a new single storey dwelling.

The decision be issued as follows:

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 provided. The plans must be generally in accordance with the plans submitted on the 7 March 2002 and the plans of the facade submitted on the 8 April, 2002 but modified to show:
 - (a) The retention of the tree near the north east boundary of the site;
 - (b) The provision of permeable pavers in the courtyard area to the north east side of the site;
 - (c) The reduction in the height of north east section of the front fence to 1.8m above ground level;
 - (d) The provision of a colourbond roof in a 'natural galvanised steel' like colour.

All of the above to be to the satisfaction of the Responsible Authority.

2. Once started the development must be continued and completed to the satisfaction of the Responsible Authority.
3. The development as shown on the endorsed plans 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 plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
5. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the responsible authority

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

- (a) The development 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.

NOTES:

- (a) The developer shall show due care in the development so as to ensure that no damage is incurred to the buildings on the adjoining properties.*
- (b) 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 the Building Surveyor to ensure that all building development works approved by any building permit are consistent with this planning permit.*

**ORDINARY COUNCIL
22 APRIL 2002**

ORDER OF THE DAY

ORDER 3	LUNA PARK MEDIATION
KEY RESULT AREA:	IMPROVING THE BUILT ENVIRONMENT
ADDRESS:	Luna Park, Esplanade, St.Kilda
KEY RESULT AREA:	IMPROVING OUR BUILT ENVIRONMENT
ADDRESS:	Esplanade, St.Kilda
PROPOSAL:	To discuss proposed processes for resolution of planning disputes relating to Luna Park.
APPLICANT:	BCR Asset Management
EXISTING USE:	Luna Park
ZONING:	SPECIAL USE ZONE NO.2
OVERLAYS:	HERITAGE OVERLAY - HO76
PLANNING SCHEME PROVISIONS:	The park is covered by an Incorporated Document which sets out what approvals are required (not planning permits).
RESPONSIBLE MANAGER:	Bruce Phillips - Manager, Planning & Building Services (CoMPS)
AUTHOR:	Phillip Beard, Urban Planner

EXECUTIVE SUMMARY

An appeal has been lodged by the Luna Park operators against Council's decisions regarding buildings and works relating to rides, the Dodgem's Building and Giggle Palace building in August last year.

Council has lodged an enforcement order against the Luna Park operators for failure to comply with the endorsed plans forming part of Council's approval in August 2001.

The matters in dispute may lead to complex hearings.

The operators have suggested a mediation model for attempting to resolve the matters in dispute prior to formal VCAT hearings.

Officers recommend that mediation be attempted subject to parameters.

BACKGROUND

Luna Park is a significant heritage, historical and cultural place. Some of the buildings are classified by Heritage Victoria being the "face" and towers, the scenic railway and the Carousel.

In addition, the National Trust has classified the Dodgem Building.

The site is covered by an Incorporated Document which allows rides to be located, relocated or removed without Council consent, and Council approval (as opposed to a Planning Permit) for variations from the approved 1995 Development Plan.

The new lessee of Luna Park is BCR Asset Management who took over the lease in March, 1998.

As part of negotiations with the previous lessee, the Luna Park Development Plan was signed off by Council and the Department of Natural Resources and Environment in 1995 after consultation with and consensus of the various stakeholders.

This is generally a conceptual document which was intended to provide a 'blueprint' for the park's future, but was drawn up within tight time constraints for the previous lessee.

It does however, give an overall concept or vision for the park including some specific elements and a timetable in which to achieve certain outcomes.

No substantial work was undertaken by the previous lessee for a period of at least three years after the 1995 Development Plan was signed off.

In 2001, Council made determinations on some matters. The conditions which Council applied to those approvals are subject of an Application for Review lodged by the applicant at VCAT.

Inspections of the site have revealed that works, including themeing, have been undertaken pursuant to the approvals but do not accord with the conditions of Council's approvals, and enforcement action has been initiated by Council accordingly.

KEY ISSUES

Council needs to ensure that any approvals granted do not change the intent of long term implementation of the 1995 Luna Park Development Plan whilst allowing for BCR (Luna Park Operators) to operate economically in the short time to generate cash flow for the on-going implementation of the park refurbishment.

The Incorporated Document allows rides to located, relocated and removed without Council approval, subject only to notifying Council. Themeing of the rides however, requires Council consent.

Any buildings and works which may be considered a variation from the approved 1995 Development Plan requires the approval of Council.

This report relates to concerns about compliance with the Council approvals granted in August 2001, enforcement procedures and a process suggested as a means of mediating the planning disputes between Council and BCR.

APPROVALS:

At two meetings in 2001 (20th and 27th August) Council resolved as follows:

*“That the Special Council Meeting consider the report of the Manager, Planning and Building Services and determine to approve some aspects submitted for approval by BCR provided they do not prejudice the long term improvements to Luna Park and the implementation of the 1995 Development Plan (or any agreed revisions).
(Council notes that the current lease and Development Plan restrict ancillary uses to not exceed 500 square metres in total).*

That the Special Council Meeting authorise the Council’s Manager, Planning and Building Services to approve the following components of the plans submitted to Council by BCR for assessment and consideration:

The outdoor ground level café/food/drink outlet and the use of the Dodgems Building for a function room upstairs (to not exceed 500 square metres in total) and the Dodgem Car Ride on the ground floor subject to details being provided regarding the air-conditioning and plant (to be hidden) to the satisfaction of the Manager, Planning and Building Services.

The structure at the northern end of the Dodgems Building subject to that design generally according with the concept produced by the National Trust/ Friends of Luna Park.

Restoration of the existing Dodgem generally in accordance with the National Trust concept indicating a timeframe for completion of the works to be reflected in an updated timing schedule in the 1995 Development Plan noting that the earliest completion of these works is most desirable.

That Council seek written reassurance from BCR that the interior of the Dodgem Building will be suitably themed to the satisfaction of the Manager, Planning and Building Services and request the timeframe of those works.

That Council is concerned that the current proposed ride theming reads more as “backdrops” and not as the 3D experiential themed proposal as described in the Development Plan.

That Council requires reassurance that a cohesive and integrated and achievable implementation schedule of works exists so as to achieve the original objectives of the Development Plan.

That Council defer consideration of the Games Arcade until such time that Council can be satisfied that the Games Arcade is an interim structure that shall, in the medium term, be;

- a) removed to make way for the Giggle Palace as described in the development plan or modified to be incorporated into that structure; or*
- b) removed to make way for any new structure described in a revised development plan approved by Council, or modified to be incorporated into such a structure.*

Council requests that BCR provide detail of the appearance of the main façade treatment as viewed from behind to the satisfaction of the Manager, Urban Design and Architecture.

That the Council's Manager, Planning and Building Services be authorised to approve the theming of individual rides subject to consultation with relevant internal and external stakeholders including the Council's Manager, Urban Design and Architecture.

That Council note that these approvals do not on their own constitute satisfaction of final compliance with the development plan.

All of the above to be subject to a notation on the Games Arcade plans that theming of the building in accordance with the approved plans will be completed to the satisfaction of Council prior to commencement of use of any of the approved building.

That BCR be invited to enter into on-going dialogue with a consultative group comprising the interested parties and representatives of Council with a view to developing an acceptable long term vision based on the 1995 Development Plan.

That a Schedule 1 – Staging of Works as appears in the 1995 Development Plan be updated to the satisfaction of Council and the Department of Natural Resources and Environment, to be submitted prior to the end of October 2001 and in the event that this is not lodged, Council as Responsible Authority pursue enforcement action for breaches of the Schedule on the basis that an updated schedule is a fundamental basis of this decision.

ENFORCEMENT ACTIONS

The Planning Enforcement Unit carried out two site inspections following Council resolutions. The first inspection carried out on 2nd November 2001 found that “theming” of the site to be in non-compliance with the endorsed plans.

A letter was sent to BCR on 13th November 2001 detailing Council officers inspection of the site and that the theming related to individual rides being different from that shown on the endorsed plans and the theming should be completed in accordance with the endorsed plans prior to the operation of the rides. That letter also advised that Council has not received the updated schedule as required by the Council resolution. Council warned that enforcement action may be pursued for breaches if the requirements were not complied with as soon as possible.

A further inspection was conducted on 2nd January 2002 and the officers found that the theming of individual rides remained incomplete and in non-compliance with the endorsed plans.

An Enforcement Order application is currently being prepared and will be lodged at VCAT in the near future to run concurrently with BCR's appeal.

POLICY CONTEXT

The subject site is in a Special Use Zone with a Heritage Overlay and controlled by the Luna Park Incorporated Document which in turn incorporates the Luna Park Development Plan.

The details of the Planning Scheme controls are attached to this report.

OFFICER DISCUSSION

There are two actions currently under way. The applicant has lodged an Application for Review at VCAT against the "conditions" imposed by Council on the approvals given in August 2001 in relation to the Games Arcade, Dodgem's building and theming.

Council has lodged an Enforcement Order against BCR on the basis that the works have been undertaken but do not comply with the requirements of the approval granted by Council.

Officers have met with BCR to discuss the areas of dispute. Mediation was discussed prior to either matter being considered by VCAT.

The benefits of such an approach are:

Possibly improved outcomes compared to a VCAT decision.

Avoid 5-6 days of arbitration style VCAT hearings.

The methodology proposed is:

- Use an independent mediator (QC or similar) as outlined in a Mediation Deed submitted by the applicant's lawyers (attached). The Deed indicates a number of processes of mediation whereby all parties must use their best endeavours to achieve a solution, must accept the mediator's decision if the arbitration option is exercised or may withdraw from the mediation process upon written notification to all parties.

It is considered that the outcomes that Council should seek are:

- To achieve an agreed interpretation of the 1995 Development Plan and how the overall vision of that plan can be implemented in accordance with an agreed time schedule,
 - To ensure that all parties understand that the recent works undertaken at Luna Park are unsatisfactory in their current state.
 - To clarify the interpretation of various technical requirements of the Luna Park Incorporated Document.
- A common understanding of the following issues:
1. That the timing schedule forming part of the approved Development Plan requires updating or modification and clarification as to whether there is a contravention of the Development Plan with regards to the schedule.
 2. An appropriate internal treatment and layout of the Dodgems building.
 3. Interpretation of the 500 m² limitation in the Incorporated Document.
 4. Whether "theming" of rides and finishes on buildings has been undertaken satisfactorily and accord with approvals.

CONCLUSION

It is considered that mediation is a sensible course of action. Council would be seeking the resolution of the issues outlined in 6.5 above.

RECOMMENDATION

That Council agree to engage in mediation with BCR using the methodology set out in this report with the following intended outcome:

To achieve an agreed interpretation of the 1995 Development Plan and how the overall vision of that plan can be implemented in accordance with an agreed time schedule,

To ensure that all parties understand that the recent works undertaken at Luna Park are unsatisfactory in their current state.

To clarify the interpretation of various technical requirements of the Luna Park Incorporated Document.

A common understanding of the following issues:

1. That the timing schedule forming part of the approved Development Plan requires updating or modification and clarification as to whether there is a contravention of the Development Plan with regards to the schedule.
2. An appropriate internal treatment and layout of the Dodgems building.
3. Interpretation of the 500 m² limitation in the Incorporated Document.
4. Whether “theming” of rides and finishes on buildings has been undertaken satisfactorily and accord with approvals.

That the Manager, Planning and Building Services be authorised to engage legal representatives and others as required to implement the Council intentions as outlined in 9.1 above.

ATTACHMENT 1:

DETAILS OF PLANNING SCHEME CONTROLS OVER LUNA PARK;

Pursuant to the current Port Phillip Planning Scheme, Luna Park is subject to:

The Municipal Strategic Statement (Cl. 21), which recognises the importance of the St Kilda foreshore as an historic and regionally significant tourist destination and the diverse attractions, cultural icons and landmarks that contribute to the essence and distinctiveness of the St Kilda foreshore.

Schedule 2 to the Special Use Zone (Cl. 37.01), which contains the following provisions:

Four *purposes* for Luna Park being:

To retain and enhance the unique character of Luna Park as a fantasy amusement park for family recreation and to ensure its economic viability;

To introduce new and innovative rides and activities which cater for a variety of age groups;

To conserve those structures or features identified pursuant to the Heritage Act 1995 in accordance with the requirements of Heritage Victoria;

To ensure that the character and appearance of buildings and works complement existing buildings and works of architectural and historic importance in the area.

A *Table of Uses* that includes:

Section 1: Any use allowed in the Luna Park Incorporated Document, with the condition that the use must comply with any condition in that document.

Section 2: Any use allowed in the Luna Park Incorporated Document, if the Section 1 condition is not met.

Buildings and works - A permit is not required to construct a building or to construct or carry out works in accordance with the Luna Park Incorporated Document.

Heritage Overlay HO76 (Cl. 43.01) wherein:

Luna Park is included on the Victorian Heritage Register (Ref No. H938). The Entry Face and Towers, the Carousel and the Scenic Railway are the registered heritage items.

Prohibited uses may be permitted subject to meeting the requirements of Cl. 43.06-6.

Reference is made to the Luna Park Incorporated Document, noting that no permit is required for:

Repairs or routine maintenance.

“Anything done in accordance with an incorporated plan specified in a schedule to this overlay” (Cl. 43.01-2).

To develop a heritage place identified in the schedule to the overlay if the place is included on the Victorian Heritage Register and the requirements of the Heritage Act 1995 are met.

Luna Park Incorporated Document (Cl. 81):

The Luna Park Incorporated Document (formerly titled the Luna Park Consent Notice) includes conditions for the use and development of Luna Park as follows:

Luna Park can be used for the purpose of an amusement park and associated and ancillary uses including, but not restricted to, entertainment, restaurant, cafe and shop (not exceeding 500 m²). (Cl. 1).

Luna Park can be used and developed in accordance with the incorporated ‘Concept and Building Envelope Plan’ which indicates various Reduced Levels across the site that establish a maximum building height for amusement rides and buildings. (Cl. 1).

Prior to the commencement of development, there is a requirement to prepare a scaled Development Plan that must be referred to nominated authorities, including Heritage Victoria and the EPA, and approved by the Department of Conservation and Natural Resources (DC&NR) - representing the lessor - prior to endorsement by the Responsible Authority.

The Development Plan must be generally in accordance with the ‘Concept and Building Envelope Plan’ and must show (Cl. 1.2) the:

- staging of works, rides and structures over 10 years,
- proposed demolition, relocation, removal or external alteration of a permanent structure,
- proposed use of all buildings,
- location, height and dimension of existing and proposed buildings and works including fencing, signs and lighting,
- a Conservation Program, and
- location of loading/unloading and trade waste facilities.

The Development Plan may be amended at the request of or with the consent of the lessee, to the satisfaction of the RA (Cl. 1.2).

Before deciding on a request to endorse the Development Plan, the RA must consider various specified matters (Cl. 1.2) including:

- objectives relevant to Luna Park (which now comprise the purpose of Schedule 2 to the Special Use Zone),
- objectives relevant to the foreshore (in the MSS),
- consistency with the requirements for a Development Plan as set out in the Luna Park Incorporated Document,
- achievement of a fantasy image and character, and
- views of Heritage Victoria, EPA and Department of Conservation and Natural Resources.

The use and layout of the site, the size of proposed buildings and works, and the materials of construction, as shown on the endorsed Development Plan shall not be altered or modified without the consent of the RA (Cl. 1.3).

Council may approve variations from the Development Plan which is different to amending the Development Plan itself. Amusement rides (and buildings and works associated with those rides) may be introduced, removed or relocated within the areas identified for such rides on the Concept and Building Envelope Plan, provided that they comply with the category of ride and maximum height specified on that Plan and provided that notice is given to the RA (Cl. 1.4).

Clause 1.5 requires that details of external design and finishes of proposed buildings and works shall be to the satisfaction of the RA (i.e. themeing).

Clause 1.6 requires that the terms and conditions of any lease with DC&NR shall be observed.

Clauses 1.7 to 1.14 provide various provisions that are equivalent to permit conditions that relate to amenity matters, e.g. noise generation.

The land must not be used or developed except in accordance with the Incorporated Plan and the RA has the right to enforce any breaches of the Incorporated Plan (Cl's. 2 and 3).

Luna Park Development Plan

The current endorsed Luna Park Development Plan is dated June 1995 with the Conservation Program component of the Development Plan dated June 1997.

The endorsed Development Plan:

This states that,

“The Development Plan seeks to restore elements of historic significance, reconstruct the former world of fantasy that was the dominant characteristic of Luna Park and introduce new facilities that will revitalise and extend the appeal of Luna Park to visitors.” (P. 3).

Describes a theme for Luna Park which builds on its unique character as a fantasy amusement park.

Identifies buildings to be demolished and/or removed (ie the Scenic Railway Station, relocatable buildings and the Arcade).

Identifies “Key Elements” in the context of managing the ARRIVAL-ENTRY-EXPERIENCE sequence throughout the Park, including:

- Restoration of the registered heritage items (ie the Entry Face and Towers, Carousel and Scenic Railway).

- New administration centre and museum/shop.

- New version of the Giggle Palace (with some original amusements).

- New Scenic Railway Station

- Modern interpretation of the former River Caves ride inside a Crystal Mountain

- Contemporary roller coaster (major thrill ride).

- Dodgem building to be retained and used for a small restaurant and dodgems ride on the upper level and a hi-tech interactive games arcade at ground level

- Re-introduction of the Rotor.

- Family entertainment precinct (with children’s rides and food services)

- Furniture and landscape treatments.

- Facade treatments and wacky alleys (ie no dead ends or dull spaces with spaces between attractions becoming attractions in themselves using murals, faux materials, distorted perspective’s and other devices).

- Summary of the means to achieve a fantasy image and character.

The above elements in the Development Plan are conceptual and are described using text, a site layout plan and artists' impressions. In addition, the Development Plan refers to infrastructure upgrades that are required.

An indicative staging/timing plan for the implementation of the key elements of the Development Plan, most of which are to be completed by the end of 2000.

The Conservation Program which details the existing conditions and works program for the registered heritage items (ie the Entry Face and Towers, Carousel and Scenic Railway). Also, the Conservation Program provides a Statement of Significance for Luna Park (included as attachment 1) which assists in pinpointing the unique and special qualities of Luna Park.

**ORDINARY COUNCIL
22 APRIL 2002**

ORDER OF THE DAY

ORDER 4	DEPUTY MAYOR
KEY RESULT AREA:	ENSURING A SUSTAINABLE ORGANISATION
LOCATION/ADDRESS:	
RESPONSIBLE MANAGER:	DAVID GRAHAM – GENERAL MANAGER CORPORATE
AUTHOR:	MURRAY CHICK
FILE NO.:	
ATTACHMENTS:	DEPUTY MAYOR

KEY ISSUES

Council, pursuant to section 73 of the Local Government Act, can appoint a councilor to be the Acting Mayor who in the absence of the Mayor may perform any function or exercise any power conferred on the Mayor.

It is recommended that the Deputy Mayor, Councillor Liz Johnstone be appointed as the Acting Mayor, on an as required basis in the Mayor's absence and in accordance with the protocol as attached.

BACKGROUND

Council has previously appointed Councillor Johnstone as Deputy Mayor. As the Local Government Act is silent on the role of a Deputy Mayor, a council resolution is required to appoint Councillor Johnstone as the councilor who shall be the Acting Mayor in the Mayor's absence.

A protocol has been developed outlining the principles, role, rights and remuneration of a Deputy Mayor and is attached to this report and is recommended for adoption.

PROPOSAL

That Councillor Johnstone (Deputy Mayor) be appointed as Acting Mayor in circumstances where the Mayor is absent.

OPTIONS

If council does not make this appointment then on each occasion a separate resolution would be required to appoint an Acting Mayor in circumstances where the Mayor is absent.

POLICY CONTEXT

N/A.

ENVIRONMENTAL ASSESSMENT

N/A.

TRIPLE BOTTOM LINE ASSESSMENT

N/A.

RESOURCE IMPLICATIONS

N/A.

INTERNAL CONSULTATION

N/A.

EXTERNAL CONSULTATION

N/A.

IMPLEMENTATION

The performance of the function of Deputy Mayor shall be in accordance with the protocol attached and any applicable reference in the Local Government Act to Acting Mayor.

CONCLUSION

That council appoints Councillor Johnstone as Acting Mayor in the Mayor's absence.

COMMUNICATION

N/A.

RECOMMENDATION

That council appoints Councillor Liz Johnstone, Deputy Mayor, as Acting Mayor who in the absence of the Mayor may perform any function or exercise any power conferred on the Mayor.

That council adopt the Deputy Mayor protocol as attached to this report.

**ORDINARY COUNCIL
22 APRIL 2002**

ORDER OF THE DAY

ORDER 5	RETURN OF 2002 GENERAL VALUATION
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	N/A
RESPONSIBLE MANAGER:	DAVID GRAHAM - GENERAL MANAGER CORPORATE
AUTHOR:	BRUCE MCKEON - MANAGER PROPERTY AND REGULATORY SERVICES
FILE NO.:	14/01/360-02
ATTACHMENTS:	SCHEDULE 3 – VALUATION RETURN

KEY ISSUES

This report is a requirement of the Valuation of Land Act 1960 and requires adoption by Council.

The schedule 3 document, which is attached, is the formal return of the 2002 General Valuation of all rateable properties within the City of Port Phillip in accordance with Section 13DH(1) of the Valuation of Land Act 1960.

These valuations have been made in accordance with the Local Government Act 1989 and returned by Council's Valuation Contractor, Municipal Revenue Services.

BACKGROUND

Council at its meeting of 25 June 2001 resolved to undertake a bi-annual revaluation with prescribed date as at 1 January 2002 and the effective date being 1 July 2002.

The State Valuer-General informed the City of Port Phillip that the Minister for Conservation and Land Management set the prescribed date as at 1 January 2002.

PROPOSAL

To formally adopt the return of the 2002 General Valuation which will enable it to be used as the basis of Council rates for the coming financial year.

OPTIONS

Nil. This is a statutory requirement.

POLICY CONTEXT

The 2002 General Valuation is consistent with Council's determination of 25 June 2001.

ENVIRONMENTAL ASSESSMENT

Not applicable.

TRIPLE BOTTOM LINE ASSESSMENT

Not applicable.

RESOURCE IMPLICATIONS

Council will base its rates on the total Net Annual Value as provided in this report.

INTERNAL CONSULTATION

The return of the 2002 General Valuation is being undertaken in conjunction with the General Manager, Corporate.

EXTERNAL CONSULTATION

Discussions with the State Valuer-General and the State Revenue Office have occurred to ensure statutory compliance.

IMPLEMENTATION

The 2002 General Valuation is in the process of being uploaded onto Council's Rates System and will form the basis of next year's (2002/2003) rates.

CONCLUSION

The 2002 General Valuation is the third computerised revaluation undertaken on a bi-annual basis in accordance with Valuation Victoria guidelines. The previous Valuations were undertaken as at 1 January 2000. The effect of the Year 2002 General Valuation on Residential and Non-Residential properties showing percentage changes from the 2000 General Valuation for Site Value, Capital Improved Value and Net Annual Value is set out below.

SUMMARY OF 2002 REVALUATION

No. of Rateable Assessment	Site Value	Capital Improved Value	Net Annual Value
52,347	\$11, 811,820,749	\$20,184,025,300	\$1,111,593,015
Percentage Change (as from 1/1/2000)	38.9%	24.1%	20.7%

BREAKDOWN-DOWN BY PROPERTY TYPES – 2002 REVALUATION

RESIDENTIAL DWELLINGS

No. of Rateable Assessment	Site Value	Capital Improved Value	Net Annual Value
14,899	\$6,571,879,000	\$7,942,130,000	\$397,106,500
Percentage Change (as from 1/1/2000)	39%	31%	31%

RESIDENTIAL – OWN YOUR OWN UNITS

No. of Rateable Assessment	Site Value	Capital Improved Value	Net Annual Value
23,163	\$2,160,368,308	\$6,471,579,300	\$323,645,365
Percentage Change (as from 1/1/2000)	43%	22%	22%

RESIDENTIAL – INVESTMENT FLATS

No. of Rateable Assessment	Site Value	Capital Improved Value	Net Annual Value
7,145	\$850,955,559	\$1,452,937,000	\$72,677,040
Percentage Change (as from 1/1/2000)	43%	18%	18%

COMMERCIAL/INDUSTRIAL

No. of Rateable Assessment	Site Value	Capital Improved Value	Net Annual Value
7,140	\$2,228,617,882	\$4,317,379,000	\$318,164,110
Percentage Change (as from 1/1/2000)	33%	17%	9.0%

COMMUNICATION

An information brochure is being prepared for inclusion in the rate notice mail out. Further a communication strategy is being developed to handle media enquires regarding this issue.

RECOMMENDATION

That the report of the Manager, Property and Regulatory Services be received and that Schedule 3 be adopted by Council to fulfil the requirements of the Valuation of Land Act and the Local Government Act.

**ORDINARY COUNCIL
22 APRIL 2002**

ORDER OF THE DAY

ORDER 6	PROPOSED LOCAL LAW FEE CHANGES
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	N/A
RESPONSIBLE MANAGER:	STEPHEN COOPER – MANAGER HEALTH AND ENFORCEMENT
AUTHOR:	STEPHEN COOPER & ROD BURKE
FILE NO.:	
ATTACHMENTS:	ATTACHMENT A - SCHEDULE OF PROPOSED FEES

KEY ISSUES

To review the Fee Structure relation to matters covered under the Council's Community Amenity Local Law No. 1.

To note that processes have been put in place to centralise issue of permits relating to development approvals.

BACKGROUND

Under clause 54 of the community Amenity Local Law No. 1, Council may "from time to time, by resolution determine fees and charges for the purposes of this local law".

The last major review of relevant fees under this Local Law occurred in January 2000. A review at this time is therefore appropriate.

PROPOSAL

The schedule of current and proposed fees is set out in *Attachment A*.

The proposed schedule of fees is being used as a basis for relevant budget calculations.

Fees in relation to development approvals have been structured to better reflect levels of service delivered to and activity required in relation to the permits. This may include the cost to the community associated with occupancy of public land. Also 'application fees' have been proposed in a number of categories to capture the cost of incomplete or frivolous applications.

OPTIONS

Council can adopt or modify the proposed fees as detailed in Attachment A.

POLICY CONTEXT

The proposal supports the implementation of Council's Community Amenity Local Law No. 1.

An appropriate fee structure can be used to reinforce policy. In the case of the proposed fees, the use of an application fee will discourage frivolous or incomplete permit applications

ENVIRONMENTAL ASSESSMENT

This proposal supports Council's commitment to environmental initiatives through implementation of the Local Laws.

TRIPLE BOTTOM LINE ASSESSMENT

The proposed amendments support environmental objectives. The ultimate social and financial implications have not been quantified in the preparation of this report. However it is not considered that the implications would be material to the wider community.

RESOURCE IMPLICATIONS

Community Amenity Local Law No. 1 enables Council from time to time by resolution to determine fees for the purpose of the Local Law.

In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

The issue of fees related to development approvals has recently been centralised – to provide greater clarity and certainty for applicants and accountability for Council

INTERNAL CONSULTATION

This matter has been canvassed within the City Development Division, with the Manager Culture and Recreation and with the South Melbourne Market Administrator.

EXTERNAL CONSULTATION

No specific consultation has taken place

IMPLEMENTATION

Upon adoption of the recommendations, the revised fee structure will be implemented, with an effective date of 1 May 2002.

CONCLUSION

That the proposed fees be adopted. The adoption of the recommended Fee Structure will better enable fees to reflect service delivered and activity required by Council.

COMMUNICATION

The fees will be publicised to the relevant groups by the responsible service units.

RECOMMENDATION

That Council adopt the proposed fees as detailed in Attachment A to be effective from 1 May 2002.