



**STATUTORY PLANNING
COMMITTEE**

MINUTES

9 FEBRUARY 2009

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD ON 9 FEBRUARY 2009, IN THE
COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.05pm.

PRESENT

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

IN ATTENDANCE

Geoff Oulton Executive Director Community Development & Planning, George Borg Manager City Development, Richard Schuster Coordinator Statutory Planning St Kilda/Albert Park, Phillip Beard Senior 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. ELECTION OF CHAIRPERSON

The Mayor facilitated the appointment of a Chairperson in accordance with Part 4, Section 28 of the Council Meetings Procedure Local Law No. 2/2005.

MOVED Crs Powning/Middleton

That Cr Klepner be appointed to the position of Chairperson of the Statutory Planning Committee.

A vote was taken and the MOTION was CARRIED.

Cr Klepner was declared Chairperson and took the Chair.

2. APOLOGIES

Nil.

3. CONFIRMATION OF MINUTES

MOVED Crs Bolitho/Klepner

That the minutes of the Statutory Planning Committee Meeting of the Port Phillip City Council held on 13 October 2009, be confirmed.

A vote was taken and the MOTION was CARRIED.

4. CORRESPONDENCE

Nil.

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5. PUBLIC QUESTION TIME

Mr. Adrian Jackson asked the following questions in relation to parking:-

1. When is Port Phillip City Council going to return all our streets to residents and visitors and get rid of the elitist residential parking permit system?
2. Is Council aware in 1996, 23% of households didn't own cars but by 2001 that had dropped down to 17.9% and I don't know what the ABS statistics are for 2006 but at that rate it's probably down to 12%?
3. Is Council going to consider maximizing the parking in our wider streets by implementing the 90 degree and angle parking scheme in the streets that don't have them currently for example Deakin St and Mary St (West St Kilda). In Fraser St which is just near my corner are you aware that on the Middle Park side it is 90 degree parking and on the St Kilda side it's parallel parking?
4. Is Council aware that during festivals, triathlons and so on in St Kilda attendees are forced to move further away from St Kilda because of parallel parking or parking permits (in West St Kilda for example) and park down in Middle Park, which I don't object to, because the elitists have got a stranglehold on the parking system closer to Fitzroy St?
5. Is Council aware that property titles finish at the front fence and they don't include the roadway outside people's properties?

Cr Klepner referred the questions on to Geoff Oulton Executive Director Community Development and Planning for response.

Mr. Adrian Jackson asked the following questions:-

1. When is the Council going to fix the mess left by the previous council in the Pier Road area? For example, Pier Road's been partly closed and as a consequence the number of hoon drivers there, because there is less cars parking there, has increased where it wasn't a problem in the past. Could they also weed the old field gun artillery and placements that I mentioned 2 years ago, you know those curved things which were put in, in the old days?
2. Also, are they going to reinstate the kiosk which was demolished near the West Beach Pavilion? That provided a very good community service to people who just wanted non-alcoholic refreshments.
3. Are you aware that we are now in a situation that there is no kiosk between the kiosk near the St Kilda Pier and Mills St? In fact, Middle Park has not got any kiosks.
4. Also could they have a look at the off road bike lane, as you know it's an excellent bike lane that was built by the South Melbourne Council along Beaconsfield Parade and perhaps extend that bike lane along onto the eastern side of Catani Gardens next to the roadway there, rather than closing the bike access to Pier Rd, where they turn it into a pedestrian mall (if that happens). I think it's a much more direct route and it doesn't interfere with the gravel footpaths that are in Catani Gardens. That whole area needs a real re-think, it's a disaster at the moment.

Cr Klepner referred the first and third questions on through Geoff Oulton, Executive Director Community Development and Planning to the Sustainable Transport area.

The second question invoked a planning matter in response to the West Beach Pavilion and Cr Klepner confirmed that the contract was awarded to the firm that was doing the redevelopment on the proviso that kiosk type facilities and also public utilities (toilets and shower) be provided for general public use. A low cost kiosk facility, change rooms and toilet facilities and also a public meeting space but there is no estimated time of completion for the development. At this moment Geoff Oulton, Executive Director Community Development and Planning is saying August 2009.

6. COUNCILLOR QUESTION TIME

Nil.

7. PRESENTATION OF REPORTS

The order of business was as follows:

- B1 86-88 Alexandra Street, East St Kilda
- B2 205 Beaconsfield Parade, Middle Park
- B3 Delegate Report

B1 86-88 ALEXANDRA STREET, EAST ST KILDA

Purpose

To consider an application for planning permit for a the construction of a three level building, above basement, containing 20 dwellings

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

- Kevin Costin (Objector)
- David Manallack (Objector)
- Christine Fry (Objector)
- Chris Spillane on behalf of Help Save East St Kilda (Objector)
- Ian Dean (Objector)
- Sophie Jordan & Kris Wilson (Urbis Pty Ltd – Applicant)

MOVED Crs Powning/Bolitho

That the Statutory Planning Committee advise the Victorian Civil and Administrative Tribunal that Council would have issued a Notice of Decision to Grant a Permit for the construction of a two storey building containing 17 dwellings above basement car park had it been the responsible authority for determination of this application. The relevant Notice of Decision is not issued as a result of an appeal under S79 of the Act having been lodged.

That VCAT be advised that Council's seeks the following conditions on any permit issued:

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) The upper level deleted.
 - b) The louvers on the north elevation (1st level) spaced more closely and with a greater depth so as to prevent downward views but allow outward views,
 - c) The number of dwellings limited to 17.
 - d) Screening to 1.7m above finished floor level, to the living/dining room windows of unit 15 that would limit views into the neighbouring properties.
 - e) Screening to 1.7m above finished floor level to the east facing balcony edges of unit 15 that would limit views into the neighbouring properties.
 - f) Screening to 1.7m above finished floor level, to the rear (east) facing windows of unit 14 that would limit views into the neighbouring properties.
 - g) The wall adjacent to No. 53 Wilgah Street as having a maximum height of 3m above natural ground level.
 - h) The proposed tree at the front of the site and the four proposed mature trees abutting the north boundary all to be at least 4m high at time of planting,

- i) Any front fence element over 1.5 mtrs in height to be no less than 30% translucent
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. 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.
5. Any new walls on or facing the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
6. Any plant and equipment proposed on the roof of the building 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.
7. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
8. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement
9. The car parking areas and access ways as shown on the endorsed plans must be left open and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.
10. 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 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 car parking allocation of this development must not be less than one car space for each one and two bedroom apartment and two visitor parking spaces held in common property.
13. Before completion of the building allowed by this permit, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the

total building cost of the development to the satisfaction of the responsible authority and Council's Urban Art Officer.

14. Prior to the completion of the development, a Waste Management Plan 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:
- The estimated garbage and recycling generation volumes for the whole development.
 - The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
 - The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
 - The path of access for both users and collection vehicles.
 - How noise, odour and litter will be managed and minimised.
 - Approved facilities for washing bins and storage areas.
 - Who is responsible for each stage of the waste management process.
 - How tenants and residents will be regularly informed of the waste management arrangements.

Once approved, the Waste Management Plan will be endorsed as part of this permit.

15. Prior to the commencement of the development hereby permitted, a landscape plan and schedule must be submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of the permit. Landscaping in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the building hereby permitted. The plan must show the proposed tree at the front of the site and the four proposed trees adjacent to the north boundary as being 4m high at time of planting.
16. 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.

17. 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:

Noise

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5dB(A) measured at the property boundary

Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

MOVED Crs Thomann/Klepner – Foreshadowed Motion

(To make the building more acceptable to neighbours by proposing an Amendment to Cr Powning's recommendation in which:-

- The second floor is removed as it currently appears on the plans with the plans for the third floor being adopted as the new second floor plan, in order to limit the visual effects on residents and increase privacy aspects).

The Chairperson, Cr Klepner put forward the original Motion moved by Cr Powning/Bolitho.

A vote was taken and the MOTION was CARRIED.

The Foreshadowed Motion therefore lapsed.

Note:

Cr Bolitho requested Councillors be informed of the outcome of the VCAT (Vicorian Civil Administrative Tribunal) hearing pertaining to this property.

Cr Bolitho left the Chamber at 7.55pm

Cr Bolitho returned to the Chamber at 8.00pm

B2 205 BEACONSFIELD PARADE, MIDDLE PARK

Purpose

The purpose of the application is for the demolition of a 1930's era block of flats constructed in the art deco or "Moderne" Style; construction of a four (4) storey plus basement apartment building; dispensation of three (3) car parking spaces

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

- Peter Avery speaking on behalf of the following Objectors:-
Tony and Joan Stevens, J. Moreno and P. Labb, Richard Osborne
- Adrian Jackson
- Andrew Lee (Objector)
- David Hickey – SJB Planning Pty Ltd (speaking on behalf of Mr Tony Ianno - Applicant)

MOVED Crs O'Connor/Thomann

That the Statutory Planning committee advise the Victorian Civil and Administration Tribunal that Council would have issued a Notice of Refusal to Grant a Planning Permit for the demolition of the existing building and construction of a four storey building containing six dwellings above basement car park and dispensation of car parking had it been the responsible authority for determination of this application.

That VCAT be advised that Council would have refused the application on the following grounds:

- The proposed demolition fails to comply with Clause 22.04-4 of the Local Planning Policy Framework
- The existing building contributes to the heritage place and should be retained

A vote was taken and the MOTION was CARRIED unanimously.

B3 DELEGATE REPORT

Purpose

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

Moved Crs Bolitho/O'Connor

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.

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As there was no further business the meeting closed at 9.05pm.

Confirmed: 10 March 2009

Chairperson: _____