



PLANNING COMMITTEE

MINUTES

26 APRIL 2018



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 26 APRIL 2018 IN ST KILDA TOWN HALL**

The meeting opened at 6:31 pm.

PRESENT

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

IN ATTENDANCE

George Borg, Manager City Development; Donna D'Alessandro, Planning Coordinator Gateway Ward; Simon Gutteridge, Senior Planner-Fishermans Bend Urban Renewal Area; Sandra Stewart, Sub-division Officer Lake Ward; Kate Wooller, Senior Planner Gateway Ward.

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 Gross/Bond

That an apology was received and a leave of absence granted to Cr Brand.

A vote was taken and the MOTION was CARRIED.

2. CONFIRMATION OF MINUTES

MOVED Crs Simic/Bond

That the minutes of the Planning Committee of the Port Phillip City Council held on 28 March 2018 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Miriam Orwin

- In regards to the road closure at Alexandra Street and Alma Road, why wasn't there any consideration given to the Zhang family and their family-owned milk-bar with the effects that this closure has upon their business?

Cr Baxter advised Ms Orwin that as the Committee is delegated only to consider planning matters, the question will be taken on notice and referred to the appropriate officer for response.

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 253-273 Normanby Road, South Melbourne
- 2 18 - 22 Salmon Street, Port Melbourne
- 3 222-224 Bay Street, Port Melbourne
- 4 Planning Permits Delegate Report - March 2018



6.1 253-273 Normanby Road, South Melbourne

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

Nicholas Moore

On behalf of the applicant, endorsed the application, spoke to the development plans and highlighted that the proposal is thorough and considered.

Lucas Riley

On behalf of the applicant, stated that the proposal is a proactive development, and outlined the reasons why Council should grant the planning permit.

Purpose

- 1.1 To consider and determine planning application P1146/2017 for the subdivision of the site.

MOVED Crs Copsey/Pearl

- 3.1 That the Responsible Authority issue a planning permit for the staged subdivision of the site at 253-273 Normandy Road, South Melbourne

- 3.2 That the decision be issued as follows:

1. **Amended plans required**

Before the plan of subdivision can be endorsed and prior to the certification of any stage of the subdivision, amended plans must be submitted, that, when approved by the Responsible Authority, form part of this permit. The plans must be generally in accordance with the plans submitted (PS 812023L stages 2-6, compiled, Version 1), but modified to show:

- (a) That the plan is consistent with the plans endorsed under Planning Permit PA170223 for the development of the site.
 - (b) The creation of an easement of way in favour of the City of Port Phillip, along the eastern boundary over the area of common property shown as laneway. The easement is to be restricted in depth to be from the site level and above.
 - (c) The staging of the subdivision to be in accordance with the staging approved under Planning Permit PA170223 for the development of the site.

2. **No Alterations**

The size, layout, level and location of the lots as shown on the endorsed plan of subdivision shall not be altered or modified without the consent of the Responsible Authority.

3. **Agreement under Section 173 of the Planning and Environment Act 1987. (Carparking)**

Prior to the issue of the statement of compliance for any stage of the subdivision, 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, and must provide for the following:-

- (a) The car park lots (appended with the letter C) must only be sold to the owner or purchaser of a lot containing a hotel room, retail space or a dwelling;
- (b) The store lots (appended with the letter S) must only be sold to the owner or purchaser of a lot containing a dwelling;
- (c) The car park lots must only be leased to the occupier of a lot containing a hotel room, retail space or a dwelling;
- (d) No more than one car park lot may be owned or leased in conjunction with any lot containing a dwelling unless a planning permit has issued to exceed the maximum car spaces set out in the Schedule 1 of the Parking Overlay;
- (e) No more than 1 car space per 100m² of retail/commercial floor area (including the residential hotel) may be owned or leased in conjunction with such a lot; and
- (f) It shall pay the Responsible Authority's Solicitor/client costs in respect to the preparation and registration 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.

4. Agreement under Section 173 of the Planning and Environment Act 1987. (Environmental Audit requirements).

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, prior to certification for any stage of the subdivision, 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, and must provide for the following:-

- (a) The site must be maintained in accordance with the conditions of the Statement of Environmental Audit; and
- (b) It shall pay the Responsible Authority's Solicitor/client costs in respect to the preparation and registration 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.

5. Melbourne Water

- (a) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988

6. South East Water

- (a) The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
- (b) The owner of the subject land must enter into an agreement with South East Water for the provision of recycled water supply and fulfil all requirements to its satisfaction.
- (c) All new buildings and major refurbishment of existing buildings within the Fisherman's Bend Precinct, must include the installation of a third pipe water supply system to supply non-potable water uses such as toilet flushing, clothes washing and irrigation within the development
- (d) The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
- (e) The Plan of Subdivision must be accompanied by an Owners Corporation Schedule. All lots shown on the Plan of Subdivision must be included in the Owners Corporation Schedule.

or

The owner of the subject land can enter into an agreement with South East Water for the provision of separate services to each individual lot.

- (f) Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
- (g) The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act

7. Citipower

- (a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- (b) The applicant shall:-
 - o Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - o Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.



- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- Set aside on the plan of subdivision for the use of CitiPower reserves and/or easements satisfactory to CitiPower where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of CitiPower a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. CitiPower will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
- Provide easements satisfactory to CitiPower, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of " CitiPower Pty" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of CitiPower any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain CitiPower's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to CitiPower, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

SUBSTATION ABOLISHMENT

- CitiPower's records indicate that the property is supplied via an onsite substation. If the customer's building works necessitate the removal of this substation, an application for abolishment should be made at least 32 weeks prior to the proposed abolishment date and cost may be incurred to remove this asset.

8. Vic Roads

Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Roads Corporation:

- (a) install a "Left in only" sign from Normanby Road into the porte cochere;
- (b) install a "No Entry" sign from Woodgate Street into the porte cochere;
- (c) line marking for one way traffic flow (southbound) along internal eastern accessway.

9. Telecommunications

The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision



- of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre

10. Telecommunications

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

11. Public Open Space Requirement

The applicant or owner must make a financial contribution to open space of 8% of the site value in accordance with the schedule to Clause 52.01 of the Port Phillip Planning Scheme as follows:

- (a) Prior to the issue of the statement of compliance for stage 2 and stage 4 of the subdivision (being the podium stages), the applicant or owner must make a financial contribution of 4% of the site value of the whole of the site in accordance with the requirements of the Subdivision Act 1988. The payment shall be made no less than 7 days prior to the issue of a statement of compliance.

12. Environmental Audit

Prior to the issue of the Statement of Compliance for any stage of the subdivision, where a Statement of Environmental Audit has issued, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement of Environmental Audit have been satisfied.

13. Development Contributions

Prior to issue of the Statement of Compliance for each stage of the subdivision, evidence must be provided to Council that the full payment has been made to the Responsible Authority in accordance with condition 23 of Planning Permit PA170223 for the development of the site.



14. Street Trees

Prior to issue of the Statement of Compliance for the final stage of the subdivision, the additional street trees referred to in condition 29 of Planning Permit PA170223 have been provided or an agreement has been reached for their provision to the satisfaction of the City of Port Phillip.

15. Time for starting and completion

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

- (a) Any stage of the subdivision is not certified within six (6) years of the date of this permit.
- (b) The certified plan for each stage is not registered at Land Registry within five (5) years of the date of the relevant stage Plan of Subdivision being Certified by Council.

The Responsible Authority may extend the period referred to in (a) if a request is made in writing before the permit expires or within six (6) months afterwards

Notes:

- (a) The Council has made this decision having particular regard to Sections 58, 59, 60, and 62 of the Planning and Environment Act 1987.
- (b) The following South East Water agreement options are available:
 - i. Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
 - ii. Application to enter into an agreement-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
 - iii. Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision).
- (c) If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **283528**.
- (d) Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.
- (e) The section 173 agreements referred to in this permit and within planning permit PA170223 may be combined within one or more agreements as required.

A vote was taken and the MOTION was CARRIED unanimously.



6.2 18 - 22 Salmon Street, Port Melbourne

Purpose

- 1.1 To provide a Council position on Ministerial Application PA1700301 at the above mentioned address, noting that the application has been called in by the Planning Minister.

MOVED Crs Voss/Gross

- 3.1 That Council advises the Minister (C/-o the Department of Environment, Land, Water and Planning) that:
 - 1 Council does not support the application in its current form based on matters set out in Sections 8.4.2, 8.4.3, 9.1, and 11.
 - 2 In the event that the Minister determines to grant a permit for the application, any permit issued should incorporate the draft conditions attached to this report.
 - 3 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council Solicitors on any independent advisory committee appointed by the Minister for Planning to consider the called in application, and/or any Victorian Civil Administrative Tribunal (VCAT) application for review for the called in application.

A vote was taken and the MOTION was CARRIED unanimously.



6.3 222-224 Bay Street, Port Melbourne

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

Julie Camilleri

Spoke against the development for reasons of impact upon parking for nearby residents and increase of anti-social behavior in the area. Ms Camilleri stated that not 1 out of 30 residents in the immediate vicinity of the development site had been informed of its proposal, and presented a list of 17 objectors.

Leanne Gillies

Spoke against the development and agreed with the statements made by the previous speaker. Ms Gillies voiced concerns with noise levels, public access and traffic issues.

Morgan Livingstone

On behalf of the applicant, spoke in support for the recommendations made by council officers, stating that the plans were thorough and that the development was restoring a locally historic building with an appropriate use.

Purpose

- 1.1 To consider and determine a planning application for the partial demolition, construction of alterations and additions to the existing building, sale and consumption of liquor (on-premises licence) in association with the use of the land as a Tavern (as of right use) and an associated reduction in the standard car parking requirements.

MOVED Crs Voss/Bond

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 3.2 That a Notice of Decision to Grant a Permit be issued for partial demolition, construction of alterations and additions to the existing building, the sale and consumption of liquor in association with the use of the land as a Tavern and an associated reduction in the standard car parking requirements at 222-224 Bay Street Port Melbourne.
- 3.3 That the decision be issued as follows:

1 Amended Plans Required

Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and



reports 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 but modified to show:

- a) Details of the dimensions and material of the plant screening, and specific car stacker mechanism/s, in accordance with recommendations of Watson Moss Growcott Acoustic consultants, with these details to be included in the revised Acoustic report required as per condition 13;
- b) The acoustic works to Level 1 and 2 of the building identified in Section 7 of the Watson Moss Growcott report (Ref 12036-1jg September 2017) including notations and illustrations where relevant;
- c) All plant, equipment (including air conditioning, heating units, hot water systems etc.) which are to be located externally;
- d) A revised Sustainable Design Assessment to meet Council's Standards for best practice with respect to Materials, Indoor Environment Quality, Energy, and Water;
- e) Floor plan notations to reflect the revised patronage as per condition 20;
- f) Relocation of the Tavern entry to Bay Street;
- g) Demolition Method Statement as per condition 4.

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, unless the Port Phillip Planning Scheme exempts the need for a permit.

3 No change to external finishes

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

4 Demolition Method Statement

Before the works permitted by this permit start, including any demolition works, a fully detailed 'demolition method statement' must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the permit. The 'demolition method statement' must:

- a) Fully describe and clearly demonstrate the methods of dismantling of the heritage fabric, restoration and repair and the subsequent reconstruction of the building.
- b) Include reference to the staging of demolition and reconstruction works on the site.
- c) Detail the necessary protection works required during the demolition works to protect those parts of the building to be retained.



Once approved by the Responsible Authority, all buildings and works must be in accordance with the demolition method statement.

5 Sustainable Design Assessment

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

6 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.

7 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/Sustainable Management Plan 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.

8 No equipment or services

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

9 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.

10 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.

11 Noise Levels

Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) to the satisfaction of the Responsible Authority.

12 SEPP N-2

Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-2 (Control of Music Noise from Public Premises) to the satisfaction of the Responsible Authority.

13 Revised Acoustic report

Prior to the commencement of the development, a revised Acoustic Assessment report must be submitted to the satisfaction of the Responsible Authority. The report must be generally consistent with the report prepared by Watson Moss Growcott (Ref 12036-1jg September 2017) but amended to include assessment of the design changes as a result of the revised entry location for the Tavern, refrigeration/plant equipment, selected car stacker specifications and any other relevant change required by permit conditions contained herein.

The recommendations of the acoustic report must be implemented to the satisfaction of the Responsible Authority prior to the completion of the development.

14 Acoustic report

The buildings and works and use must be undertaken and continue to operate in accordance with the endorsed acoustic report prepared by Watson Moss Growcott to the satisfaction of the Responsible Authority.

15 Music

Music (other than background music) is prohibited outside the building, including the Level 2 outdoor area.

All music playback systems must include a permanent sound limiting device calibrated to the indoor venue levels specified in the approved Watson Moss Growcott report, to the satisfaction of the Responsible Authority.



The Level 1 private bar shall only emit music at background levels, or that defined in WMG report 12036-1g at 3m from loudspeakers.

16 Noise and Amenity Action Plan

Prior to the commencement of the use, a Noise and Amenity Action Plan must be prepared and submitted for approval to the Responsible Authority which must contain the following:

- a) The identification of all noise sources associated with the licensed premise (including, but not limited to, music noise, external areas allocated for smokers, queuing lines, entries and exits to the premises).
- b) Hours of operation for all parts of the premises.
- c) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
- d) The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premise.
- e) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures, including but not limited to:
 - The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
 - The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner and maintain satisfactory clearance for other pedestrians on the footpath.
- f) Details of staffing arrangements including numbers and working hours of all security staff.
- g) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.
- h) A telephone number provided for residents to contact the premises and linked to the complaints register;
- i) The maintenance of a complaints register, which must, on reasonable request, be made available for inspection by the Responsible Authority.
- j) Location of lighting within the boundaries of the site, security lighting outside the licensed premise and any overspill of lighting.
- k) Details of the waste management plan including storage and hours of collection for general rubbish and bottles, and delivery times associated with the licensed premise.
- l) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- m) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premise.
- n) Location and operation of air-conditioning, exhaust fan systems, security alarms and the like.



The Noise and Amenity Action Plan must be to the satisfaction of the Responsible Authority.

Once submitted and approved, the Noise and Amenity Action Plan must be carried out to the satisfaction of the Responsible Authority.

17 Responsible Serving of Alcohol

The Permit Operator must ensure that all employees of the premises engaged in the service of alcohol have undertaken a "Responsible Serving of Alcohol" course.

18 Exit Signs

Before the use commences 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.

19 Hours of Operation

Without the further written consent of the Responsible Authority the following restrictions apply to the Tavern:

Monday to Wednesday: 12 Midday until 12 midnight

Thursday to Sunday: 12 Midday until 1 am the following day.

The use of the outdoor area must only be between the hours 12 pm and 10 pm. All doors, windows and openable areas to the outdoor area must remain closed after 10 pm.

All openable areas of the Level 1 façade must remain closed when the private bar area is in use.

20 Number of Patrons

No more than 300 patrons must occupy the Tavern during operating hours.

No more than 200 patrons are permitted to occupy the external bar areas at any one time.

21 Bottle Crusher

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 6pm or before 8am Monday to Saturday or after 6pm or before 10am on Sunday, except with further written consent of the Responsible Authority

22 Mechanical Exhaust

Before the use starts the kitchen(s) mechanical exhaust system must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Responsible Authority. A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the



commencement of the use to the satisfaction of the Responsible Authority.

23 Vertical Discharge for Mechanical Exhaust

The kitchen(s) exhaust system must provide for a vertical discharge to the atmosphere at a point and velocity which allows for effective dispersal of fumes so as to not create a nuisance (as defined under the Public Health and Wellbeing Act 2008) to the surrounding amenity to the satisfaction of the Responsible Authority.

24 Treatment of Fumes

Fumes from any café/restaurant kitchen(s) must be treated within the mechanical exhaust system to ensure that any discharge does not create a nuisance (as defined under the Public Health and Wellbeing Act 2008). Options available include carbon filters, ultra violet ozone producing lamps, electrostatic precipitation, odour neutralising system or other suitable method. The method of treatment must be designed, installed, operated and maintained to the satisfaction of the Responsible Authority.

25 Storage and Disposal of Garbage

Prior to the completion of the development, provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

26 Waste Management

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.
- Collection must be after 10am on any day.
- 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.
- Scaled waste management drawings.
- Signage.

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



27 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.

28 Vehicle Crossings – Removal

Before the occupation of the development *allowed by this permit*, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

29 Time for Starting and Completion

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

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

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

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

Permit notes:

- **Building Approval Required**

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

- **Building Works to Accord with Planning Permit**

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

- **Drainage Point and Method of Discharge**

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



approved by the Responsible Authority prior to the commencement of any buildings or works.

- **Other Approvals May be Required**

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

- **Environmental Health**

The premises must comply with the Food Act 1984 and the Food Standards Code and must be registered with Council's Health Services Unit before the use starts.

- **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 cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

Owner Builders

An owner builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 8.00pm; or
- Saturdays, Sundays and public holidays: 9.00am to 6.00pm.

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.

A vote was taken and the MOTION was CARRIED unanimously.



6.4 Planning Permits Delegate Report - March 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 Copsey/Simic

That Council:

- 2.1 Receives and notes the March 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

Nil.

As there was no further business the meeting closed at 8.00 pm.

Confirmed: 23 May 2018

Chairperson _____