



PLANNING COMMITTEE

MINUTES

14 NOVEMBER 2018



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 14 NOVEMBER 2018 IN ST KILDA TOWN
HALL**

The meeting opened at 6:32pm.

PRESENT

Cr Gross (Chairperson), Cr Baxter, Cr Brand, Cr Crawford, Cr Pearl, Cr Voss.

IN ATTENDANCE

Lili Rosic, General Manager City Strategy and Sustainable Development; George Borg, Manager City Development; Richard Schuster, Planning Coordinator Lake Ward; Simon Gutteridge, Planning Coordinator Canal Ward and Fishermans Bend; Phillip Beard, Senior Planner; Matt Spencer, Principal Planner; Michael Mowbray, Planner.

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

Moved Crs Voss/Baxter

That apologies be received and a leave of absence granted to Cr Bond, Cr Copsey and Cr Simic.

A vote was taken and the MOTION was CARRIED.

2. CONFIRMATION OF MINUTES

MOVED Crs Voss/Baxter

That the minutes of the Planning Committee of the Port Phillip City Council held on 24 October 2018 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil.

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 270 BEACONSFIELD PARADE, MIDDLE PARK
- 2 47 BLESSINGTON STREET, ST. KILDA
- 3 3 RAINSFORD STREET, ELWOOD
- 4 28 WELLINGTON STREET, ST KILDA
- 5 60 - 82 JOHNSON STREET, SOUTH MELBOURNE
- 6 3/339 WILLIAMSTOWN ROAD, PORT MELBOURNE
- 7 PLANNING PERMITS DELEGATE REPORT - OCTOBER 2018



6.1 270 Beaconsfield Parade, Middle Park

Purpose

- 1.1 To consider and determine an application for demolition of a contributory graded building and construction of one new dwelling on the subject site.

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

Linda Sloan (Objector)

Ms Sloan's family own the neighbouring property which will be impacted by the proposal, her concerns included overshadowing, proposed bulk, site coverage and exhaust risers.

Alexandra Wade (Applicant)

Ms Wade spoke for the applicant and asked Councillors to support the officers' recommendation for a single family home.

MOVED Crs Gross/Voss

- 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 demolition of the existing building and construction of a new dwelling at 270 Beaconsfield Parade, Middle Park.
- 3.3 That the decision be issued as follows:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans forming part of the application but modified to show:
 - a) The extent of footpath behind the garage increased (with grass extent decreased) so that it forms a splay allowing vehicles to enter/exist the garage without the need for a widened crossover or the need to drive across the existing nature strip.
 - b) The embossed brick pattern at the rear of the dwelling facing McGregor Street being a contrasting shade from the other proposed surfaces.



- c) The depiction of a reveal 'slot' around the upper perimeters of each element of the building, with this reveal being at least 200mm high and 300mm deep, above which is to be depicted a flat roof/cap on each respective building element.
- d) A reduction in the overall height of the building by at least 900mm together with a reduction in the ground level south-east facing parapet height of 600mm, consequently reducing the wall height abutting the sideway of No. 271 from 4.8m to 4.2m aside from a 600mm long return from the south-east elevation to the north-east elevation,
- e) The lobby window on the second floor adjacent to No. 271 screened so as to allow outward and distant views but to prevent downward views into the sideway or open space areas of that abutting property.
- f) The pedestrian entry gate to McGregor Street being largely transparent together with the wall located on the McGregor Street frontage between the pedestrian gate and garage lowered to 1.8m in height above footpath level

No Layout Change

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

External colours and Finishes

- 3. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

Plant & Equipment

- 4. 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.

Incorporation of Water Sensitive Urban Design initiatives

- 5. 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.



Maintenance Manual for Water Sensitive Urban Design Initiatives

6. 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
 - c) as installed design details/diagrams including a sketch of how the system operates
 - d) 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.

Incorporation of Sustainable Design Initiatives

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

Privacy Screens Must be Installed

8. 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.

Walls on or facing a boundary

9. 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.

Car parking Areas must be Available

10. Car and bicycle parking 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.



Vehicle Crossings

11. 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. Any 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.

Applicant to Pay for Reinstatement

12. 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

Landscape Plan

13. 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;
 - d) Landscaping and planting within all open space areas of the site;
 - e) Water sensitive urban design.



Time Limits

14. This permit will expire if one of the following circumstances applies:
- a) The development is not started within 2 years of the date of this permit.
 - b) The development is not completed within 2 years of the date of commencement.

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.

Permit Notes

- a) 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.
- b) The applicant/owner would 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.
- c) The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.
- d) 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.

A vote was taken and the MOTION was CARRIED.



6.2 47 Blessington Street, St. Kilda

Purpose

- 1.1 To consider and determine an application for an amendment to an existing permit granted for an on premises liquor licence (which allows the sale and consumption of liquor between 7am to midnight Mondays to Saturdays and 10am to midnight Sundays) by deleting Condition 16 that prohibits amplified music being played at the premises and replacing it with a condition allowing amplified and live music to be played between 7.30am and 10.30pm Monday to Thursday and between 4.30pm and 10.30pm Friday to Sunday.

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

Warren Foster (Applicant)

Mr Foster explained that the application, the subject of which was a licensed bar, had come about due to an archaic conditions of an early permit and urged Councillors to support the officers' recommendation.

MOVED Crs Pearl/Baxter

- 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 an Amended Permit.
- 3.2 That a Notice of Decision to Grant an Amended Permit be issued for deletion of Condition 16 and allowing construction of a rear acoustic air lock for the licensed premises at 47 Blessington Street, St. Kilda
- 3.3 That the decision be subject to the following
- 3.4 That the permit pre-amble be amended to read as follows
 - To develop and use the land for the purposes of on premises liquor licence and buildings and works **including a rear acoustic air lock and minor buildings and works at the rear of the site** generally in accordance with the endorsed plans and subject to the following conditions:
- 3.5 That the following existing conditions be re-worded/amended and renumbered as follows

Patron Numbers

- ~~3 A minimum of 37 chairs must be available to patrons of the licensed restaurant at all times~~



replaced with:

- 10 Without the written consent of the responsible authority, no more than 25 patrons must attend the licensed premises at any one time.

Time Limits

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

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

replaced with:

(a) The **performance of live music associated with the serving and consumption of liquor** is not started within one year of the date of this permit.

~~(b) The development is not completed within 2 years from the date of commencement of the works~~

replaced with:

(b) The development is not started within 1 year of the date of this permit

AND

~~(c) The use is not commenced within 2 years.~~

replaced with:

(c) The development is not completed within 6 months of the date of commencement

3.6 That the following new conditions be included on the permit:

Amended Plans

1. Before the development starts and before any live/amplified music is performed at the site, 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 forming part of the application but modified to show:
 - a) A notation on the plans that the rearmost airlock door is to remain closed at all times that music is being performed,
 - b) A notation on the plans showing installation of an automatic door closer for the front door facing Blessington Street,
 - c) Acoustic details of the airlock and acoustic fencing



- d) The acoustic fencing shown as a free standing structure,
- e) Deletion of the word 'smoking' from the rear courtyard

SEPP N-1 and SEPP N-2:

- 2. Noise levels must not exceed the permissible noise levels stipulated in the State and Environment Protection Policy N-1 (Control of Noise from Industry, Commerce and Trade) and State and Environment Protection Policy N-2 (Control of Music Noise from Public Premises) at any time to the satisfaction of the responsible authority.

Noise Limiter:

- 3. Before any music which is audible outside the subject premises is played, a Noise Monitor and Limiter ("the Device") must be installed and maintained. The Device is to be set at a level by a qualified acoustic engineer, to ensure the music does not exceed the requirements of SEPP N-2 to the satisfaction of the responsible authority.

Noise Report confirming Noise Limiter Function:

- 4. Before any live or program music is played, a report prepared by a suitably qualified acoustic consultant ("Noise report") must be submitted to and be to the satisfaction of the responsible authority. This Noise report must confirm that the Device is operating and that each and every one of the following requirements are complied with:
 - a) The Device limits internal and external noise levels so as to ensure compliance with music noise limits according to State and Environment Protection Policy N-2 (Control of Music Noise from Public Premises);
 - b) The Device must be a limiter suitable for interfacing with a Permanently Installed Sound System which includes any amplification equipment and loudspeakers and no other amplification or loudspeaker equipment is installed that does not interface with the Device;
 - c) The Device must be a frequency discriminating sound analyser in octave bands between 63Hz and 4kHz that includes a microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person);
 - d) The Device controls must be in a locked case or the device must include a PIN code,
 - e) The Device is installed to control all amplification equipment and associated loudspeakers both internal and external on the Subject Land;
 - f) The Device is able to continue operating on battery or backup power when mains power is disconnected from the Device;



- g) The Device is able to automatically store records of logged noise levels in 15-minute intervals;
- h) The stored results can be provided to Council on request;
- i) The Device must be re-calibrated as necessary to maintain SEPP N-2 compliance at all times, and when any changes are made to the Device sensor position or the venue changes operating conditions, if any buildings and works are undertaken, sound system configurations or anything else that may necessitate re-calibration of the Device (including maintenance and malfunction);
- j) The report must be prepared by a suitably qualified acoustic engineer and must be provided with 10 days of the date of the installation of the device and must also include the following detail:
 - Noise reduction testing carried out between the venue and noise sensitive areas to confirm the Device noise level thresholds which correspond with SEPP N-2 compliance levels;
 - The extent of works and installation of the Device and the exact location of the Device microphone sensor installed on the Subject Land;
 - the noise level thresholds, in Octave Bands and/or dB(A), which the Device has been set
 - measured Octave Band and dB(A) levels at the Device sensor using a sound level meter while the Device is limiting, which corresponds with the calibrated noise level thresholds set on the Device;
 - measured Octave Band and dB(A) levels at another reference position with music playing, 1.5m above floor level inside the venue, which corresponds with the calibrated noise level thresholds set on the Device;
 - measured Octave Band levels at relevant noise sensitive premises which correspond with the venue's internal and external noise levels
 - measured Octave Band and/or dB(A) levels at Relevant Noise Sensitive Premises which correspond with SEPP N-2 compliance levels at all Noise Sensitive Premises;
 - measured acoustic instruments on the Subject Land proposed during live music operations, their sound levels inside the premises and at Relevant Noise Sensitive Premises, and confirmation of compliance with SEPP N-2;



- the ambient background noise levels (including date and time) recorded at relevant noise sensitive premises not immediately subject to Barkly Street traffic, commercial or patron noise in the area and corresponding SEPP N-2 noise limits;
- the location of the Permanently Installed Sound System loudspeakers on the premises,
- the operating configuration in which the Device has been calibrated including whether access doors, windows and the like are required to be closed or can be open
- photographs of the Device and microphone location; and
- a printout of the Device monitoring records for the first seven (7) days of operation after installation.

Once to the satisfaction of the responsible authority, the report is to be submitted for approval and once endorsed, will form part of this Permit.

The device must comply with each and every requirement of this condition at any and all times that music is audible from outside the building.

The report must also indicate that only acoustic instruments which are not controlled by the device and are demonstrated to comply with SEPP N-2 shall be permitted during live music operations and further:

- (i) that no other temporary sound system is to be permitted to be brought onto the Subject Land which does not interface with the Device and
- (ii) that no other loudspeakers or amplification equipment are to be used on the premises which does not interface with the Device, including monitoring foldback and personal amplification.

Amplified Music through Sound System:

5. Amplified and live music must only be played through the Device and only after the Device has been installed and operates to ensure compliance with State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) and in compliance with the conditions of this permit.

Patron Signs:

6. Signs must be erected near the entrance/exit and in the toilets requesting that patrons leave the building in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood to the satisfaction of the Responsible Authority.



Music performance hours

7. Except to comply with condition 9, any amplified live music at the premises must only be played between 7.30am to 7.30pm Monday to Thursday and 4.30pm to 7.30pm Friday to Sunday and any acoustic live music at the premises must only be played between 7.30am to 10.30pm Monday to Thursday and 4.30pm to 10.30pm Friday to Sunday. The rearmost acoustic air lock door is to remain closed during the above times when any amplified live music is being played.

Noise and Amenity Action Plan

8. Before the playing/performance of live or amplified music allowed by this permit, a Noise and Amenity Action plan must be submitted which demonstrates how amenity impacts, including but not restricted to any adverse cumulative impacts associated with live/amplified music will be addressed to the satisfaction of the responsible authority. When satisfactory, such plan will be endorsed and will then form part of this permit and the contents of that report must be acted upon to the satisfaction of the responsible authority whenever live/amplified music is being played.

3.7 That the following existing conditions remain on the permit but be renumbered as follows:

Layout not altered

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

Hours of operation

11. The licensed restaurant premises may operate only between the hours of:
- a) Monday to Saturday – 7.00 a.m. – midnight
 - b) Sunday - 10.00 a.m. to midnight
 - c) Anzac Day and Good Friday - 12pm to midnight

Predominant activity food preparation

12. The predominant activity on the licensed restaurant premises must be the preparation and serving of meals for consumption on the licensed premises.

Liquor served with meals

13. Liquor may be served only with the provision of meals by the premises to seated patrons for the consumption of both on the subject premises.

No off premises liquor

14. No liquor is permitted to be sold for consumption away from the licensed premises.



Responsible Serving of Alcohol

15. The Permit Operator must require that the four employees of the premises engaged in the service of alcohol undertake a "Responsible Serving of Alcohol" course.

Waste Management

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

Garbage Disposal

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

Disposal times

18. No disposal of bottles or drink containers may take place after 10.00 p.m. or before 8.00 a.m. on any day of the week, unless with the further consent of the Responsible Authority.

Bottle Crusher

19. A bottle crusher located within the premises must be used for the disposal of bottles and waste glass. Disposal of the crushed glass outside of the premises must not occur after 10.00 p.m. or before 10.00 a.m. on Sunday, except with further written consent of the Responsible Authority.

Bottle Bagging

20. Bottles must be bagged during operating times and must not be emptied into external refuse bins after 10pm or before 8am Monday to Saturday or after 10 pm or before 10am on Sunday, except with further written consent of the Responsible Authority.

Amenity Impacts

21. The amenity of the area must not be detrimentally affected by the sale and consumption of liquor through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials;
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;



- e) Change to television and/or radio reception;
- f) In any other way.

Rear Courtyard Use

- 22. The use of the covered courtyard at the rear of the site (south) shall be limited to a store area and must not be used for the serving of food or alcohol.

External Lighting

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

Permit Notes

- 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.

- 3.8 That existing condition 16 be deleted from the permit.

A vote was taken and the MOTION was CARRIED.

Cr Pearl left the Chamber at 7.14pm.
Cr Pearl returned to the Chamber at 7.15pm.



6.3 3 Rainsford Street, Elwood

Purpose

- 1.1 To consider and determine Planning Permit Application P570/2017 for construction of a three storey building comprising 4 dwellings and 4 car spaces at 3 Rainsford Street, Elwood.

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

Dhana Thane (Objector)

Mr Thane spoke against the application and urged Councillors to save the historic building, but most particularly the beautiful Canary Island Palm tree situated in the front yard of the current dwelling.

Trevor Ludeman (Applicant)

Mr Ludeman is a planning consultant and spoke on behalf of the applicant and asked Councillors to agree with the recommendations of the officers.

MOVED Crs Crawford/Gross

- 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 buildings and works including construction of a three storey building comprising 4 dwellings and 4 car spaces at 3 Rainsford Street, Elwood
- 3.3 That the decision be 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 under Section 57A of the Planning and Environment Act 1987, but modified to show:

 - a) The second floor west elevation of unit 1 setback at least 2.4m from the west (side) boundary and deletion of that part of the staircase at the second floor of Unit 1 that extends into the front balcony
 - b) Sightlines notated at the vehicular entrance to the site in accordance with dot point 7 of design standard 1 at Clause 52.06-9 of the Port Phillip Planning Scheme



- c) Apart from windows to balconies, all habitable room windows at the east and west elevations notated as having a sill height of 1.7m above finished floor level or provided with fixed obscure glass to 1.7m above finished floor level
- d) Deletion of planter boxes to each balcony at the east elevation and replacement with fixed privacy screening that prevents downward views to neighbouring properties. Elevation and cross section drawings of the screens must be provided. The drawings must:
- Be drawn to scale and fully dimensioned;
 - Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - Clearly illustrate how any louvre or batten system will prevent (rather than limit) downward and horizontal views to neighbouring secluded private open space and/or habitable room windows;
 - 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 views of adjacent secluded private open space and/or habitable room windows are prevented (rather than limited)
- e) The balcony to Unit 4 deleted and replaced with an east facing balcony that matches the depth and side boundary setback of balconies to units 2 and 3. The south edge of the balcony must be setback at least 1.9m from the south (rear) boundary. The balcony must be screened at each edge with screening as per that described at condition 1d) of this permit.
- f) The first floor north facing dining room windows to unit 1 deleted and replaced with windows that match the first floor north facing windows of the living room to Unit 1
- g) Deletion of the horizontal battens to the front fence and replacement with vertical battens
- h) 1.7 m high privacy screening to the south edge of the second floor balcony to unit 4. Elevation and cross section drawings of the screens must be provided. The drawings must:
- Be drawn to scale and fully dimensioned;
 - Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - Clearly illustrate how any louvre or batten system will prevent (rather than limit) downward and horizontal views to neighbouring secluded private open space and/or habitable room windows;
 - 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 views of adjacent secluded private open space and/or habitable room windows are prevented (rather than limited)



- i) An additional 3m³ of storage provided within the vestibule of each dwelling
- j) The portion of the accessway fronting units 3 and 4 garages widened to at least 3m by increasing the setback of the garages from the east (side) boundary
- k) 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) and/or reduced levels. The first floor plan must also show detail of the framing elements above the driveway.
- l) Any changes necessary to meet the requirements of the Sustainable Design Assessment in the corresponding condition below.
- m) Any changes necessary to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition below.
- n) Any changes necessary to meet the requirements of the Landscape Plan in the corresponding condition below.

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.

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. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD) addressing Melbourne Water's requirements.
- ii. The setback from the frontage must be a clear 4 metres the decorative columns must be removed.
- iii. The dwellings must be constructed with Finished Floor Levels set no lower than 5.41 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 5.11 metres to AHD.
- iv. The garages must be constructed with finished surface levels set no lower than 5.26 metres to AHD, which is 150mm above the applicable flood level of 5.11 metres to AHD.



- v. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) to AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- vi. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramp.
- vii. Any new fences or gates must be 50% open style of construction to allow for the passage of floodwaters/overland flow
- viii. The setback from the front boundary must not be altered without prior written consent from Melbourne Water. The existing natural ground surface levels must be maintained within this setback and be kept clear of all permanent structures.

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 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 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 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.



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 Building User's Guide or a Building Maintenance Guide.

12 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.

13 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.



14 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.

15 Parking and Loading Areas Must Be Available

Car parking areas must be 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.

16 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.

17 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.

18 Arborist Report

Before the development starts, a report and plan by a suitably qualified Arborist to comply with AS 4970 - 2009 Tree protection on development sites setting out how the existing street tree at the front of the site and trees on neighbouring land to the east of the property will be protected during construction, must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved the report and 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.



19 Management of Canary Island Date Palm

Before the development starts, a management plan for relocation of the existing Canary Island Date Palm within the front setback of the existing dwelling on 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.

20 Piping and ducting

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

21 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.

22 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.

23 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).

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.

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 LOST.

MINUTES - PLANNING COMMITTEE MEETING - 14 NOVEMBER 2018



MOVED Crs Gross/Brand

That the matter be deferred to a later Planning Committee Meeting to allow investigations into retention of the Canary Island Palm tree on site.

A vote was taken and the MOTION was CARRIED.



6.4 28 Wellington Street, St Kilda

Purpose

- 1.1 To consider and determine an application for the construction of an extension to an existing rooming house resulting in a three-storey building, internal alterations / reconfiguration to create 28 self-contained rooming house units and a reduction in the car parking requirement (two car parking spaces provided on site).

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

Peter Barber (Applicant)

Mr Barber advised that the application was to increase the current 11 room rooming house to 28 rooms and that the current building was constructed in the 1980s and required an upgrade. State Government has been pushing for more rooming homes in the area and it was situated in a general residential area with heights of up to three storeys. Mr Barber commented that they had worked with the neighbours and there was no one here tonight so speak against the application.

Peter Dunn (Applicant)

Mr Dunn is the Project Manager for St Kilda Community Housing and explained how the expanded rooming house would be run.

MOVED Crs Voss/Brand

Part A:

- 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 construction of an extension to an existing rooming house (resulting in a three-storey building), internal alterations / reconfiguration to create 28 self-contained rooming house units and a reduction in the car parking requirement (two car parking spaces provided on site) at 28 Wellington 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:



- a) All habitable room window openings at first and second floor levels to the east, west and south facing elevation screened to 1.7m above FFL in accordance with condition 3 of this permit.
- b) Indication of storage space for a minimum of 16 bins to be stored outside of the main building.
- c) Indication of a fixed sign which is visible on Wellington Street displaying contact details of St Kilda Community Housing or any subsequent Registered Housing Provider responsible for the management of the premises.
- d) Details of the connectivity and intended use of Stormwater harvested to the proposed rainwater tanks.
- e) Indication of the operability of all window openings within the building.
- f) 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.
- g) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
- h) Any alterations to the plans required by conditions 5 (Landscaping), 8 (Sustainable Design) 11, 15 (Waste Management).

All to the satisfaction of the Responsible Authority.

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.

3. 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 windows 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 will prevent views into 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 views to adjacent habitable room windows and private open space are precluded.



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 to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

5. 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) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- (c) Significant trees greater than 1.5m in circumference, 1m above ground;
- (d) All street trees and/or other trees on Council land;
- (e) 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;
- (f) Landscaping and planting within all open space areas of the site;
- (g) Water sensitive urban design;

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

6. 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.

7. 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.

8. 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.



The submitted SDA must include minimum scores of 50% for the Energy, Water, Indoor and Environmental Quality (IEQ) categories of the BESS assessment.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. On-Site Management Plan

Before the use commences, a management plan must be prepared to the satisfaction of the Responsible Authority. The plan must include, but not be limited to, the following:

- a) Procedures, and standards for residents to minimise amenity and parking problems in the neighbourhood.
- b) A process which ensures non car owners are prioritised for occupation of the building over individuals who own a car
- c) Establishment of a Complaints hotline for, and regular meetings with, adjacent residents.
- d) Standards for property maintenance, health and cleanliness including measures to be undertaken to ensure areas surrounding the establishment are kept clean of litter.
- e) Security against thefts and break-ins, including security of residents' belongings.
- f) Development, documentation and promulgation of a fire management plan and appropriate training for all staff.
- g) Establishment of house rules (to be displayed in a prominent location and clearly visible to residents in the premises at all times) regarding:
 - (i) Resident behaviour
 - (ii) Noise
 - (iii) Alcohol consumption in communal areas
 - (iv) Littering
- h) Appropriate management and security practices so as to prevent the congregation of residents in communal areas after 10pm.
- i) Prevention of alcohol consumption in the communal open space and communal rooms.

Once to the satisfaction of the responsible authority, the management plan will be endorsed and form part of this permit. The management of the use must always be in accordance with the endorsed management plan to the satisfaction of the Responsible Authority.

15. Waste Management Plan for Higher Density Residential Development

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. The Plan must include reference to the following:



- Land use type.
- The estimated garbage and recycling volumes for the whole development.
- Bin quantity, size and colour.
- The garbage and recycling equipment to be used.
- Collection frequency.
- The location and space allocated to the garbage and recycling bin storage area and collection point.
- The waste services collection point for vehicles.
- Waste collection provider.
- How tenants will be regularly informed of the waste management arrangements.
- Scaled waste management drawings.
- Signage.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

16. Section 173 Agreement (Continued use as social housing)

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) That the building be managed by St Kilda Community Housing Ltd or a subsequent Registered Housing Provider for the purpose of social housing.
- b) The sale of individual units as dwellings to private owners is prohibited.

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.

17. Piping and ducting

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



18. 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.

19. 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).

Part B:

That Council Officers initiate discussions with the property owner with regards to the owner's potential purchase of the abutting Council lane.

A vote was taken and the MOTION was CARRIED unanimously.



6.5 60 - 82 Johnson Street, South Melbourne

Purpose

- 1.1 To consider an amendment to Ministerial planning permit MPA14/0003-1 and determine Council's position on the proposed changes, in response to a Ministerial Referral in the Fishermans Bend Urban Renewal Area.

MOVED Crs Voss/Baxter

- 3.1 That the Council advise the Department of Environment, Land, Water and Planning that:
- 3.2 Council supports the amended preamble subject to inclusion of wording to allow provision of car parking spaces for dwellings in excess of the Parking Overlay maximum rate.
- 3.3 Council supports the proposed amendments to the following conditions:
 - Condition 1 (Amended Plans) preamble.
 - Condition 2 (Landscape and Public Realm).
 - Condition 21 (Noise Attenuation)
 - Condition 22 (Construction Management Plan)
 - Condition 23 (Developer Contribution)
 - Condition 48 (Contaminated Land)
- 3.4 Council has no objection to the amendment of Condition 19 (Melbourne Water – Stormwater Connection Application), subject to the approval of Melbourne Water.
- 3.5 Council supports the amended plans subject to additional details on plans via amended Condition 1 (Amended Plan) criteria as listed below:
 - 1 Retain existing Condition 1(n) Residential bicycle parking.
 - 2 Retain existing Condition 1(p) Staff bicycle parking.
 - 3 Retain existing Condition 1(q) External materials details for podium car park.
 - 4 Provision of four additional commercial bins in the bin storage area of the north podium.
 - 5 The location of any charity collection bins to be detailed on the plans.
 - 6 A minimum loading bay clearance height of 4.5m (south podium) and 5m (north podium) dimensioned on the relevant plans.



- 7 Addition of extensive green walls and roofs to each stage of the development, to adequately compensate for the removal of level 6 and 7 landscaping approved via the 17 October 2016 permit.
- 8 All internal roadways to align with the City of Port Phillip Design and Technical Standards for Fishermans Bend.
- 9 Clearance between car park spaces and walls dimensioned on the floor plans, to be in accordance with Planning Scheme requirements.
- 10 Width and length dimensions on floor plans for each row of car parking.
- 11 Length and width of DDA spaces dimensioned on floor plans.
- 12 All ramp grades and lengths dimensioned on plans to demonstrate no scraping/ bottoming out.
- 13 Bicycle parking type to be specified on plans with at least 20% of bicycle parking to be horizontal, ground level spaces (not wall mounted).
- 14 Width, length and access aisle dimensions for bicycle parking provided on floor plans in accordance with Australian Standards.
- 15 Deletion of the 1,523.8m² retail unit in the centre of the northern podium.

3.6 Council requests the following amendment to Condition 20 (Amended Wind Report)

20 Amended Wind Report

Before the development starts, excluding demolition, bulk excavation, site preparation works, and any works required by the Auditor, an amended comprehensive wind tunnel testing and environmental climate assessment report of the development by a suitably qualified engineering consultant must be undertaken and submitted to the responsible authority in consultation with the Port Phillip City Council. The amended report must be generally in accordance with the MEL Consultants Report 130/17 "Environmental Wind Speed Measurements on a Wind Tunnel Model of the 82 Johnson Street Development, South Melbourne, by J. Kostas and S. Powell", dated November 2017 but amended as follows:

- a) Include wind tests taken at various points within the surrounding road and laneway network, carried out on a model of the approved building inclusive of the modifications required under Condition 1 of this permit, to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve wind conditions at Test Location 46 (at the substation) to meet walking comfort criteria or better for the staged scenario.



- b) Provide recommendations for any modifications which must be made to the design of the building to ensure wind conditions at the external childcare space on level 6 would meet long term stationary comfort criteria or better for the staged scenario and basic scenarios.
- c) No worsening of wind conditions in any other locations as a result of the amendments required by criterion a) of this condition.

3.7 Council requests the following amendment to Condition 24 (Environmentally Sustainable Development (ESD))

24 Environmentally Sustainable Development (ESD)

Before the building is occupied, a report that clearly summarises the nominated initiatives that have been implemented, with these initiatives tabled against the relevant Green Star credit strategy provided must be submitted to and approved by the responsible authority. The report shall reference the recommendations of the Sustainability Management Plan (March 2013 Rev 2) prepared by Wood and Grieve Engineers and must include a point tally to indicate that the nominated Green Star base benchmark level had been met or exceeded.

3.8 Council requests the following amendment to Condition 25 (Waste Management)

25 Waste Management

Before the commencement of a stage or part of a stage, excluding demolition, bulk excavation, site preparation works, and any works required by the Auditor, an updated Residential Waste Management Plan and Commercial Waste Management Plan must be submitted to and approved by the Port Phillip City Council. The plans must be generally in accordance with the Waste Tech Residential Waste Management Plan (09 July 2018 Version) and the Waste Tech Commercial Waste Management Plan (09 July 2018 Version) but amended as follows:

- a) Waste collection times to be restricted to outside of peak commuter hours.
- b) Details of type and location of any provision of charity collection bins and details of their collection, including access and collection frequency.

3.9 Council requests the following amendment to Condition 37 (Traffic and Transport)



- 37** Without the further written consent of the responsible authority, on site car parking for the development must not exceed a ratio of 0.66 spaces per dwelling, 0.98 spaces per 100m² for office and retail premises use, and 0.21 spaces per child for the child care centre.

A vote was taken and the MOTION was CARRIED unanimously.



6.6 3/339 Williamstown Road, Port Melbourne

Purpose

- 1.1 To determine amendment under Section 72 Amendment to the approved permit which authorises to demolish the existing building in a Capital City Zone. Construct and carry out works for a three to four storey building within the Capital City Zone, Design and Development Overlay, and Special Building Overlay. Use the land for the purpose of Accommodation within the Capital City Zone. Alter access to a road in a Road Zone Category 1 (i.e. traffic to and from Williamstown Road and Plummer Street), at the above-mentioned address.

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

Kellie Burns (Applicant)

Thanked Council officers for their assistance with the amendment and commended the recommendation.

MOVED Crs Voss/Pearl

That Council

- 3.1 Supports the proposed Section 72 Amendment.
 - 3.1.1 That condition 1(f) of the permit be modified to state: "Incorporation of the site services into the architectural and landscape design of the development generally in accordance with Plan TP100, revision A, received by Council on 9 September 2018, so as to minimise visibility from the public realm."

A vote was taken and the MOTION was CARRIED unanimously.



6.7 Planning Permits Delegate Report - October 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 Voss/Baxter

That the Committee:

- 2.1 Receives and notes the October 2018 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.



7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

MOVED Crs Pearl/Voss

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 11 - 29 Eastern Road, 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)(h). A matter which the Council or special committee considers would prejudice the Council or any person.

8.2 147-149 Brighton Road Elwood

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)(h). A matter which the Council or special committee considers would prejudice the Council or any person.

A vote was taken and the MOTION was CARRIED.

The meeting was closed to the public at 8.18pm.

The meeting was reopened to the public at 8.24pm.

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

Confirmed: 12 December 2018

Chairperson _____