



**STATUTORY PLANNING  
COMMITTEE**

**MINUTES**

**14 APRIL 2009**

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE  
PORT PHILLIP CITY COUNCIL HELD ON 14 APRIL 2009, IN THE  
COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.03pm.

**PRESENT**

Cr. Klepner (Chairperson), Cr. Bolitho, Cr. Middleton, Cr. Powning, Cr. Thomann, Cr. Touzeau.

**IN ATTENDANCE**

Darrell Treloar Chief Executive Officer (Interim), Geoff Oulton Executive Director Community Development & Planning, George Borg Manager City Development, Richard Schuster Coordinator Statutory Planning - St Kilda/Albert Park, Matt Spencer Urban Planner.

*Council pays its respects to the people and elders, past and present, of Yalukit Wilam and the Kulin Nation. We acknowledge and uphold their relationship to this land.*

**1. APOLOGIES**

**MOVED** Crs Thomann/Touzeau

An apology was received and a leave of absence granted to Cr O'Connor.

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

**2. CONFIRMATION OF MINUTES**

**MOVED** Crs Powning/Touzeau

That the Minutes of the Statutory Planning Committee of the Port Phillip City Council held on 9 February 2009, be confirmed.

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

### **3. CORRESPONDENCE**

Nil.

#### 4. PUBLIC QUESTION TIME

##### Item 1

Mr Jon Webster asked the following question in relation to car parking off Acland Street:

1. At the Belford Street car park council has free car parking between 7am and 7pm weekdays, however around the corner (opposite Luna Park) in Shakespeare Grove council has metered car parking, why?

*Geoff Oulton, Executive Director Community Development & Planning advised that there are two components to the Shakespeare Grove car park; the section that is closest to Acland Street does have a consistent restriction to the one in the Belford / Irwell street car park, whereas further down Shakespeare Grove it is pay parking all day. The Shakespeare Grove car park is split into two parts; part restricted for short term use and pay parking for all day use.*

##### Item 2

Mr Jon Webster made the following comment in relation to Councillor expenses:

I propose that Councillors should have credit cards available to them of \$5K and the Mayor 10-15K per year.

*Cr Klepner advised that this topic will be dealt with at the Ordinary Meeting of Council to be held on Monday, 27 April 2009.*

## 5. COUNCILLOR QUESTION TIME

### Item 1

Cr Bolitho asked the following question:

Could Geoff Oulton, the Executive Director Community Development & Planning please outline the recent announcement by the Minister regarding waiving the requirement for a planning permit for certain works?

*Geoff Oulton, Executive Director Community Development & Planning advised that the change to the Planning and Environment Act means that works by or on behalf of council under one million dollars in value will no longer require a planning permit and the exception to that appears to be demolition where there is a heritage overlay. This change is twofold; one is in relation to bushfires, to allow councils to rebuild and the second aspect is to allow councils to respond to the Commonwealth Governments funding in relation to handouts to provide community infrastructure.*

*Even though there will not be a formal planning process, council will still need to ensure that it goes through a proper process of engagement and has regard to all the checks and balances and safeguards within the Planning Scheme.*

### Item 2

Cr Klepner asked the following question:

In relation to the current review of the Planning and Environment Act, what lead time do we have to respond and how can we put forward our views on this?

*Geoff Oulton, Executive Director Community Development & Planning advised that the State Government recently announced the review of the Planning and Environment Act and they have only given less than 4 weeks for responses. Our request for an extension of time has not yet been granted.*

*Currently we are preparing a response on behalf of council. We will also be preparing a letter for your signature to the Minister to request further time for engagement with our community, further time to prepare our response and also inviting members of staff from the Department of Planning and Community Development to provide a briefing to the community.*

## **6. PRESENTATION OF REPORTS**

The order of business was as follows:

B1 53 SPENSER STREET, ST KILDA

B2 DELEGATE REPORT

**B1 53 SPENSER STREET, ST KILDA**

**Purpose**

Alterations And Additions, Including An Additional Level To The Existing Building And New Building At The Rear Of The Site, And Increase The Number Of Dwellings On The Lot From Four To Ten Overall, With Reduced Car Parking Supply.

The following speakers made verbal submissions against this item:

- Samantha Hutchison (objector)
- Anne Stanford (objector)
- Nick Farnan (objector)

**MOVED Crs Middleton/Powning**

That the Responsible Authority having caused the application to be advertised and having received and noted eighteen objections, is of the opinion that the proposed alterations and additions, including an additional level to the existing building and new building at the rear of site for the purposes of 10 dwellings will not cause material detriment to any person other than the applicant.

That the Statutory Planning Committee issue a Notice of Decision to Grant a Permit for alterations and additions, including an additional level to the existing building and new building at the rear of site for the purposes of 10 dwellings, subject to the following conditions:

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 generally in accordance with the plans forming part of the application but modified to show the following:
  - a) Reduction in the height of the wall at the north elevation to dwelling 5 to a maximum of 3.0m above the natural ground level and, as a consequence, deletion of the extension to the north elevation at first floor level, being part of bedroom 2 and part of the bathroom to dwelling 5 and the requisite internal re-arrangement of the dwelling;
  - b) Reduction in the height of the wall at the north elevation to dwelling 7 to a maximum of 6.4m above natural ground level by way of a reduction in the floor to ceiling height to achieve a minimum of 2.1m for part of the living area to dwelling 7;
  - c) Decrease in the height of the building measured to above the kitchen of dwelling 10 to a maximum of 10.2m above natural ground level, through the reduction of the floor to ceiling height of the kitchen to a maximum of 2.70m.
  - d) Consolidation of bedroom 1 and bedroom 2 to dwelling 10 by way of increasing the north (side) setback to a minimum of 4.50m and the south side setback to a minimum of 5.50m;

- e) Reduction in the width, by 500mm, of the eave to the south elevation of the upper level;
- f) Replacement of the 'black glazed bricks' with 'light colour render' at the north, west and south elevations of the building abutting the rear boundary, fronting Blessington Court;
- g) Further detail of and improvements to identify the entry to the building abutting the rear boundary, facing Blessington Court, in accordance with standard B26 of Rescode;
- h) Screening to a minimum height of 1.7m above finished floor level at the following locations:
  - The west and south facing windows to the kitchen of dwelling 10;
  - The north facing windows to the living area of dwelling 10;
  - Each side of the balcony to dwelling 7;
  - Each side of the balcony to dwelling 8;
  - The north, south and east sides of the deck that wraps around the sitting room to dwelling 10;
  - Each north side and the west side of the deck that is located between the living area and sitting room to dwelling 10;
- i) Full details of the screening required by condition 1h) is to be included on the plans, demonstrating that the screening prevents downward views.

If a louvred screening system is proposed, cross sections must be provided which show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, whilst allowing outlook horizontally and upward must be demonstrated.

- j) The air-conditioning units within the service courtyard of dwelling 3 and the service courtyard of dwelling 4, relocated to the rear courtyard of each dwelling, behind the boundary wing wall to each courtyard.
- k) Replacement of the front fence, between each bin storage area with a 1.5m high transparent fence having a minimum transparency of 25% and a decrease in the height of the front gates and bin storage areas to 1.5m.
- l) Each dwelling provided with at least 6m<sup>3</sup> of externally accessible, secure storage space.
- m) The 'Cowper Street' notation deleted and replaced with 'Blessington Court'.
- n) The correct location and description of the south facing windows at 51 Spenser St.
- o) Provision of bin storage for 5 x 240 litre garbage bins and a minimum of 3 x 240 litre recycling bins, located in common property and designed in a manner that prevents the escape of odours.

- p) Notation on plans showing noise attenuation works to the garage as required at condition 15 of this permit.
  - q) The walls on the northern elevation finished in a manner and colour to better reflect the light.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  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.
  4. Before the development commences a Sustainable Design Statement that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. Upon approval the statement will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.
  5. Prior to the commencement of works a report by a suitably qualified Arborist must be submitted to the satisfaction of the Responsible Authority. When approved the report will be endorsed and form part of the permit. The Report must include the following details with respect to the existing tree located at the rear of 57 Spenser Street, adjacent the common boundary with the subject site:
    - The significance of the tree;
    - The likely impacts of the proposed development on the tree; and
    - Where appropriate, recommendations including construction works for the protection of the tree.
  6. No equipment, services and architectural features other than those shown on the endorsed plans must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
  7. Any plant and equipment must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority and all plant and equipment, including air conditioning units, must be acoustically screened and baffled so as to minimise noise impacts on abutting and nearby residential properties.
  8. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
  9. Before commencement of the works, a construction management plan must be prepared, including a works program, with the objective of minimising the impact of construction works on the nearby residential properties. The construction

10. management plan must be submitted to and approved to the satisfaction of the responsible authority. The plan must specify the means of reducing the construction impact (at the cost of the applicant) of dust and noise on the nearby properties, and must provide that hours of work be in accordance with any relevant Local Law.
11. During the construction of the buildings and works allowed by this permit, the roads and streets and lanes adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
12. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.
13. 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 to the satisfaction of the Responsible Authority thereafter.
14. Vehicular crossings must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority, before the use is commenced or building occupied:
  - a) Standard vehicular crossings must be constructed and/or widened at right angles to the road to suit the proposed driveways incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match the existing laneway or kerb and guttering (as appropriate),
  - b) Any redundant crossing (or part thereof) must be removed and the footpath and kerb reconstructed incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate) to specifications to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority. Any new car space(s) created along the street frontage of the site as a result of the removal of the crossing must be line marked to the satisfaction of the responsible authority. Any surplus bluestone pitchers must be returned to Councils depot, at cost to the applicant or owner.
  - c) Any proposed vehicular crossing must have satisfactory clearance of any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.
15. The Applicant/Owner must do the following things to the satisfaction of the Responsible Authority:
  - a) Prior to the completion of the development, pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
  - b) Prior to the completion of the development, 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.
16. Prior to the completion of the development, noise attenuation works to the garage which will avoid sleep disturbance must be designed and carried out to the satisfaction of the Responsible Authority.
17. Melbourne Water conditions
- Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways
  - Any new building or extended floor area must be constructed with finished floor levels a minimum of 300mm above the applicable flood level.
  - Any new garage / car stacker must be constructed with finished surface levels a minimum of 150mm above the applicable flood level.
  - Any drainage system to the car stackers must be designed such that stormwater is unable to penetrate the basement.
  - Prior to the issue of a Certificate of Occupancy; a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
18. 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 period referred to if a request is made in writing before the permit expires or within three months afterwards.

**Footnotes:**

- ***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 5dB(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).*

**Cross-over Permit Required**

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

**Waste Collection**

*The applicant must consult with Council's Waste Management Department regarding the location of waste bins and collection options.*

**No resident or visitor parking permits**

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

**Melbourne Water**

*The applicable flood level for the property is 2.2 metres to Australian Height Datum (AHD).*

*If further information is required in relation to Melbourne Water's conditions shown above, please contact Land Development on telephone 9235 2517 quoting Melbourne Water's Reference 154769.*

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

**B3 DELEGATE REPORT**

**Purpose**

To present Council with a summary of all Planning Permits issued under Delegation.

**MOVED Crs Thomann/Bolitho**

That the Council receive and note the report 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.**

**7. URGENT BUSINESS**

Nil.

**8. PRESENTATION OF CONFIDENTIAL REPORTS**

Nil.

As there was no further business the meeting closed at 6.54pm.

Confirmed: 11 May 2009

Chairperson: \_\_\_\_\_