



PLANNING COMMITTEE

MINUTES

11 DECEMBER 2019

These Minutes contain only summary comments from members of the public. To hear full submissions and view a complete recording of the meeting, go to:

<http://webcast.portphillip.vic.gov.au/archive.php>



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted



**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 11 DECEMBER 2019 IN ST KILDA TOWN
HALL**

The meeting opened at 6:00pm.

PRESENT

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

IN ATTENDANCE

Lili Rosic, General Manager City Strategy and Sustainable Development, George Borg Manager City Development, Damian Dewar, Manager City Design, Kelly White, Head of City Policy, Sophie Devine, Senior Strategic Planner, Kathryn Pound, Major Projects and Appeals Advisor, Nick McLennan, Planning Coordinator Canal Ward, Kirsty Pearce, Senior Governance Advisor, Rebecca Purvis, Governance Officer.

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 Gross/Pearl

That the minutes of the Planning Committee of the Port Phillip City Council held on 27 November 2019 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Cr Baxter declared an indirect interest by way of conflicting duty in item '6.1- Amendment C174port (Extension Of Heritage Overlay 8 - Tiuna Grove, Elwood) - Consideration of Submissions and Request to Proceed To An Independent Planning Panel.'



4. PUBLIC QUESTION TIME

Nil.

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 Amendment C174port (Extension Of Heritage Overlay 8 - Tiuna Grove, Elwood) - Consideration of Submissions and Request to Proceed To An Independent Planning Panel
- 4 Amendment C171port St Kilda Marina
- 3 12-14 Duke Street, St Kilda
- 5 Statutory Planning Delegated Decisions Report - November 2019
- 2 P773/2018 46, 48 & 50-58 Marlborough Street, Balaclava



**6.1 Amendment C174port (Extension of Heritage Overlay 8 - Tiuna Grove, Elwood)
- Consideration of submissions and request to proceed to an independent
planning panel**

Councillor Baxter, having declared an indirect interest in item 6.1, by way of conflicting duty, left the chamber at 6.04pm.

Purpose

- 1.1 To consider written submissions received during the public exhibition of Amendment C174port (Extension of Heritage Overlay 8 – Tiuna Grove, Elwood) to the Port Phillip Planning Scheme.
- 1.2 To determine whether to request the Minister of Planning to appoint an independent Planning Panel to consider submissions to the amendment.
- 1.3 To consider endorsing the Council Officer responses to issues raised in submissions, to form the basis of Council’s position at the Panel hearing.

The following speaker made a verbal submission to this item:

Mark Richardson

Mr Richardson asked that consideration be given to the properties at 21-23 Tiuna Grove to be assessed as heritage protected properties.

MOVED Crs Gross/Simic

That Planning Committee:

- 3.1 Receives and considers all written submissions made to Amendment C174port of the Port Phillip Planning Scheme.
- 3.2 Requests the Minister for Planning to appoint an independent Planning Panel to review the submissions received to Amendment C174port, in accordance with Part 8 of the *Planning and Environment Act 1987*.
- 3.3 Refers all submissions to the Panel to be appointed by the Minister for Planning.
- 3.4 Endorses the Council officer’s response to issues raised in submissions (provided in Attachment 3) and recommended changes to the Amendment outlined in 4.22 of this report as the basis for Council’s submission to the Panel.
- 3.5 Writes to all submitters to inform them of Planning Committee’s decision to refer the Amendment and submissions to a Planning Panel.

A vote was taken and the MOTION was CARRIED unanimously.

Cr Baxter returned to the chamber at 6.13pm.



Councillor Crawford left the chamber at 7.12pm.

6.2 Amendment C171port St Kilda Marina

Purpose

- 1.1 To inform Councillors of the written submissions received during the public exhibition of Amendment C171port (St Kilda Marina) to the Port Phillip Planning Scheme.

The following questions were taken on notice during the discussion of the item:

Councillor Voss took up Peter Holland's question relating to whether Council could engage in a 'beauty parade' and whether there is an opportunity in the future to potentially have an airing of the submitters to allow the community to see the various proposals.

Lili Rosic, General Manager City Strategy and Sustainable Design, took the question on notice.

Councillor Voss took up Trevor White's question relating to the Crown Land Reserves Act *'Even though Council has departmental advice, if the current head tenant is unsuccessful is Council ready for the potential appeal to the supreme court on the basis that the Council was not following the processes outlined in the Crown Land Reserves Act or other reasons like seeking the proposal for the developers proposals coming in now even though there is no planning scheme amendment in place.'*

Damian Dewar, Manager Strategy and Design, took the question on notice.

The following speakers made a verbal submission to this item:

Anna Borthwick

Ms Borthwick from 'Plan A' spoke on behalf of 92 submitters to Amendment C171 and addressed points that were raised in their written submission.

Stephen Bitmead

Mr Bitmead from 'Fastnet Consulting' spoke on behalf of local residents and raised concerns around the proposed built form of the marina development.

Philip Bird

Mr Bird questioned the lack of traffic and environmental studies, the use of public land for the development, the location of boat sheds and the presence of existing buildings in the area specifically Rollo's Kiosk.

Artemis Dimegos

Mr Dimegos spoke to the design of best practice marinas internationally, the shortfalls of the proposed marina design, protection of wildlife in the marina area and the need for rubbish clean up in the area.

Trevor White

Mr White posed a series of questions to the Councillors in relation to the masterplan, rates paid by current tenants, heritage buildings, any additional council staff required for this process, the need for a review process when issuing a long term lease.

MINUTES - PLANNING COMMITTEE MEETING - 11 DECEMBER 2019



Susanna Lobez

Ms Lobez asked a series of questions in relation to the community engagement panel report, the impact of increased tourism on resident carparking and the exclusion of third party appeal rights.

Peter Holland

Mr Holland spoke to his hopes that the marina will provide substantial facilities for the public's enjoyment and he spoke to public participation on this issue. Mr Holland suggested Council facilitates a 'beauty parade' of tenderers' ideas to enable public transparency on what is being proposed for the marina.

Alan Richardson

Mr Richardson has been a resident of Elwood for 50 years and spoke to this history of the marina area.

Helen Halliday

Ms Halliday addressed concerns for decisions being made without awareness of climate change effects and expressed hope for a more adaptable proposal.

Lindsay Davis

Mr Davis raised a series of concerns with the proposal and stated that the marina surrounds are significant and require design excellence. Mr Davis expressed concern that criteria for design excellence is not mentioned in the site brief.

MOVED Crs Gross/Simic

That Council:

- 3.1 Receives and considers all submissions to Amendment C171port – St Kilda Marina.
- 3.2 Extends its thanks to all submitters and to persons presenting at this meeting.
- 3.3 Notes that a further report will be presented to a Special Council Meeting on 29 January 2020, that will:
 - Provide a consideration of and recommended response to each submission and the issues raised in submissions to form the basis of Council's position at the planning panel;
 - Provide a recommendation on whether to refer all submissions to an independent planning panel appointed by the Minister for Planning for consideration by the independent planning panel

A vote was taken and the MOTION was CARRIED unanimously.



6.3 12-14 Duke Street, St Kilda

Purpose

- 1.1 To consider and determine Planning Permit Application P1128/2017 for the demolition of existing buildings and construction of two, two storey buildings accommodating eight dwellings above a basement carpark accommodating 16 cars.

The following speakers made a verbal submission to this item:

Jamie Govenlock

Mr Govenlock spoke on behalf of the applicant and spoke in support of the officers report and recommendation.

Catherine Wilson

Ms Wilson expressed concern that the Canary Island Date Palms would be removed and asked Council to protect the trees from development.

MOVED Crs Voss/Copsey

- 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 for the demolition of existing buildings and the construction of two, two storey buildings for the purpose of dwellings at 12-14 Duke Street, St Kilda
- 3.3 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 submitted with the application (identified as TP-101 to TP-110, TP200 to TP205, TP-301 to TP-305, TP-401 to TP-406 and TP-501 to TP-504, prepared by Bruce Henderson Architects and received by Council 18/04/2019, but modified to show:

- a) The relocation of the front fence to the front boundary of the site and the height of the fence notated as no more than 1.5m above the Duke Street footpath
- b) The articulation of the west facing wall of the stair to the basement improved by way of fenestration, rebates and/or other insertions into the exterior face of the wall
- c) A roof to the west facing wall of the stair to the basement



- d) Details including colour, material and operating mechanism of the basement ramp security door
- e) A notation indicating that all landscaping adjacent to the driveway to be no more than 900mm high at maturity
- f) Basement storage to each dwelling notated as comprising a volume of a minimum of 6m³
- g) A full schedule of materials, finishes and paint colours, including colour samples.
- h) Any modifications required by Melbourne Water at condition 4 of this permit

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.

3 Satisfactory continuation

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

4 Melbourne Water

- i. The building/dwellings must be constructed with finished floor levels set no lower than 5.35 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 5.05 m to AHD.*
- ii. The apex to the basement (entry/exist & walls on both sides) must be set at 300mm above the applicable flood level.*
- iii. The basement must be waterproofed and all doors, windows & openings to the basement must be set 300mm above the 100 year ARI flood level.*
- iv. The building/structure, including basements, footings, eaves and balconies must be set at least 2 m laterally clear of the outside edge of the Shakespeare Grove Main Drain. Clearance must be measured from the external surface of the channel wall. The following measures to be undertaken,*
 - a) No foundation/footings are to interfere with the drain. Footings shall be independent and self-supporting and be placed at such a distance and constructed in a manner that loadings are not imposed onto channel.*
 - b) Footings are to extend at least 300 mm below the invert of the drain to allow for future excavation of the drain in the 2 m lateral clearance zone adjacent to the proposed structure.*
 - c) No loads are to be imposed on the drain from construction machinery operating in close proximity to the Shakespeare Grove Drain. No stockpiling of construction materials are to be within 5 m of the edge of the drains wall.*
 - d) Pre & Post construction photos of the Shakespeare Grove Drain at the rear of the property must be submitted to Melbourne Water.*



- e) *Any damage caused to Melbourne Water's assets due to the development shall be paid for by the developer.*
- v. *Prior to the commencement of works, a separate build over application shall be made directly to Melbourne Water's Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water's drain. The following formation to be submitted as part of the application,*
 - a) *Survey plan showing the location of the drain and a mark-up of the proposed building line and setbacks;*
 - b) *Detailed design drawings for the building to demonstrate that the buildings footing design and building setback comply with the above requirements;*
 - c) *A statement from a suitably qualified engineer that states that: design of the proposed foundation allows for future excavation of the drain adjacent to the structure.*
- vi. *Prior to the commencement of works, a separate application direct to Melbourne Water's Asset Services Team must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.*
- vii. *The buildings envelope that includes the (deckings, pavers & planters), outside that must be set at existing natural surface level so as not to obstruct the passage of overland flows.*
- viii. *Any new fencing/gates (front of building) to be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.*
- ix. *Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels/apex to the basement have been constructed in accordance with Melbourne Water's requirements.*

5 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.

6 Sustainable Design Assessment

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment (SDA) 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.

7 Incorporation of Sustainable Design initiatives

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

8 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 (SDA) 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 SDA have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

9 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.

10 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.

11 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 Builder' User's Guide or a Building Maintenance Guide.

12 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.

13 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.

14 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.

15 Waste Management Plan

Before the development starts (other than demolition or works to remediate contaminated land), a 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.

16 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) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- (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;
- (d) Landscaping and planting within all open space areas of the site;
- (e) Water sensitive urban design elements;

17 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.

18 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.

19 Management of Canary Island Date Palm

Before the development starts, a management plan for relocation of the existing Canary Island Date Palm at the rear of the site prepared by a person who has extensive experience in relocation of this species of tree must be submitted to and approved by the Responsible Authority.

The management plan must include recommendations about how best the tree should be removed from the site and relocated to a site nominated by Council at the expense of the applicant/owner. The recommendations of the management plan must be carried out and completed to the satisfaction of the Responsible Authority prior to the completion of the development.

20 Street Tree Protection measures

Before the development starts, a Tree Management Plan, prepared by a suitably qualified arborist must be submitted to, and approved in writing by, the Responsible Authority to ensure the protection of the street trees adjacent to the site and the Canary Island Date Palms within Council's laneway. The approved Tree Management Plan must be implemented to the satisfaction of the Responsible Authority before and during the construction of the development.

21 Piping and ducting

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

22 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.

23 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.

24 Environmental Assessment

Before the development starts (excluding works necessarily forming part of the environmental audit process), a preliminary site assessment of the land must be conducted by a suitably qualified professional in accordance with the National Environment Protection Measure (Assessment of Site Contamination) 1999 as amended from time to time and the findings of that assessment must be submitted to the Responsible Authority.

Having regard to the Preliminary Assessment, if the Responsible Authority is satisfied that further assessment of the potential contamination of the land is required:

- An appointed auditor must be engaged pursuant to Section 53U of the Environment Protection Act 1970 to perform an environmental audit of the land.
- An environmental audit report must be produced in accordance with Section 53X of the Environment Protection Act 1970 must be provided to the Responsible Authority and
- A Certificate or Statement of Environmental Audit must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land:

- Development and/or use allowed by this permit must comply with any condition attached to the statement unless a certificate of environmental audit is subsequently issued for the land; and
- At the direction of the Responsible Authority, an agreement must be prepared and entered into by the owner, at the owner's cost, pursuant to Section 173 of the Planning and Environment Act 1987 to facilitate notification of future occupiers of the land of any conditions attached to the statement of environmental audit; and
- Prior to any use provided by this permit commencing, a letter prepared by an appointed auditor must be submitted to the Responsible Authority verifying that all conditions attached to the statement of environmental audit have been complied with.

25 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 four years of the date of the permit.

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.

A vote was taken and the MOTION was CARRIED.

6.4 Statutory Planning Delegated Decisions Report - November 2019

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 Pearl/Voss

That the Committee:

- 2.1 Receives and notes the November 2019 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 unanimously.

Councillor Crawford returned to the chamber at 7.58pm.

6.5 P773/2018 46, 48 & 50-58 Marlborough Street, Balaclava

Purpose

To consider and determine Planning Permit Application P773/2018 for construction of a six storey building above a basement carpark, comprising 46 dwellings, a shop, 39 public car parking spaces and 14 resident car parking spaces; reduction in car parking requirements at 46, 48 and 50-58 Marlborough Street, Balaclava.

The following speakers made a verbal submission to this item:

MINUTES - PLANNING COMMITTEE MEETING - 11 DECEMBER 2019



Clive Bowden

Mr Bowden spoke on behalf of Housing First and addressed the benefits of social housing supply in the Port Phillip area.

Michael Dunn

Mr Dunn spoke on behalf of Housing First and spoke to the history of the site and the design principles applied to the proposal.

Travis Walton

Mr Walton spoke against the proposed development and addressed a variety of concerns he has with the proposed design.

Peter Doig

Mr Doig reiterated the previous comments made by Clive Bowden and Michael Dunn.

Sophie Ryan

Ms Ryan spoke against the development in its current form and spoke to concerns about the proposed development's massing and height. Ms Ryan suggested visual breaks in the continuous massing would better support neighbourhood character, and that increased articulation and attention to materiality would better integrate upper floor levels with surrounding built form. Ms Ryan queried the level of amenity currently provided within the proposed Specialist Disability Accommodation (SDA) dwellings.

Alison Ryan

Ms Ryan spoke against the proposed development and expressed concern with the height and mass of the design.

Rhonda Small

Ms Small spoke in support of the proposed development. Ms Small queried who is responsible for the carpark management plan at the site, why does the building need a wind assessment and is it common for developments to require an urban art proposal.

Michael Ryan

Mr Ryan spoke against the proposed development and questioned whether the interests of all stakeholders had been fairly assessed against all current planning guidelines.

Helen Halliday

Ms Halliday spoke in support of the proposed development and welcomed the addition of social housing in the municipality. Ms Halliday asked Council to reconsider the design of the Balaclava walk.

MOVED Crs Gross/Copsey

- 3.1 That the Planning Committee adopt Recommendation "Part A" and "Part B", that:
 - A. 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.
 - B. Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's Solicitors on any 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, issue a Notice of Decision to Grant a Permit for buildings and works including construction of a six storey building above a basement carpark, comprising 46 dwellings, a shop, 39 public car parking spaces and 14 resident car parking spaces; reduction in car parking requirements; and the removal of two (party wall) easements at 46, 48 and 50-58 Marlborough Street, Balaclava.
- 3.3 That the decision be issued as follows:

1. Amended plans

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 16 September 2019 prepared by DOIG Architecture (TP-099 & TP-100 Rev C; TP-101-106 Rev A; TP120-133 Rev -; TP-200-205 & TP-300-301 Rev A; TP302 Rev B; TP-303; TP-304-305 Rev-; TP-306 Rev; TP-307 Rev-; TP-400-406 Rev B; TP-500 & TP-300 Rev-) but modified to show:

- a) The material selection for screen elements on the southern elevation amended by substituting a visually lighter material.
- b) A visually permeable gate abutting Dianella Lane in the north west corner of the site.
- c) No buildings (aside from architectural features that do not exceed the required height by more than 2 metres) that are more than 8 metres high being located within 5 metres of each boundary.
- d) The location of the front fences and a detailed elevation of the front fencing to Marlborough Street at a scale of 1:50.
- e) The retention of tree 3 on all plans.
- f) Which dwellings (being a minimum of 50% of the total number of dwellings) meet the accessibility requirements of Standard D17, and/ or any modifications required to achieve this.
- g) A schedule of external finishes in accordance with condition 4.
- h) Any changes required as a result of the amended Sustainable Management Plan in accordance with condition 7.
- i) The location of the urban art in accordance with condition 13.
- j) Any changes required to comply with the recommendations of the Wind assessment in accordance with condition 14.
- k) Incorporation of all acoustic treatment measures set out in the recommendations of the Acoustic report in accordance with condition 26.



- l) Any changes required to comply with Melbourne Water's requirements at conditions 35-41.

2. No Alterations (Development)

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.

3. Layout Not to be Altered (Use)

The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority unless the Port Phillip Planning Scheme exempts the new use from requiring a permit.

4. External Finishes

Before the development starts (other than demolition or works to remediate contaminated land), a full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file), must be submitted to, be to the satisfaction of, and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

5. 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.

6. 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.

7. Sustainable Management Plan & Water Sensitive Urban Design

Prior to the endorsement of plans under condition 1 of this permit, a Sustainable Management Plan (SMP) & Water Sensitive Urban Design (WSUD) that outlines proposed sustainable design measures must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP & WSUD & BESS report prepared by ark resources dated 21 February 2019 but modified to address, include or show:

- a) Clarification of details regarding passive solar control of north facing balconies and windows;
- b) Clarification of details regarding long term integrity from water penetration of terrace and balcony areas;
- c) Consistent WELS rating for dishwashers and washing machines;
- d) Consistent energy ratings;
- e) Consistent hot water system;
- f) Consistent clothes drying mechanism;



- g) Commitment to a maximum illumination power density (W/m²) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 Section J (Class 2 to 9) for non-Residential – internal lighting;
- h) Consistent area designated for solar photovoltaic system;
- i) Consistent graded area towards the proposed raingarden location;
- j) Details of the raingardens, including dimensioned cross sections, media depth, freeboard, indicative species, etc;
- k) Inclusion of a Construction Site Management Plan –that details stormwater management during construction in accordance with condition 10 below;
- l) Commitment to the use E1 or E0–grade engineered wood products (e.g. MDF, plywood, engineered-wood flooring);
- m) Consistent number of bicycle parking spaces;
- n) Installation of Electric Vehicle charge points to carparking spaces according to resident demand with electrical provisions at the main switchboard; and
- o) Achievement of minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.

Where alternative ESD measures are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

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

8. Incorporation of Sustainable Design initiatives

Prior to the occupation of any dwelling/building approved under this permit, the provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Implementation of Sustainable Design Measures

Prior to the occupation of any dwelling/building approved under this permit, a report (or reports) from the author of the Sustainability Management Plan (SMP), approved under this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority and must confirm all measures specified in the approved SMP and WSUD report have been implemented in accordance with the approved plans.

10. Construction Management Water Sensitive Urban Design



The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;

- 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.

11. 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.

12. 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.

13. 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.

14. 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 owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority

15. Car Parking Allocation – Private Spaces

Without the further written consent of the Responsible Authority, the fourteen (14) private car parking spaces at the ground floor level of the approved development must be allocated on any Plan of Subdivision as follows:

- a) Two spaces to the shop/s
- b) One space to each three bedroom apartment
- c) The remaining spaces to be allocated to two bedroom apartments
- d) No more than one space allocated per apartment, and
- e) Storage spaces (where applicable) must be allocated to the apartments at the ratio approved.

All to the satisfaction of the Responsible Authority.

16. Car Park Management Plan – Public Car Park

Prior to commencement of use, a Car Park Management Plan for the public car park must be submitted to and approved by the Responsible Authority. Once endorsed, the use of the car park must operate in accordance with the plan, to the satisfaction of the Responsible Authority. The plan must outline how the public car park will be operated and maintained and address, but not be limited to:

- a) The hours of operation, being no earlier than 6 am and no later than 10pm
- b) How vehicles would be prevented from parking overnight
- c) Time restrictions
- d) How the car park will be managed and maintained
- e) Security mechanisms
- f) Allocation of no more than two spaces for use by Metro Staff
- g) Lighting, and
- h) Internal and external signage.

17. Bicycle Parking Management Plan – ‘Parkiteer’ area

Prior to commencement of use, unless otherwise agreed to in writing by the Responsible Authority, a Bicycle Parking Management Plan for the ‘Parkiteer’ area must be submitted to and approved by the Responsible Authority. Once endorsed, the use of the area must operate in accordance with the plan, to the satisfaction of the Responsible Authority. The plan



must outline how the area will be operated and maintained and address, but not be limited to:

- a) Ownership, management and maintenance details, including details of any agreement/s with a third party, such as Bicycle Network
- b) Hours of operation
- c) Security mechanisms
- d) Lighting, and
- e) Internal and external signage.

18. Car and Bicycle Parking Layout

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

- a) Constructed;
- b) Properly formed to such levels that may be used in accordance with the plans;
- c) Surfaced with an all weather surface or seal coat (as appropriate);
- d) Drained and maintained;
- e) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane; and
- f) Clearly marked to show the direction of traffic along access land and driveways.

19. 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.

20. Lighting

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

21. Direction Sign

Before the occupation of the development allowed by this permit a sign containing details and of a size to the satisfaction of the Responsible Authority must be displayed directing drivers to the area(s) set aside for car parking. The sign must be located and maintained to the satisfaction of the Responsible Authority.

22. 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.

23. 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.

24. Green Transport Plan

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must address, as appropriate:

- a) Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc)
- b) Bicycle parking areas to be installed in well secured and prominent locations
- c) Provide a 'Share Car' parking space within the development for use by residents of the proposed development, as well as the wider community
- d) Install signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths
- e) Ensure that access to the on-site parking is restricted and controlled
- f) Funding by the applicant of the purchase of a bicycle as part of the sale for each of the apartments
- g) Establishment of a car-pooling database for residents
- h) Establishment of seed funding for the Owners Corporation to allocate for the purchase of public transport fares and on-line shopping deliveries



- i) Specific targets to guide the plans ongoing implementation
- j) Identify persons responsible for the implementation of actions
- k) Estimate timescales and costs for each action, and
- l) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

25. Waste Management Plan

The Waste Management Plan prepared by Irwinconsult dated 9 September 2019 will be endorsed to form part of the permit and must be carried out to the satisfaction of the Responsible Authority, unless otherwise approved in writing.

26. Acoustic Treatment

Prior to the occupation of the development, all acoustic treatments set out in the recommendations of the Acoustic report prepared by Marshall day Acoustics dated 25 September 2018, which will be endorsed to form part of the permit, must be implemented to the satisfaction of the Responsible authority, unless otherwise agreed in writing. All acoustic treatments must be maintained over time.

27. Public Realm Plan

Before the development starts, a Public Realm Plan detailing works on Balaclava Walk and any other part/s of the land intended to be retained by Council on the site as well as on the adjoining land including Marlborough Street is to be prepared and approved to the satisfaction of the Responsible Authority. When approved, the Public Realm Plan will be endorsed and will form part of this permit. The Public Realm works are to be designed in conjunction with Council's Planning and Open Space departments and are to be generally in accordance with the City of Port Phillip's Design and Technical Standards and associated guidelines in relation to landscape design, planting species, materials and finishes and should include, but not be limited to:

- a) Urban design elements including, but not limited to, paving, lighting, bicycle parking, seating and public art;
- b) DDA access through Balaclava Walk;
- c) Typical internal street elevations/ sections;
- d) Reconfiguration of on-street parking on Marlborough Street associated with the reconfiguration of crossovers and the inclusion of a small kerb extension and/ or on-street plantings adjacent to the western side of the basement car park ramp and removal of existing on-street planter between 42 and 44 Marlborough Street; and
- e) Landscaping information including:
 - i. A survey plan, including botanical names, of all existing vegetation/trees to be retained;



- ii. Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- iii. Significant trees greater than 1.5m in circumference, 1m above ground;
- iv. 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;
- v. Landscaping and planting within all open space areas of the site;
- vi. Water sensitive urban design; and
- vii. Advanced tree stock (minimum 45 litre pot or bag 2.5 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority).

All works shown in the approved Public Realm Plan must be completed within one month of the date of completion of the development.

28. Landscaping plans – Non-Council land

Before the development starts (other than demolition or works to remediate contaminated land), an amended detailed Landscape Plan for non-Council land within the development 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 be generally in accordance with the advertised Landscape Concept Plans prepared by STEM Landscape architecture and Design Rev 2 dated 21 February 2019, but modified to show:

- a) Details of landscape treatments to balconies.

29. Completion of Landscaping – non-Council land

The landscaping as shown on the endorsed Landscape Plans 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.

30. Landscaping Maintenance – non-Council land

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.

31. Tree Protection Management Plan

Before the development starts, a Tree Protection Management Plan prepared by a suitably qualified Arborist must be submitted to, approved by and be to the satisfaction of the Responsible Authority. It must comply with AS 4970 - 2009 *Tree protection on development sites* and set out how the four existing trees designated as being retained (trees 3, 17, 18 and 19 as



identified in the Arboricultural Inspection Report prepared by Arboriculture Pty Ltd dated July 2018) will be protected during construction.

When approved, the Tree Protection Management Plan will be endorsed and form part of the permit. The tree protection measures outlined in the report must be complied with to the satisfaction of the Responsible Authority.

32. Minimum Clearance Above Footpath

The minimum clearance to the underside of any projection over the footway surface in Balaclava Walkway must be 2.7 metres.

33. Section 173 Agreement – Affordable housing provision

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. 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 and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land pursuant to Section 181 of the Section 173 of the Planning and Environment Act 1987, and must provide for the following:

- a) PPHA shall covenant with Council to only develop or use the Development Land for a purpose which is consistent with the following:
 - viii. The owner of the Development Land being a registered housing agency under part 8 of the Housing Act 1983; and
 - ix. The provision of affordable housing in accordance with the obligations of a registered housing agency under part 8 of the Housing Act 1983;
- b) If PPHA breaches its obligation pursuant to the preceding clause of this Agreement, PPHA shall (at Council's option) retransfer the Development Land to Council for the Specified Consideration. The exercise of such a right of retransfer is conditional upon Council giving 90 days' notice in writing to PPHA and PPHA failing to remedy its breach within the specified 90 days and Council having given such notice within 90 days of Council first becoming aware of the relevant breach. The transfer of the title for the Development Land must be effected within 30 days of expiration of the specified 90 day notice period; and
- c) The agreement will terminate on the date which is 50 years after the date of the agreement.

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987. A dealing number must be provided to the Responsible Authority.



34. Public Land and Access

Council must retain ownership and be responsible for the ongoing management of the public car park and Balaclava Walk. Balaclava Walk must provide twenty four hour public access. The basement car park must provide public access at the times specified elsewhere in these conditions.

Melbourne Water Conditions 35-41

35. Amended plans

Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:

- a) Finished floor levels of the substation must be set no lower than 6.45 metres to AHD.
- b) The basement entrance must be set no lower than 6.45 metres to AHD.
- c) any opening to the basement must be set no lower than 6.45 metres to AHD.
- d) Any new fencing must be substituted with a 50% 'open style' fence.

36. Finished floor levels

Finished floor levels of the building including the substation and lift area must be constructed no lower than 6.45 metres to Australian Height Datum (AHD).

37. Basement apex

The basement must incorporate a flood proof apex constructed no lower than 6.45 metres to AHD.

38. Basement opening

Any opening to the basement must be constructed no lower than 6.45 metres to AHD.

39. Imported fill

Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway.

40. Fencing

Any new fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.

41. Certified Survey Plan

Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.



End Melbourne Water Conditions

42. Time for Starting and Completion (Use and development)

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 four (4) years of the date of this permit.
- 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.

Easement removal

43. Certification and Lodgement Timeframe

The plan of subdivision must be lodged with the Registrar of Titles within five (5) years of its Certification by the Responsible Authority. Once lodged at the Titles Office, the Plan of subdivision must not be withdrawn without the written consent of the Responsible Authority.

44. Expiry - Easement Removal

This permit as it relates to easement removal will expire if one of the following circumstances applies:

- a) The subdivision is not started within two (2) years of the date of this permit as evidenced by the Plan of Subdivision being certified by Council within that time.
- b) A Statement of Compliance has not been issued by Council within five (5) years of the date of the Plan of Subdivision being Certified by Council.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

PERMIT NOTES:

No Resident or Visitor Parking Permits: The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Melbourne Water: The applicable flood level is 6.15 metres to Australian Height Datum (AHD).

Boundary Fences: This permit has been assessed only against the relevant planning controls relating to fencing in the Port Phillip Planning



Scheme. Property owners rights and responsibilities for fences on a common boundary are prescribed by the provisions of the Fence Act 1968 (refer particularly to Part 3 Procedures; Division 1, Sections 11 to 22).

Boundary Fences: A fence exceeding two metres in height may require a Building Permit. Please contact the relevant Building Surveyor.

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.

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 adjoining building and property.

Asset Protection: Before the development starts (including demolition) an Asset Protection Permit must be obtained from Council's City Permits Unit.

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 may be considered pursuant to Local Law No. 1 (Community Amenity) 2013, Clause 31. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216. An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.



Air Conditioning 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:

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

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.

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.

Significant Trees: This permit does not authorise the pruning or removal of any significant trees and/or removal of vegetation. A permit must be obtained pursuant to Local Law No. 1 (Community Amenity) 2013, Clause 44. For further information contact Council's City Permits unit on Ph: (03) 9209 6216.

Legal Point of Discharge: A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified engineer in accordance with that report prior to a building permit being used.

RECOMMENDATION "PART B"

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

A vote was taken and the MOTION was CARRIED.

Cr Simic called for a DIVISION.

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

AGAINST: Crs Bond and Pearl

A vote was taken and the MOTION was CARRIED.



7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

MOVED Crs Voss/Gross

That in accordance with Section 77(2)(a) of the Local Government Act 1989 (as amended), the meeting be closed to members of the public in order to deal with the following matters, that are considered to be confidential in accordance with Section 89(2) of the Act, for the reasons indicated:

8.1 8 Palmerston Crescent, South Melbourne

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:
89(2)(f). Legal advice.

A vote was taken and the MOTION was CARRIED.

The meeting was closed to the public at 8.53pm.

The meeting was reopened to the public at 8 56pm.

As there was no further business the meeting closed at 8.56pm.

Confirmed: 26 February 2020

Chairperson _____