



PLANNING COMMITTEE

MINUTES

25 JULY 2018



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 25 JULY 2018 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

Cr Pearl (Chairperson), Cr Baxter, Cr Bond, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, Cr Simic, Cr Voss

IN ATTENDANCE

Lili Rosic Acting General Manager Place Strategy and Development, George Borg Manager City Development, Donna D'Alessandro Coordinator Statutory Planning Gateway Ward, Scott Parkinson Principal Planner, Simon Gutteridge Coordinator Statutory Planning Canal Ward, Hamish Beere Senior Planner, Kathryn Pound Major Projects and Appeals Advisor.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES

Moved Crs Pearl/Simic

That the minutes of the Planning Committee of the Port Phillip City Council held on 27 June 2018 be confirmed.

A vote was taken and the MOTION was CARRIED.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Jeanette Gleeson

Can the two spotted gum trees at 246-290 St Kilda Road be listed as significant trees and protected from any future development?

George Borg responded that the application to develop at this site has been refused by Council. Should the application be approved at the upcoming VCAT hearings, the developers would require a permit to remove the trees. Council will assess the trees shortly and will deem them significant if applicable. Should the trees be deemed of significance, they will be protected from development.

Christine Walker

Can the Council demonstrate it has used an exhaustive process to consider the best possible use of the land 46-58 Marlborough Street, Balaclava, which it proposes to severely limit the public use of? Why is it that Council representatives believe property prices in the area will be diminished? Why is it that Council is choosing to make decisions that will diminish this area in the City of Port Phillip? Are the trees in the Marlborough Street carpark significant and will they be preserved in this development? What will be done to ensure the bird life in the trees is preserved?

Cr Marcus Pearl advised that Ms Walker's questions would be taken on notice.

5. COUNCILLOR QUESTION TIME

Nil.



6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 9 - 11 Palmerston Crescent South Melbourne
- 2 36 Evelyn Street St Kilda East
- 3 51-59 Thistlethwaite Street & 476, 478, 480 and 486 City Road, South Melbourne
- 4 135-137 Bank Street, South Melbourne
- 5 179 Gladstone Street, South Melbourne
- 6 Planning Permits Delegate Report - June 2018



6.1 9 - 11 Palmerston Crescent South Melbourne

The following speaker made a verbal submission in relation to this item:

David MacGowan

Mr MacGowan spoke in opposition of the proposed development and encouraged Council to strongly oppose the item at VCAT hearings.

Purpose

- 1.1 To provide Council position on planning permit application 1163/2017 for the construction of a multi level (19 storey), mixed use building over two basement levels containing 54 dwellings, a food and drinks premise, office and a reduction in the car parking requirements

MOVED Crs Bond/Voss

- 3.1 That Council adopt Recommendation “Part A” and “Part B” to advise VCAT that:
 - It would have issued a Notice of Refusal to Grant a Permit.
 - Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council Solicitors on the VCAT application for review.

RECOMMENDATION “PART A”

- 3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Notice of Refusal to Grant a Planning Permit for the construction of a multi-level mixed use building over two basement levels containing 54 dwellings, a food and drinks premise, office and a reduction in the car parking requirements at 9 - 11 Palmerston Crescent, South Melbourne on the following grounds:
 1. The proposal does not adequately satisfy the relevant objectives and strategies of the Local Planning Policy Framework (LPFF) namely 21.04-1 (Land Use - Housing and Accommodation), 21.05-2 (Built Form – Urban Structure and Character), 21.05-3 (Built Form – Urban Design and the Public Realm), 21.06-7 (Neighbourhoods - St Kilda Road North Precinct) of the Port Phillip Planning Scheme)
 2. The building scale and massing is contrary to Clause 21.05-2 (Built Form – Urban Structure and Character), 21.05-3 (Built Form - Urban Design and the Public Realm, 21.06-7 (Neighbourhoods - St Kilda Road North Precinct), 22.06 (Urban Design Policy for Non Residential Development and Multi Unit Residential Development) and 43.02 (Design and Development Overlay) of the Port Phillip Planning Scheme.



3. The proposal is inconsistent with the design objectives of the Design and Development Overlay Schedule 26, particularly in relation to overall height, podium / tower form, active frontages and side and rear setbacks.
4. The development would not allow for equitable development rights on the adjoining sites to the north (1 - 7 Palmerston Crescent, South Melbourne) and east (24 Albert Road, South Melbourne).
5. The proposal results in unacceptable level of internal amenity by virtue of the poor daylight to dwellings contrary to Clause 22.13 (Environmentally Sustainable Development) of the Port Phillip Planning Scheme.
6. The proposal has not provided an appropriate mix of dwellings, contrary to Clauses 21.04-1 (Land Use) and 21.06-7 Neighbourhood) of the Local Planning Policy Framework.
7. The proposed development fails to achieve the standard and objective of Clauses 58.02-3 (Dwelling Diversity), 58.02-5 (Integration with the Street) 58.04-1 (Building Setbacks) and 58.05-3 (Private Open Space).
8. The development would not provide acceptable vehicle access to and from the site in accordance with Clause 52.06 of the Port Phillip Planning Scheme which would impact the traffic flow in the RoW.
9. The proposal has not considered the cumulative traffic impacts in the RoW and on the surrounding streets.
10. The proposal has not adequately provided visitor parking spaces on site, contrary to Clause 52.06.
11. The proposal is an overdevelopment of the subject site and would not be in keeping with the orderly planning of the area.

RECOMMEDATION “PART B”

- 3.3 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on the VCAT application for review.

A vote was taken and the MOTION was CARRIED unanimously.



6.2 36 Evelyn Street St Kilda East

The following speakers made a verbal submission in relation to this item:

Filomena Tassone

Ms Tassone spoke against the proposed development and suggested that whilst Evelyn Street does not have a heritage overlay, it is on the cusp and believes properties in the area should be respectful of the heritage surroundings.

Warren Middleton

Mr Middleton spoke against the development and suggested it is not in character with the other properties in the street and diminishes the streetscape.

Trevor Ludeman

Mr Ludeman spoke on behalf of the applicant and agreed with the officer's recommendation and described the design changes that have been implemented in consideration of feedback.

Cynthia Karena

Ms Karena spoke against the proposed development and suggested the proposed design is not a modest approach or a measured design. Ms Karena suggested the proposed design is out of character for the streetscape.

Trevor Ludeman

Mr Ludeman responded that the streetscape is eclectic and that the proposed development will reflect this.

Purpose

- 1.1 Extend a dwelling on a lot less than 500 square metres and construct a front fence exceeding 1.5m in height in the General Residential Zone and reduce the number of car parking spaces required

MOVED Crs Copsey/Bond

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Grant a Permit be issued to extend a dwelling on a lot less than 500 square metres in the General Residential Zone and reduce the number of car parking spaces required at 36 Evelyn Street, St Kilda East.



3.3 That the decision be issue as follows:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and electronic copy provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The deletion of the car port at the front of the dwelling.
- b) No increase in the height of the front fence.
- c) North (side) and East (rear) elevation drawings.
- d) Plan and elevation drawing details of screening of first floor level windows to prevent overlooking of abutting properties in accordance with corresponding condition condition 11.
- e) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally;
- f) Any changes necessary to meet the requirements of the Sustainable Design Assessment in the corresponding condition below.
- g) Any changes necessary to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition below.
- h) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions;
- i) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD).

2. No Alterations

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempt the need for a permit.

3. Satisfactory continuation

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

4. Walls on or facing the boundary

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed to the satisfaction of the responsible authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the responsible authority.

5. Sustainable Design Assessment

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to and approved by the



Responsible Authority. Upon approval the Assessment will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.

6. Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment.

7. Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

8. Incorporation of Water Sensitive Urban Design initiatives

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

9. Piping and ducting

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

10. No equipment or services

Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

11. Privacy Screens - Cross-Sections Required

Before the development starts (other than demolition or works to remediate contaminated land), cross section elevation drawings of the screens to the first-floor level window(s) must be submitted to and approved by the Responsible Authority. The drawings must:

- a) Be drawn to scale and fully dimensioned;
- b) Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
- c) Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
- d) Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the balcony and/or window.

12. Privacy screens must be installed



Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

13. Time for starting and completion

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

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

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Permit Notes:

Building Approval Required

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

Building Works to Accord with Planning Permit

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

Due Care

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

Days and Hours of Construction Works

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

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

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

Drainage Point and Method of Discharge

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



Noise

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

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

4. RECOMMENDATION – PART B

- 4.1 Authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review.

A vote was taken and the MOTION was CARRIED unanimously.



6.3 51-59 Thistlethwaite Street & 476, 478, 480 and 486 City Road, South Melbourne

The following speaker made a verbal submission in relation to this item:

Alice Maloney

Ms Maloney spoke on behalf of Ratio Consultants and spoke in support of the officer's recommendation.

Purpose

- 1.1 To consider and determine application P39/2015/B, to amend existing permit P939/2015/A under s 72 of the *Planning and Environment Act 1987* to make a number of changes to the plans, conditions and preamble to demolish existing buildings, construct a mixed use 4, 6 and 8 level development plus basement, use the land for dwellings and alter access to a Road Zone Category 1.

MOVED Crs Simic/Gross

- 3.1 That in relation to Planning Permit Application P39/2015/A, the Council issues an Amended Planning Permit to demolish existing buildings, construct a mixed use 4, 6 and 8 level development plus basement, use the land for dwellings and alter access to a Road Zone Category 1 at 51-59 Thistlethwaite Street and 476, 478, 480 and 486 City Road, South Melbourne with the following amendments:

Amended preamble

The preamble to be:

To demolish existing buildings, construct a mixed use 4, 6 and 8 level development plus basement, use the land for dwellings and alter access to a Road Zone Category 1.

Date issued

The 'Date issued' (i.e. the date that the original permit P39/2015 was issued) to be 19 February 2016.

Amended conditions

Amend conditions 1, 16 and 32 and delete condition 19, so that the conditions are as follows (the amendments have been **bolded**):

1 Amended plans required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans received by Council on 22 May 2018 but modified to show:



- a) The “commercial” spaces annotation amended to state “Retail premises (other than a Supermarket, Adult sex bookshop, Hotel or Tavern) or Offices”.
- b) The grey face brick (BR01) (not the white glazed brick) replaced with red brick.
- c) The steel reveals (frames, feature fins, louvres and canopies) (AL02) replaced with a darker colour (such as charcoal/ monument).
- d) The light grey and pale yellow aluminium composite panels (AC01) replaced with darker panelling.
- e) The proposed stair and ramp adjacent to the lobby to the Stage 1 building located within the building line to provide a defined hard edge to the street.
- f) An accessible space in the Stage 2 building, if required under the relevant regulations.
- g) The roller doors to the waste rooms annotated on the plans.
- h) Annotate the intended use/ function of the “indoor amenities” areas.
- i) Remove all inconsistencies between the Finishes Schedule and the plans.
- j) Indicate the proposed finishes to balconies and soffits.
- k) One motor-cycle or scooter space.
- l) Separate residential and commercial bin rooms.
- m) Hard waste storage areas.
- n) The finished floor level of the substation/s being a minimum of 2.599 m to AHD.
- o) The height for installation of any electrical/ gas points or switches being a minimum of 0.6 m above the flood level (which is 2.449 m to AHD).
- p) A minimum of 190 Bicycle parking spaces for residents.
- q) A minimum of 34 bicycle parking spaces for visitors, including some on Thistlethwaite Street, some on or near City Road and some along the internal laneway/s.
- r) At least 20% of the bicycle parking spaces provided being horizontal.
- s) Improved access from Thistlethwaite Street and/ or City Road (via the internal laneway) into the bicycle storage area of Stage one.
- t) Direct access from City Road into the bicycle storage area of stage two.
- u) Provision of one communal roof terrace and one green roof area for each stage.
- v) Provision of other initiatives outlined by Council’s ESD Advisor, so that the nett sustainable design and water sensitive urban design outcome addresses Council’s requirements.
- w) Any changes required to meet the requirements of the Sustainable Management Plan (condition 2).



- x) Any changes required to meet the requirements of the Water Sensitive Urban Design response (condition 4).

2 Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. Upon approval the Plan will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.

3 Incorporation of Sustainable Design initiatives

Prior to the occupation of the building(s) allowed by this permit, the project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan.

4 Water Sensitive Urban Design Response

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Response must be submitted to and approved by the Responsible Authority. The Response must:

- a) Set out proposed stormwater treatment measures for the development and how they would meet the relevant Policy objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Planning Scheme;
- b) Include justification for how the development meets the objectives of Clause 22.12 if the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) are not met.

Upon approval the Response will be endorsed as part of the planning permit and the project must incorporate the Water Sensitive Design initiatives listed.

5 Incorporation of Water Sensitive Urban Design initiatives

Prior to the occupation of the building(s) allowed by this permit, the project must incorporate the water sensitive design initiatives listed in the endorsed Water Sensitive Urban Design Response.

6 Landscape plan

Prior to the commencement of the development hereby permitted, a landscape plan and schedule must be submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of the permit. Landscaping in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the building hereby permitted, and thereafter maintained (including replacement of any dead, diseased or damaged plants) to the satisfaction of the Responsible Authority.

7 Noise Attenuation for Apartments

Before the building allowed by this permit is occupied, the applicant/owner must ensure that external noise intrusion into apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed)



and measured in accordance with AS/NZS2107/2000 Acoustics - Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:

- a) Between 10pm and 7am in bedrooms areas must not exceed LAeq (9 hour) 40dB(A);
- b) Between 7am and 10pm in living rooms must not exceed LAeq (15 hour) 45dB(A).

8 Incorporation of Noise attenuation Measures

Prior to the occupation of the building(s) allowed by this permit, the project must incorporate the noise attenuation measures listed in the endorsed Acoustic Report and shown on the endorsed plans to the satisfaction of the Responsible Authority.

9 Vehicle crossings

Prior to the occupation of the building(s) allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings and all redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at cost of the applicant/owner to the satisfaction of the responsible authority.

10 Alteration/Reinstatement of Council or Public Authority Assets

Prior to the occupation of the building(s) allowed by this permit, the Applicant/ Owner shall do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

11 Public Services

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

12 Urban Art Plan

Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.



13 Incorporation of Urban Art Plan Measures

Prior to the occupation of the building(s) allowed by this permit, urban art in accordance with the endorsed Urban Art Plan must be installed to the satisfaction of the Responsible Authority.

14 Contaminated Land

Before the development starts (other than demolition or works to remediate contaminated land), the Responsible Authority must be provided with:

- a) A certificate of Environmental Audit for the land issued in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) A Statement of Environmental Audit for the land issued under Section 53Z of the Environment Protection Act 1970 confirming that the environmental conditions of the land are suitable for the use and development allowed by this permit.

15 Compliance with Statement of Environmental Audit

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

16 Remediation Works Plan

Before any remediation works are undertaken in association with the environmental audit, a remediation works plan must be submitted to and approved by the Responsible Authority **for each stage of the development**. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.



17 Lane Widening, Construction and Transfer

Prior to the use and occupation of the development allowed by this permit, the owner/developer of the land must provide or cause to be provided to the satisfaction of the Responsible Authority:

- a) The land along the westerly side of Arling Lane measuring not less than 1.6m width by not less than 43.33m length be set aside as Road for widening of the carriageway;
- b) Full construction of the carriageway widening to Council s specifications, at cost of the developer;
- c) The carriageway widening vested in Council as a Road on a plan of subdivision.

18 Agreement under Section 173 of the Planning and Environment Act 1987 Re: Developer Contribution

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- a) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority;
- b) Register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and
- c) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority s reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- a) The developer to pay a development contribution of:
 - \$15,900 per dwelling
 - \$180 per sqm of gross commercial floor area;
 - \$150 per sqm of gross retail floor area;

or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.

- b) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
- c) Require registration of the Agreement on the titles to the affected lands as applicable.
- d) Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions.



- e) Confirm that contributions will be payable to the Metropolitan Planning Authority.
- f) Confirm that the contributions will be used by the Development Agency as stipulated by the Metropolitan Planning Authority to deliver the schedule of types of infrastructure.
- g) Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.
- h) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
- i) Require that payment of 10% of the contribution is at the time of issue of the building permit and 90% to be made prior to the issue of a Statement of Compliance in accordance with the Subdivision Act 1988.
- j) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

**19 Agreement under Section 173 of the Planning and Environment Act 1987
Re: Windows on Boundaries**

Deleted.

20 Walls on or facing the boundary

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

21 3D Model

Before the development starts other than demolition and site preparation works, a 3D digital model of the overall development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Planning and Community Development Advisory note 3D Digital Modelling.

In the event that substantial modifications are made to the overall development a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority.

22 Dual Water Reticulation

Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.



23 Environmental Wind Assessment

Before the development starts, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report to the satisfaction of the Responsible Authority must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owners wind climate experts, referencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority

24 No Alterations

The layout of the site and the size, levels, design and location of buildings and works, and external materials, finishes and colours shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

25 Satisfactory continuation

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

26 Services to be underground

All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority. All costs associated with any such works must be borne by the applicant / owner.

27 Lighting baffled

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

28 No equipment and services

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

29 Building equipment and services

No external plant, equipment, services and exhausts other than those shown on the endorsed plans may be constructed unless otherwise agreed to in writing by the Responsible Authority. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

30 Parking and bicycle areas must be available

Car parking and bicycle areas and access lanes must be kept available for those purposes at all times and must not be used for any other purpose such as storage.



31 Mechanical Car Parking Stacker Maintenance and Provision

The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a car stacker system management plan including but not limited to the following:

- a) Allocation of car parking spaces according to vehicle size and type;
- b) Ongoing maintenance of the car stacker system;
- c) Instructions to owners/occupiers about the operation of the car stacker system; and
- d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

32 Number of dwellings

Without the further written consent of the Responsible Authority, no more than **150** dwellings may be constructed on the land.

33 Water Supply / Recycled Water / Sewerage Provision

The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.

34 Energy Supply Provision

The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.

35 VicRoads Condition

All existing vehicle crossing/s along City Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads (the Roads Corporation) prior to occupation of the buildings hereby approved.

36 Melbourne Water Condition 1

The ground floor must be constructed with finished floor levels no lower than 3.0 metres to Australian Height Datum (AHD), unless otherwise agreed in writing by Melbourne Water. Entryways may be constructed at street level, rising to 3.0m to AHD.



37 Melbourne Water Condition 2

The internal building car parking area is to be constructed with driveway rising to a minimum of 3.0 metres Australian Height Datum (AHD) to ensure all car parking, services and storage areas are protected from flooding. Any openings to the car parking area must be no lower than 3.0 metres to AHD.

38 Glazing Reflectivity

Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

39 Waste Management

An adequate waste management arrangement must be provided for the premises, in accordance with Council's Community Amenity Local Law No:3.

Without the further written consent of the Responsible Authority, waste management for the proposal must be in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

40 No Damage to Existing Street Tree(s)

The proposed development and works must not cause any damage to any existing street tree. Root pruning of any adjacent street tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of any crossover/works.

All adjacent street trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

41 Laneway Management

The 'stop linemarking and detector loop' arrangement proposed at the exit of each car park in order to assist in managing potential vehicle conflicts within the laneway should be installed to provide only additional warning to drivers of vehicles exiting the carparks as demonstrated in Figure 17 of Ms Charmaine Dunstan's of the Traffix Group evidence statement dated 4 November 2015.

42 Time for Starting and Completion

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

- a) The first stage is not started within two (2) years of the date of this permit.
- b) The first stage is not completed within two (2) years of the date of commencement of works.
- c) Subsequent stages of the development are not completed within four years from the completion of the first stage.
- d) The use is not commenced within two (2) years of the completion of the development in which the use is located.



The Responsible Authority may extend the periods referred to if a request is made in writing:

- a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

43 Staging

Any staging of the development is to be in accordance with a staging plan to the satisfaction of the Responsible authority. The staging plan must show the following:

- a) Details of the proposed staging;
- b) A requirement that the endorsed plans for that stage must show compliance with the conditions of the permit as appropriate to that stage; and
- c) The timing for construction of public works in relation to that stage and/or completion of the development to the satisfaction of the Responsible Authority.

PERMIT NOTES:

Building Approval Required

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

Building Works to Accord With Planning Permit

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

Due Care

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

Days and Hours of Construction Works

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

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

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

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and



approved by the responsible authority prior to the commencement of any buildings or works.

Permit required for signs

This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land and not exempt pursuant to the Port Phillip Planning Scheme, must be the subject of a separate planning permit application.

Waste Collection

The applicant must consult with Council's Waste Management Department regarding the location of waste bins and collection options. Waste management must be in accordance with Council's Community Amenity Local Law No. 3.

Roads and laneways to be kept clear

During the construction of the buildings and works allowed by this permit, the roads and laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

Parking Infringements

Any parking infringement relating to the proposed development may be reported to Council's Parking Enforcement Section on 9209.6751 (B.H.) or 9209.666 (A.H.) No resident or visitor parking permits The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Cross-over Permit Required

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

Air Conditioning Plant

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

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

Construction Management Plan



Before the development starts, a Construction Management Plan in accordance with Council's Local Law, must be submitted to and approved by Council.

Building Projections Beyond Site Boundaries

Any building projection beyond the site boundary may require the developer / property owner to enter into a S173 Agreement and/or licence with the Council to authorise occupation of Council land, and may be subject to an annual license fee.

Broadband, Communications and Digital Economy

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

Vic Roads notes

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the roads Corporation). Please contact VicRoads prior to commencing any works.

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for all buildings and works (including canopies and bicycle crossovers) undertaken outside the title boundary within a Road Zone Category 1.

Council contacts

Approval may be required from other Council Departments (where relevant) before the proposal may commence, and discussion with Council's Development Engineer is recommended prior to the submission of plans for standards of construction of crossovers and stormwater drains. The following contact details are provided for your assistance:

- Building Department 9209.6253
- Health Department (Community Amenity) 9209.6262
- Local Laws 9209.6852
- Development Engineer 9209.6774

Expiry Date

The words "date of this permit" in condition 42 refers to 19 February 2016 being the date of planning permit 39/2015. See attached "information about this permit" for expiry date relating to the approved amendments.

Amendments to the endorsed plans

Supersede the currently endorsed plans with amended plans which show the following changes:

- Consolidation of commercial tenancies, with total reduction in commercial floor area of 416.4 sqm, and removal of the community spaces.

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- Changes to the dwelling configuration and layouts, with two additional dwellings overall.
- Changes to the car and bicycle parking numbers and layout. This includes an increase of 6 car spaces (from a rate of 0.58 spaces per dwelling to 0.61 spaces per dwelling).
- Changes to communal open space configuration.
- Minor changes to the built form envelope.
- Changes to the external appearance, including to external materials (but no increase in height).
- Various other changes.

A vote was taken and the MOTION was CARRIED unanimously.



6.4 135-137 Bank Street, South Melbourne

The following speakers made a verbal submission in relation to this item:

Geoffrey Dowdell

Mr Dowdell spoke against the proposed development and described his concerns around overdevelopment of site, visual bulk and overshadowing. Mr Dowdell believes that the proposal does not respect the heritage of the area.

Antti Kilpokoski

Mr Kilpokoski spoke against the proposed development and described the issues neighbours will face due to the proposed rear setbacks, bulk of the design, right of way issues and overshadowing.

Brian Grieve

Mr Grieve spoke against the proposed development and spoke to issues with traffic in the immediate area and car park access. Suggested issues could be mitigated by using bank street for traffic purposes instead of Wilson street.

Donna Thibault

Ms Thibault spoke against the proposed development and expressed a lack of confidence in the traffic management reports that have been produced. Ms Thibault spoke to her concerns around pedestrian safety in the area and asked Council to support residents in their plight and to ensure the development is respectful to Emerald Hill.

Jason Black

Mr Black spoke on behalf of Insight Planning Consultants. Mr Black described some of the changes that have been made to the proposed development order to respond to the concerns that have been raised.

Andy McShanag

Mr McShanag stated that whilst the residents are not opposed to development, they are opposed to overdevelopment and he believes this proposal to be just that. Mr McShanag asked that Councillors consider all available information and hopes that the right decision is made.

Jason Black

Mr Jason Black, on behalf of the applicant, responded that all overshadowing conditions have been satisfied and that this project is increasing the current right of way.

Purpose

- 1.1 To determine Council's position on the upcoming Victorian Civil and Administrative Tribunal (VCAT) hearing for planning permit application 37/2017.



MOVED Crs Bond/Copsey

- 3.1 That Council adopt Recommendation “Part A” and “Part B” to advise VCAT that it supports the application with conditions and in the event that VCAT determines to grant a permit for the application, any permit issued should incorporate the conditions to this permit.
- 3.2 Authorise the Manager City Development to instruct Council’s Statutory Planners and/ or Solicitors on the VCAT application for review.

RECOMMENDATION “PART A”:

- 3.3 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT and other parties to the appeal that on the basis of the amended plans circulated on 21 June 2018, that Council changes its position and now supports the issuing of a planning permit, with conditions, for partial demolition and buildings and works to modify the façade, externally paint the building and to construct a four storey building (plus two basement levels) containing six dwellings and the waiver of one visitor car space at 135-137 Bank Street, South Melbourne.
- 3.4 That the decision be issued as follows:

1 Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans substituted for VCAT (received by Council on 25 June 2018) but modified to show:

- a) The retention or restoration/ recreation of the early painted sign on the eastern wall.
- b) A notation that the flagpoles are being retained.
- c) The kitchen and bedroom 1 windows of dwelling 102 modified to have obscure glazing or sill heights of at least 1.7 m above the finished floor level, or screened to prevent horizontal or downward views to neighbouring properties.
- d) The correct rear laneway width/s, based on updated survey information (noting that the width may vary at different points).
- e) The car lift modified, as necessary, so that it can be accessed from both directions on Wilson Street by a B99 vehicle with a 300 mm clearance from the property boundary of 1 Wilson Street; and, reflecting the correct laneway width (which is understood to be approximately 4.4 m). Swept paths must be submitted to demonstrate that this has been achieved without the need of



corrective manoeuvres within the laneway. Full specifications of the car lift must also be provided, with the correct overall and effective platform width and length reflected on the plans.

- f) Car space 2 modified, as necessary, so that it can be egressed by a B85 vehicle with no more than one corrective manoeuvre (four movements in total); and, reflecting the correct laneway width (which is understood to be approximately 4.4 m). Swept paths must be submitted to demonstrate that this has been achieved with adequate clearance maintained. This car space must be allocated to a resident.
- g) Car space 1 may be deleted to achieve the requirements of conditions e) and f) above. If it is to be retained, it must be modified, as necessary, so that it can be egressed by a B85 vehicles with no more than one corrective manoeuvre (four movements in total); and, reflecting the correct laneway width (which is understood to be approximately 4.4 m). Swept paths must be submitted to demonstrate that this has been achieved with suitable clearance. This car space must be allocated to a resident.
- h) The screen to the first floor south facing windows designed to prevent horizontal views, but allow upward views.
- i) The screen on the east and west sides of the second floor south facing balcony designed to prevent downwards views, but allow horizontal and upward views.
- j) Cross section elevation drawings of the screens associated with conditions 1c), h) and i) which:
 - i. Are drawn to scale and fully dimensioned.
 - ii. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen.
 - iii. Clearly illustrate how any louvre or batten system will allow the horizontal and/ or upward views (depending on what the condition specifies) but will prevent horizontal and/ or downward views (depending on what the condition specifies) to neighbouring properties.
 - iv. Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space and/ or windows are precluded, while allowing outlook horizontally and/ or upward from the balcony and/or window (depending on what the condition specifies).
- k) Details as outlined in conditions 7, 8, 10, 11 and 13.

2 No Alterations



The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

3 No change to external finishes

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

4 Privacy Screens Must be Installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

5 Walls on or facing the boundary

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

6 No equipment or services

No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

7 Urban Art Plan

Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

8 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:



- a) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- b) All street trees and/or other trees on Council land;
- c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways; and
- d) Water sensitive urban design.

All species selected must be to the satisfaction of the Responsible Authority.

9 Landscaping Maintenance

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

10 Waste Management Plan

Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

11 Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

12 Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

13 Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.



When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

14 Incorporation of Water Sensitive Urban Design initiatives

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

15 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

16 Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.



17 Parking and Loading Areas Must Be Available

Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

18 Lighting

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

19 Vehicle Crossings

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

20 Car Parking Allocation

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision at a rate of not less than two car spaces for each dwelling. The ground level car space/s must be allocated to residents.

21 Car Lift Maintenance and Provision

The mechanical car lift is to be maintained in a good working order and be permanently available for use for the parking of vehicles in accordance with its purpose, to the satisfaction of the Responsible Authority.

22 Car Lift Operation

Prior to the occupation of the building, internal and external warning lights must be installed to indicate when the car lift is in use and the default position of the car lift must be at the ground level (to give priority to vehicles entering from the laneway over vehicles exiting the building).

23 Provision of Bike Racks on the Pavement

Before the use commences one circular stainless steel bike rack must be installed at the cost of the applicant/owner on the adjacent public footpath in a location to the satisfaction of the Responsible Authority. Once the rack has been installed it will become a Council asset and the developer will have no further ongoing obligations or responsibilities regarding the racks.

24 Time for Starting and Completion

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

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



- b. The development is not completed within two (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 or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and
- Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

NOTES:

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

Building Works to Accord with Planning Permit

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

Drainage Point and Method of Discharge

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

Construction Management

All construction activities associated with the development must comply with the requirements of Council's Local Law No. 1 (Community Amenity) 2013.

Days and Hours of Construction Works

Developers

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 6.00pm; or



- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

Vehicle Crossing Permit Required

A vehicle crossing permit must be obtained from Council's City Permits Unit prior to the carrying out of any vehicle crossing works.

No Resident or Visitor Parking Permits

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

Laneways to be Kept Clear

During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless the necessary permits have been obtained from Council's City Permits unit pursuant to Local Law No. 1 (Community Amenity) 2013. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216.

RECOMMENDATION "PART B":

- 3.5 Authorise the Manager City Development to instruct Council's Statutory Planners and/ or Solicitors on the VCAT application for review.

AMENDMENT

MOVED Crs Brand/Gross

That the following condition be added

- l) That the return wall of the existing building on the north east façade be lowered to express the existing wall height of the historic hotel building, and that any side wall above this height be set back and finished sufficiently to distinguish it as new work separate from the existing.

A vote was taken and the AMENDMENT was CARRIED.

SUBSTANTIVE MOTION

MOVED Crs Bond/Copsey



- 3.1 That Council adopt Recommendation “Part A” and “Part B” to advise VCAT that it supports the application with conditions and in the event that VCAT determines to grant a permit for the application, any permit issued should incorporate the conditions to this permit.
- 3.2 Authorise the Manager City Development to instruct Council’s Statutory Planners and/ or Solicitors on the VCAT application for review.

RECOMMENDATION “PART A”:

- 3.3 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT and other parties to the appeal that on the basis of the amended plans circulated on 21 June 2018, that Council changes its position and now supports the issuing of a planning permit, with conditions, for partial demolition and buildings and works to modify the façade, externally paint the building and to construct a four storey building (plus two basement levels) containing six dwellings and the waiver of one visitor car space at 135-137 Bank Street, South Melbourne.
- 3.4 That the decision be issued as follows:

1 Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans substituted for VCAT (received by Council on 25 June 2018) but modified to show:

- a) The retention or restoration/ recreation of the early painted sign on the eastern wall.
- b) A notation that the flagpoles are being retained.
- c) The kitchen and bedroom 1 windows of dwelling 102 modified to have obscure glazing or sill heights of at least 1.7 m above the finished floor level, or screened to prevent horizontal or downward views to neighbouring properties.
- d) The correct rear laneway width/s, based on updated survey information (noting that the width may vary at different points).
- e) The car lift modified, as necessary, so that it can be accessed from both directions on Wilson Street by a B99 vehicle with a 300 mm clearance from the property boundary of 1 Wilson Street; and, reflecting the correct laneway width (which is understood to be approximately 4.4 m). Swept paths must be submitted to demonstrate that this has been achieved without the need of corrective manoeuvres within the laneway. Full specifications of the car lift



must also be provided, with the correct overall and effective platform width and length reflected on the plans.

- f) Car space 2 modified, as necessary, so that it can be egressed by a B85 vehicle with no more than one corrective manoeuvre (four movements in total); and, reflecting the correct laneway width (which is understood to be approximately 4.4 m). Swept paths must be submitted to demonstrate that this has been achieved with adequate clearance maintained. This car space must be allocated to a resident.
- g) Car space 1 may be deleted to achieve the requirements of conditions e) and f) above. If it is to be retained, it must be modified, as necessary, so that it can be egressed by a B85 vehicles with no more than one corrective manoeuvre (four movements in total); and, reflecting the correct laneway width (which is understood to be approximately 4.4 m). Swept paths must be submitted to demonstrate that this has been achieved with suitable clearance. This car space must be allocated to a resident.
- h) The screen to the first floor south facing windows designed to prevent horizontal views, but allow upward views.
- i) The screen on the east and west sides of the second floor south facing balcony designed to prevent downwards views, but allow horizontal and upward views.
- j) Cross section elevation drawings of the screens associated with conditions 1c), h) and i) which:
 - i. Are drawn to scale and fully dimensioned.
 - ii. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen.
 - iii. Clearly illustrate how any louvre or batten system will allow the horizontal and/ or upward views (depending on what the condition specifies) but will prevent horizontal and/ or downward views (depending on what the condition specifies) to neighbouring properties.
 - iv. Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space and/ or windows are precluded, while allowing outlook horizontally and/ or upward from the balcony and/or window (depending on what the condition specifies).
- k) Details as outlined in conditions 7, 8, 10, 11 and 13.
- l) That the return wall of the existing building on the north east façade be lowered to express the existing wall height of the historic hotel building, and that any side wall above this height be set back and finished sufficiently to distinguish it as new work separate from the existing.



2 No Alterations

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

3 No change to external finishes

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

4 Privacy Screens Must be Installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

5 Walls on or facing the boundary

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

6 No equipment or services

No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

7 Urban Art Plan

Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

8 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by



and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- b) All street trees and/or other trees on Council land;
- c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways; and
- d) Water sensitive urban design.

All species selected must be to the satisfaction of the Responsible Authority.

9 Landscaping Maintenance

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

10 Waste Management Plan

Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

11 Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

12 Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

13 Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the



development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

14 Incorporation of Water Sensitive Urban Design initiatives

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

15 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

16 Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;



- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

17 Parking and Loading Areas Must Be Available

Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

18 Lighting

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

19 Vehicle Crossings

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

20 Car Parking Allocation

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision at a rate of not less than two car spaces for each dwelling. The ground level car space/s must be allocated to residents.

21 Car Lift Maintenance and Provision

The mechanical car lift is to be maintained in a good working order and be permanently available for use for the parking of vehicles in accordance with its purpose, to the satisfaction of the Responsible Authority.

22 Car Lift Operation

Prior to the occupation of the building, internal and external warning lights must be installed to indicate when the car lift is in use and the default position of the car lift must be at the ground level (to give priority to vehicles entering from the laneway over vehicles exiting the building).

23 Provision of Bike Racks on the Pavement

Before the use commences one circular stainless steel bike rack must be installed at the cost of the applicant/owner on the adjacent public footpath in a location to the satisfaction of the Responsible Authority. Once the rack has been installed it will become a Council asset and the developer will have no further ongoing obligations or responsibilities regarding the racks.



24 Time for Starting and Completion

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

- a. The development is not started within two (2) years of the date of this permit.
- b. The development is not completed within two (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 or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and
- Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

NOTES:

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

Building Works to Accord with Planning Permit

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

Drainage Point and Method of Discharge

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

Construction Management

All construction activities associated with the development must comply with the requirements of Council's Local Law No. 1 (Community Amenity) 2013.

Days and Hours of Construction Works

Developers



Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

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

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

Vehicle Crossing Permit Required

A vehicle crossing permit must be obtained from Council's City Permits Unit prior to the carrying out of any vehicle crossing works.

No Resident or Visitor Parking Permits

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

Laneways to be Kept Clear

During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless the necessary permits have been obtained from Council's City Permits unit pursuant to Local Law No. 1 (Community Amenity) 2013. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216.

RECOMMENDATION "PART B":

- 3.5 Authorise the Manager City Development to instruct Council's Statutory Planners and/ or Solicitors on the VCAT application for review.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.



6.5 179 Gladstone Street, South Melbourne

The following speaker made a verbal submission in relation to this item:

Ian Kidston

Mr Kidston spoke in support of the officer's recommendation and commended the work of Council officers.

Purpose

- 1.1 To consider and determine application P1049/2017 for demolition of existing structures, use and development of a four storey dwelling with rooftop terrace and provision of car parking in excess of the Parking Overlay.

MOVED Crs Crawford/Copsey

- 3.1 That the Responsible Authority issues a Planning Permit P1049/2017 for demolition of existing structures, use and development of a four storey dwelling with rooftop terrace and provision of car parking in excess of the Parking Overlay at 179 Gladstone Street, South Melbourne, subject to the following conditions:

RECOMMENDATION "PART A":

1 Amended Plans Required

Before the use and/ or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans prepared by All Extension Design Service Revision 1, dated December 2017 and received by Council on 23 April 2018, but modified to show:

- a) The front portion of the roof deck setback from both side boundaries to match the setbacks of the rear portion of the roof deck.
- b) Either a solid wall or screen on the south-western boundary of the third floor deck. Removal of the roof overhanging this portion of the third floor deck may also occur.
- c) Increased ground floor ceiling heights to a minimum of 3 m, with no increase in overall building height.
- d) Higher quality architectural treatment to the blank south west facing side wall forward of the light well. A texture or cladding treatment should be used, not a painted finish.
- e) Details of the front screen including the width, depth and spacing of the vertical members and the framing required to support the screening. The screen must allow some visual permeability into the dwelling.



- f) Details of the landscaping behind the front screen and along the first-floor balcony. Plants selected must allow some visual permeability into the dwelling.
- g) The glass brick material being Poesia Arctic Crystal Natural.
- h) The first floor habitable room windows which face onto the lightwell screened to limit downwards views.
- i) Shading devices to the second and third floor street facing (fully glazed) walls, or the use of a high performance solar control glass.
- j) Provision of operable windows to allow cross-ventilation and a minimum of one operable window sash to each habitable room in addition to any glazed door. Window and door format and sash operation must be clearly indicated.
- k) Any changes necessary to meet the requirements of the Sustainable Design Assessment in the corresponding condition(s) below.
- l) The location of essential services, such as power connections, switchboards and other critical services being located at or above the floor level of 2.4 m to AHD.
- m) Any changes necessary to meet the requirements of Melbourne Water in the corresponding conditions below.
- n) Any changes necessary to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition(s) below.
- o) Any changes necessary to meet the requirements of the Landscape Plan in the corresponding condition below.
- p) Any changes necessary to meet the requirements for Noise Attenuation in the corresponding condition below.

2 No Alterations

The layout of the use and the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

3 No change to external finishes

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

4 Privacy Screens Must be Installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

5 Walls on or facing the boundary

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all



excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

6 No equipment or services

Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

7 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary
- b) Significant trees greater than 1.5m in circumference, 1m above ground
- c) All street trees and/or other trees on Council land
- d) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
- e) Landscaping and planting within all open space areas of the site, and
- f) Water sensitive urban design.

All species selected must be to the satisfaction of the Responsible Authority.

8 Completion of Landscaping

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

9 Landscaping Maintenance

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

10 Sustainable Design Assessment

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment that outlines proposed sustainable design initiatives and responds to the issues raised by Council's ESD Advisor (including but not limited to improving the energy rating) must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.



11 Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority.

12 Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

13 Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives and responds to the issues raised by Council's ESD Advisor must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

14 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- a) Inspection frequency
- b) Cleanout procedures, and
- c) As installed design details/diagrams including a sketch of how the system operates.

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

15 Contaminated Land

Before the development starts (other than demolition or works to remediate contaminated land), the Responsible Authority must be provided with:

- a) A certificate of Environmental Audit for the land issued in accordance with Section 53Y of the Environment Protection Act 1970; or



- b) A Statement of Environmental Audit for the land issued under Section 53Z of the Environment Protection Act 1970 confirming that the environmental conditions of the land are suitable for the use and development allowed by this permit.

16 Compliance with Statement of Environmental Audit

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an ongoing nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

17 Remediation Works Plan

Before any remediation works are undertaken in association with the environmental audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

18 Vehicle Crossings

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

19 Applicant to Pay for Reinstatement

Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:



- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

**20 Agreement under Section 173 of the Planning and Environment Act 1987
Re: Developer Contribution**

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- a) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority;
- b) Register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and
- c) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- d) The developer to pay a development contribution of:
- e) \$15,900 per dwelling
- f) \$180 per sqm of gross commercial floor area
- g) \$150 per sqm of gross retail floor area
- h) or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.
- i) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
- j) Require registration of the Agreement on the titles to the affected lands as applicable.
- k) Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions.
- l) Confirm that contributions will be payable to the Metropolitan Planning Authority.
- m) Confirm that the contributions will be used by the Development Agency as stipulated by the Metropolitan Planning Authority to deliver the schedule of types of infrastructure.



- n) Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.
- o) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
- p) Require that payment of 10% of the contribution is at the time of issue of the building permit and 90% to be made prior to the issue of a Statement of Compliance in accordance with the Subdivision Act 1988.
- q) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

21 Noise Attenuation for Apartments

External traffic noise intrusion within apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:

- a) Between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A);
- b) Between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A).

22 Melbourne Water Condition 1

The finished floor levels of the building must be constructed no lower than 2.4 metres to Australian Height Datum (AHD).

23 Melbourne Water Condition 2

The finished floor levels of the garage must be constructed no lower than 2.1 metres to Australian Height Datum (AHD).

24 Time for Starting and Completion

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

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

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and



- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

NOTES

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

Building Works to Accord with Planning Permit

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

Drainage Point and Method of Discharge

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

Other Approvals May be Required

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Days and Hours of Construction Works

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

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

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

Broadband, Communications and Digital Economy

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

Melbourne Water's notes

The applicable 1 % ARI flood level for the property is 1.60 metres to the Australian Height Datum (AHD).



If further information is required in relation to Melbourne Water's conditions shown above, please contact the Customer and Planning Services team on 9679 7517 quoting Melbourne Water's Reference MWA-1025160.

RECOMMENDATION "PART B":

- 3.2 Authorise the Manager City Development to instruct Council's Statutory Planners and/ or Solicitors on any future VCAT application/s for review.

A vote was taken and the MOTION was CARRIED unanimously.



6.6 PLANNING PERMITS DELEGATE REPORT - JUNE 2018

Purpose

To present a 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 and as amended, for the Port Phillip Planning Scheme.

MOVED Crs Gross/Copsey

That Council:

- 2.1 Receives and notes the [insert period] report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED.

Cr Pearl called for a DIVISION:

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 8.24pm.

Confirmed: 22 August 2018

Chairperson _____