



# PLANNING COMMITTEE

## MINUTES

28 FEBRUARY 2018



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP  
CITY COUNCIL HELD 28 FEBRUARY 2018 IN ST KILDA TOWN HALL**

The meeting opened at 6:32pm.

**PRESENT**

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

**IN ATTENDANCE**

Claire Ferres Miles General Manager Place Strategy & Development, George Borg Manager City Development, Phillip Beard Principal Planner, Richard Schuster Planning Coordinator Lake Ward, Donna D'Alessandro Planning Coordinator Gateway Ward, Rocky Camera Planning Coordinator Canal Ward, Grant Logan Major Projects & Appeals Advisor.

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

**1. APOLOGIES**

**Moved Crs Pearl/Baxter**

That apologies were received and a leave of absence granted to Cr Simic and Cr Voss.

**A vote was taken and the MOTION was CARRIED.**

**2. CONFIRMATION OF MINUTES**

Nil.

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.

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**4. PUBLIC QUESTION TIME**

Nil.



**5. COUNCILLOR QUESTION TIME**

Nil.



## **6. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 1 10-18 Jacka Boulevard, St. Kilda
- 2 8 Palmerston Crescent, South Melbourne
- 3 Planning Permits Delegate Report – December 2017 & January 2018



**6.1 10-18 Jacka Boulevard, St. Kilda**

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

Krystyna Kynst (Objector)

Stated that her objection related to the design and location of the two bars.

Mietta Gleeson (Applicant)

Asked that Councillors support the recommendation for the retrospective planning application.

Travis Atkins (Applicant)

Stated that the Seabaths operated under an incorporated document which contained complex planning rules.

**Moved Crs Copsey/Bond**

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and note the objection, issue a Refusal to Grant a Permit.
- 3.2 That a Refusal to Grant a Permit be issued for the construction of buildings and the carrying out of works for a roofed external bar at Republica and a roofed external bar at Captain Baxter at 10-18 Jacka Boulevard, St Kilda (Sea Baths Complex).
- 3.3 That the Refusal be issued on the following grounds:
  1. The proposal would adversely affect the natural and cultural significance of the heritage place.
  2. The location, bulk, form and appearance of the proposed building would adversely affect the significance of the heritage place and is not in keeping with the character and appearance of the Sea Baths building and heritage place.
  3. The proposal does not achieve design excellence.

**A vote was taken and the MOTION was LOST.**

**Cr Copsey requested a DIVISION.**

<b>For</b>	<b>Against</b>
<b>Cr Copsey</b>	<b>Cr Brand</b>
<b>Cr Bond</b>	<b>Cr Gross</b>
	<b>Cr Pearl</b>
	<b>Cr Crawford</b>
	<b>Cr Baxter</b>

**A vote was taken and the MOTION was LOST.**



**Moved Crs Crawford/Brand**

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received the objection, issue a Notice of Decision to Grant a Planning Permit.
- 3.2 That a Notice of Decision to Grant a Planning Permit be issued for the construction of buildings and the carrying out of works for a roofed external bar at Republica and a roofed external bar at Captain Baxter at 10-18 Jacka Boulevard, St. Kilda (Sea Baths complex).
- 3.3 That the decision be issued as follows:

**1. Amended Plans required**

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

- (a) Details of the external materials, colours and finishes of the permitted bars.
- (b) The upper deck bar (related to the Captain Baxter tenancy) deleted.

**2. No Alterations**

The development allowed by this permit and as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**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. Time for Starting and Completion**

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

- (a) The development is not started within three months of the date of this permit.
- (b) The development is not completed within six months of the date of commencement of works.

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

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

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

**A vote was taken and the MOTION was CARRIED.**

**Cr Crawford left the Chamber at 7.18pm**

**Cr Crawford returned to the Chamber at 7.20pm**





## **6.2 8 Palmerston Crescent, South Melbourne**

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

### Bruce Freshwater (Objector)

Stated that he objected to the proposal on the grounds of TV reception and changed traffic conditions, including loss of car parking spaces, the new tram stop and bicycle access to the CBD.

### John Tabart (Objector)

Stated he was representing Carina Reynolds and that the main objection was the car park access from Millers Lane.

### George Swinburne (Objector)

Stated that there had been too many concessions and dispensations including no loading dock and car parking.

### Hugh McKenzie (Applicant)

Stated he was representing Pro-urban and addressed some of the concerns raised by previous speakers.

**7.45pm Cr Copsey left the Chamber**

**7.47pm Cr Copsey returned to the Chamber**

**7.51pm Cr Pearl left the Chamber**

**7.52pm Cr Pearl returned to the Chamber**

**7.52pm Cr Baxter left the Chamber**

**7.54pm Cr Baxter returned to the Chamber**

## **Moved Crs Bond/Pearl**

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Refusal to Grant a Planning Permit for the construction of a building and the carrying out of works for a multi-storey building containing dwellings, the use of the land for office, food and drink premises (café and restaurant) and a reduction of the car parking requirements at No. 8 Palmerston Crescent, South Melbourne.
- 3.2 That the Refusal be issued on the following grounds:
  1. The proposal is inconsistent with the design objectives and requirements of the Design and Development Overlay Schedule 26, particularly in relation to setbacks and podium heights of Clause 43.02 (Design and Development Overlay) of the Port Phillip Planning Scheme.



2. The proposed development would fail to provide adequate onsite car parking and loading/unloading facilities in accordance with Clauses 52.06 (Car Parking) and Clause 43.02 (Design and Development Overlay), respectively of the Port Phillip Planning Scheme.

**A vote was taken and the MOTION was LOST.**

**Moved Crs Copsey/Crawford**

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

**RECOMMENDATION “PART A”:**

- 3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Notice of Decision to Grant a Planning Permit for the construction of a building and the carrying out of works for a multi-storey building containing dwellings, the use of the land for office, food and drink premises (café and restaurant) and a reduction of the car parking requirements at No. 8 Palmerston Crescent, South Melbourne.
- 3.3 The decision be issued as follows:

**1 Amended Plans Required**

Before the development commences, amended plans and elevation drawings to scale and fully dimensioned 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 identified as those drawn by Ellenberg Fraser ‘Rev B’ dated 18 September 2017 but modified to show:

- a) Any changes required by Melbourne Water conditions.
- b) A notation on the plans that written confirmation by a Licensed Land Surveyor will be provided to the Responsible Authority verifying that the development does not exceed 60



- metres in height above natural ground level (excluding building services as described at 4.0 of Schedule 26 of the Design and Development Overlay). This must be provided at frame stage inspection and at final inspection.
- c) Screening to the north facing windows of the podium floors that have direct outlook of less than 9 metres towards habitable rooms or balconies. Screening must be installed to a minimum sill height of 1.7m above the finished floor level or screened to 1.7m above FFL by obscure glazing or louvres allowing upward and horizontal views but not downward overlooking of adjacent properties. If louvred screens are proposed, a cross section elevation drawing of screens to the windows must be provided which detail the following:
- i. Be drawn to scale and fully dimensioned;
  - ii. Clearly delineate any solid parts of the screen and any louvre parts of the screen;
  - iii. Clearly illustrate how any louvre system may allow upward and horizontal views but will prevent downward views to neighbouring properties;
  - iv. Show the exact width and thickness of each louvre, the exact spacing between each louvre and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the window.
- d) Cross sectional diagrams that indicate how overlooking will be limited for north facing windows of the tower element adjacent to No. 21-27 Park. If downward views to neighbouring properties occur within 9 metres, appropriate screening is required to relevant windows as per the requirements of Condition 1c.
- e) Car spaces 1, 2 and 3 on Basement Level 1 to be nominated as visitor spaces.
- f) Car space 4 to be converted to a multi-purpose loading space.
- g) Unnumbered car space in Basement Level 1 to be increased in size to accommodate a car share space for the office use.
- h) A minimum of 3 scooter/motorbike spaces provided at Basement Level 1.
- i) Dimensions of car space 1 in Basement level 1.
- j) Vertical Clearance Diagram demonstrating sufficient ground clearance is provided when a waste vehicle accesses Basement Level 1.



- k) Swept path diagrams that demonstrate waste vehicles are able to perform safe manoeuvres into Millers Lane from Park Street.
- l) Dimensions of the access path between the area between the bin holding room and the car lift within Basement Level 1 to allow safe access for bicycles.
- m) Details of the lengths of ramp grades that are used to access Basement Level 01 as well as the RL at grade changes.
- n) Compliance with Standard D17 (Accessibility) of Clause 58 of the Port Phillip Planning Scheme.
- o) All external glazing and the plant enclosure to be no more than 20% reflectivity.
- p) The detail and location of external storage for each dwelling resulting in an overall minimum 14 cubic metres for each 2 bedroom dwelling and 18 cubic metres for each 3 bedroom dwelling.
- q) All three bedroom dwellings to have terraces with a minimum area of 12sqm and minimum dimension of 2.4 metres.
- r) Nominate openings in the windows at podium level to allow access to planter boxes.
- s) Dedicated and marked pedestrian paths in Basement Level 1.
- t) The design of external lighting so as to be incorporated to the façade.
- u) Any changes required by the Sustainable Management Plan at Condition 3.
- v) Any changes required by the Water Sensitive Urban Design Reports at Conditions 4 and 5.
- w) Any changes required by condition 7 (Landscape Plan).
- x) Any changes required by condition 10 (Waste Management Plan).
- y) All plant, equipment and domestic services (including air conditioning, heating units, hotwater systems, etc.) which are to be located externally.
- z) 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.
- aa) Urban Art to be included in accordance with Council's Urban Art Strategy and must be clearly indicated on the drawings, as per Condition 11.



- bb) Notation on plan to change reference from 'retail premises' to 'food and drink premises'

**2 No Alterations**

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

**3 Sustainable Management Plan**

Before the endorsement of plans under condition 1, an amended Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to and be to the satisfaction of and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed

**4 Water Sensitive Urban Design**

Before the endorsement of plans under condition 1, an amended 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.

**5 Maintenance Manual for Water Sensitive Urban Design Initiatives**

Before the endorsement of plans under condition 1, 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

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.



**6 Vehicle Crossing**

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, nature strip kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

**7 Landscape Plan**

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

- a) 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;
- h) Details of access to podium level landscape areas.
- i) Details of levels on the ground floor landscape areas.

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

**8 Completion of Landscaping**

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





**9 Landscaping Maintenance**

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

**10 Waste Management**

Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan (by Leigh Design dated 21 September 2017) based on the draft "Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments (Sustainability Victoria June 2006) 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:

- a) The estimated garbage and recycling generation volumes for the whole development.
- b) The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
- c) The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
- d) The path of access for both users and collection vehicles.
- e) How noise, odour and litter will be managed and minimised.
- f) Approved facilities for washing bins and storage areas.
- g) Who is responsible for each stage of the waste management process.
- h) How tenants and residents will be regularly informed of the waste management arrangements.
- i) Provision of hard waste.
- j) Location of waste collection within the basement level.

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

**11 Urban Art Plan**

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



approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

## **12 Noise Attenuation for Apartments**

The building must be designed and constructed to achieve the following noise levels:

- a) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- b) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed. The noise influence area should be measured from the closest part of the building to the noise source.

## **13 Green Transport Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

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





- i) Identify persons responsible for the implementation of actions;
- j) Estimate timescales and costs for each action;
- k) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

**14 Car and Bicycle Parking Allocation and Management Plan**

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated in a Car and Bike Parking Management Plan and on any Plan of Subdivision as follows:

- a) Maximum two (2) car space for each three bedroom dwelling;
- b) A maximum (1) car space for each two bedroom dwelling.
- c) Forty-nine (49) spaces for office;
- d) Two (2) spaces (one to each tenancy) for food and drink premises (café and restaurant);
- e) Three (3) spaces allocated to visitors at Basement 1 Level;
- f) One car share space at Basement 1 Level;
- g) Multipurpose loading area;
- h) A minimum thirteen (13) bicycle parking spaces to the residential component; and
- i) A minimum thirteen (13) bicycle parking spaces to the office component

All to the satisfaction of the Responsible Authority.

**15 Street Bicycle Parking**

All bicycle rails/hoops must be installed to Council satisfaction and at a cost to the applicant. The development plans indicate the provision of 4 bicycle hoops along Palmerston Crescent and 6 bicycle hoops along Kings Place.

**16 Number of Dwellings**

Without the further written consent of the Responsible Authority, no more than 44 dwellings may be constructed on the land.

**17 Rooftop and Podium Terraces**

The rooftop and podium terraces must not be used between 11 pm and 7 am on any day (with the exception of New Year's Eve).

**18 Amplified Music**

No amplified music to be played or external lighting other than the bollard lighting shown on the endorsed plans to be operated on the roof terrace.



**19 Alteration/Reinstatement of Council or Public Authority Assets**

Before the occupation of the development allowed by this permit, the Applicant/ Owner shall do the following things to the satisfaction of the Responsible Authority:

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

**20 Walls on or facing the Boundary**

Prior to the occupation of the building(s) allowed by this permit, all new 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.

**21 Piping and Ducting**

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

**22 No Equipment or Services**

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.

**23 Privacy Screens Must Be Installed**

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

**24 Lighting Baffled**

All lighting of external areas both during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10pm and 7am.



**25 Services to be underground**

All basic services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the responsible authority.

**26 Level 5**

The internal spaces located on Level 5 must only be used by residents or office employees and must not be used for any commercial purposes.

**27 Loading/Unloading**

The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated multipurpose space, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.

**28 SEPP N-1**

All air conditioning and plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

**29 Car Parking Stacker Maintenance and Provision**

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

**30 Parking Areas must be available**

Car parking areas and access lanes must be kept available for those purposes at all times and must not be used for any other

**Melbourne Water Conditions**

**31** The ground floor of the building must be constructed with finished floor levels set no lower than 2.7 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 2.4m to AHD.

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

**33** All doors, windows, vents and openings to the basement car park must be set no lower than 2.7 metres to AHD including a flood proof apex to the basement.



- 34 All Electrical system, including components for the DDA access lift, must be set no lower than 2.65m AHD.

**Melbourne Metro Rail Authority Conditions**

- 35 Before development starts, including demolition and bulk excavation, three (3) copies of a Construction Management Plan must be submitted to the satisfaction of Melbourne Metro Rail Authority. The Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to the construction of the Metro Tunnel project, and must set out objectives and performance and monitoring requirements for:

- a) The demolition and construction program;
- b) Preferred arrangement for vehicles delivering to the land, including delivery and unloading and expected duration and frequency;
- c) Requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- d) Measures to ensure that all works on the land will be carried out in accordance with the Construction Management Plans.

- 36 All demolition and construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be implemented at no cost to Melbourne Metro Rail Authority.

**37 Time for Starting and Completion**

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

- a) The development is not started within three years of the date of this permit.
- b) The development is not completed within four 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.

**RECOMMENDATION “PART B”:**

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

**A vote was taken and the MOTION was LOST.**



**Moved Crs Brand/Bond**

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Refusal to Grant a Planning Permit for the construction of a building and the carrying out of works for a multi-storey building containing dwellings, the use of the land for office, food and drink premises (café and restaurant) and a reduction of the car parking requirements at No. 8 Palmerston Crescent, South Melbourne.
- 3.2 That the Refusal be issued on the following grounds:
1. The proposed development would fail to provide adequate onsite visitor car parking and loading/unloading facilities in accordance with Clauses 52.06 (Car Parking) and Clause 43.02 (Design and Development Overlay), respectively of the Port Phillip Planning Scheme.

**A vote was taken and the MOTION was CARRIED.**

**Cr Copsey requested a DIVISION.**

<b>For</b>	<b>Against</b>
<b>Cr Brand</b>	<b>Cr Gross</b>
<b>Cr Bond</b>	<b>Cr Copsey</b>
<b>Cr Baxter</b>	<b>Cr Crawford</b>
<b>Cr Pearl</b>	

**A vote was taken and the MOTION was CARRIED.**



### **6.3 Planning Permits Delegate Report – December 2017 & January 2018**

#### **Moved Crs Bond/Pearl**

That the Planning Committee under delegated authority:

- 1.1. Receives and notes the December 2017 and January 2018 reports (Attachment 1 and 2) 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.
- 1.2. Receives and notes the decisions made by the Manager City Development under delegation during the period 14 December 2017 to 7 February 2018, as resolved by Council at its Ordinary Meeting of 13 December 2017.

**A vote was taken and the MOTION was CARRIED.**



**7. URGENT BUSINESS**

Nil.

# MINUTES - PLANNING COMMITTEE MEETING - 28 FEBRUARY 2018



As there was no further business the meeting closed at 8.20pm.

Confirmed: 28 March 2018

Chairperson \_\_\_\_\_