



**STATUTORY PLANNING
COMMITTEE**

MINUTES

16 NOVEMBER 2009

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD 16 NOVEMBER 2009, IN THE
COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.02pm.

PRESENT

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

IN ATTENDANCE

Sue Wilkinson General Manager Environment and Planning, George Borg Manager City Development, Jane Birmingham Coordinator Statutory Planning Port Melbourne, South Melbourne & Elwood, Richard Schuster Coordinator Statutory Planning St Kilda & Albert Park, Allison Hawke 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

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Thomann/O'Connor

That the Minutes of the Statutory Planning Committee of the Port Phillip City Council held on 19 October 2009 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

The order of business was as follows:

1. 33 ORMOND ESPLANADE, ELWOOD
2. 14 DICKENS STREET, ST KILDA
3. DELEGATE REPORT
4. 1 – 11 WATERFRONT PLACE URBAN DESIGN GUIDELINES
5. URGENT BUSINESS

1. 33 ORMOND ESPLANADE, ELWOOD.

Purpose

To consider a planning permit application for demolition of a contributory graded dwelling and construction of two new three storey dwellings.

The following speaker made a verbal submission on this item:-

Rachael O'Neill – SJB Planning (on behalf of applicant)

*Cr Klepner vacated the chair at 6.10pm and left the meeting.
Cr O'Connor assumed the chair at 6.10pm.*

Cr Klepner rejoined the meeting at 6.22pm.

MOVED Crs Bolitho/Middleton

- 1.1. That the Statutory Planning Committee being the Responsible Authority, (having caused the application to be advertised) and having received and noted the objections, is of the opinion that the proposed **demolition of the existing dwelling and front fence and the construction of two dwellings incorporating three (3) stories and a basement level; and the relocation of the exiting crossover** will not cause material detriment to any person other than the applicant.
- 1.2. That a Notice of Decision to Grant a Planning Permit be issued for the purposes of the **demolition of the existing dwelling and front fence and the construction of two dwellings incorporating three (3) stories and a basement level; and the relocation of the exiting crossover.**
- 1.3. That a Notice of Decision be issued subject to the following conditions.

1. Amended Plans required

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

- a) The street setback increased from 9.0m to 11.0m;
- b) The roof terraces deleted from the plans in its entirety so that only the lift overrun exceeds the 9.0m height limit;
- c) Revisions to the landscape plan and planting schedule to delete reference to the Coast Banksia and Drooping She-Oaks where adjacent to the swimming pool of the adjoining dwelling at No. 31 Ormond Esplanade, and replace with a smaller tree or shrub as agreed upon by the Responsible Authority;

- d) Windows and balconies at first and second floor levels to demonstrate compliance with Standard B22 through the incorporation of dimensions of walls and screening devices above finished floor levels;
- e) The printed glazing elements to demonstrate 25% obscuration applies consistently across the entire window or alternatively the printed glazing be replaced with obscure glass;
- f) The front fence reduced in height to 1.6m where it abuts the western side boundary, increasing to 1.865m at the eastern side boundary with the slope of the land;
- g) A splay introduced to each side of the proposed front fence where it meets the driveway, to allow for sight line triangles measuring 2.0m x 2.5m as shown in: AS2890.1:2004 Parking Facilities. Part 1. Off-street car parking. Clause 3.2.4. Sight distance at access driveways. Figure 3.3 on page 33;
- h) In accordance with VicRoads permit condition 13; the crossover to be a maximum of 5.5m wide at the property boundary, flared 60 degrees with a 3.0m radius at the kerb and 1.0m clearance from any fixed object;
- i) In accordance with VicRoads permit condition 16; the gate relocated to be located a minimum distance of 6.0m from the property line.
- j) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally must be identified on plans.
- k) A coloured schedule (2 copies) of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions;

2. No Alterations

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Satisfactory continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

4. Walls on or facing the boundary

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed to the satisfaction of the responsible authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the responsible authority.

5. Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement

6. Piping and ducting

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

7. No equipment or services

No equipment, services and architectural features other than those shown on the endorsed plan must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

8. 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.

9. Vehicle crossings

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.
- d) Any proposed vehicular crossing must meet the guidelines as detailed in the standard drawing SD 4101C in relation to the maximum change of grade of the crossover/driveway to be 12%.

10. Applicant to pay for reinstatement

The Applicant/Owner must do the following things to the satisfaction of the Responsible Authority:

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

11. Landscape plan

Prior to the commencement of the development hereby permitted, modifications must be made to the landscape plan and schedule in accordance with condition 1c) to 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.

12. Garden area to be retained

The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the responsible authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.

VicRoads conditions

- 13.** At no cost to VicRoads and to the satisfaction of the Responsible Authority, the crossover shall be constructed as per attached drawing such that it is a maximum of 5.5m wide at the property boundary, flared 60 degrees with a 3.0m radius at the kerb and 1.0m metre clearance from any fixed object;
- 14.** All vehicles are required to be able to enter and exit the site in a forward manner to the satisfaction of the Responsible Authority.
- 15.** The existing crossover to the site along Ormond Esplanade shall be removed and the footpath and kerbing reinstated at no cost to VicRoads and to the satisfaction of the Responsible Authority;
- 16.** There shall be no gate or other obstruction to limit the movement of vehicles within 6 metres of the property line;
- 17.** At no cost to VicRoads and to the satisfaction of the Responsible Authority the developer shall be responsible for the relocation of any trees, road furniture and any other services that may be required in accommodating the new crossover;
- 18.** Any works associated with the proposed development must be performed at no cost to VicRoads or the Responsible Authority;
- 19.** A traffic management plan is required to be submitted to and consented by VicRoads, prior to any works in the Road Reserve;
- 20.** Work site traffic management practices must be in accordance with the Australian Standards AS 1742.3-2009 "Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads".
- 21. Time for starting and completion**
This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within two years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Permit Notes:

- **Building Approval Required**
This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- **Building Works to Accord With Planning Permit**
The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.
- **Due Care**
The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.
- **Days and Hours of Construction Works**
Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:
 - Monday to Friday: 7.00am to 6.00pm; or
 - Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

- **Drainage Point and Method of Discharge**
The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.
- **Noise**
The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:
 - a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary
 - b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).
- **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.

- **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

Cr Touzeau foreshadowed a MOTION ARISING should the MOTION be lost.

A vote was taken and the MOTION was CARRIED.

Cr Klepner resumed the chair at 6.35pm.

2. 14 DICKENS STREET, ST KILDA

Purpose

To consider an application for planning permit to use disused clubrooms at 14 Dickens Street, Elwood for the purposes of an education centre (primary).

The following speaker made a verbal submission on this item:-

Ian D' Olivera – Network Planning Consultants - (on behalf of applicant)

MOVED Crs Thomann/Touzeau

- 1.1. That the Responsible Authority having caused the application to be advertised and having received and noted 25 objections is of the opinion that the proposed use will not cause material detriment to any person other than the applicant.
- 1.2. That a Notice of Decision to Grant a Planning Permit be issued to use the land as an education centre (primary school) for 40 students and 4 staff members at 14 Dickens Street, Elwood, subject to the following conditions.
 1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 2. The education centre must only operate between the hours of:

8am to 6pm Monday to Thursday.

8am to 3.30pm Friday.
 3. The education centre must have no more than 40 students and 4 staff members at any one time.
 4. Drop-off and pick-up must continue to occur at 39 Dickens Street. Students must be escorted on foot to and from 14 Dickens Street at the commencement and completion of each school day.
 5. A senior staff member must be appointed as Site Manager and contact person for liaising with residents to deal promptly with any complaints and to provide a means of disseminating information that may be of interest to residents.
 6. The amenity of the area must not be detrimentally affected by the use through:
 - i. Transport of materials, goods or commodities to or from the land.
 - ii. Appearance of any building, works or materials.
 - iii. Emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, as, dust, waste water, waste products, grit or oil.
 - iv. In any other way.

7. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage area must be screened from public view.
8. A minimum of eight bicycle parking spaces must be provided on site.
9. This permit expires on 31 December 2012.

A vote was taken and the MOTION was CARRIED.

3. DELEGATE REPORT

Purpose

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

MOVED Crs O'Connor/Thomann

A vote was taken and the MOTION was CARRIED.

4. 1 – 11 WATERFRONT PLACE URBAN DESIGN GUIDELINES

Purpose

To adopt the draft urban design guidelines 1-11 Waterfront Place – Design Guidelines October 2009.

MOVED Crs Bolitho/Powning

That Council:

- 2.1 Adopts the draft urban design guidelines 1-11 Waterfront Place – Design Guidelines October 2009 (**Refer Attachment 1**).
- 2.2 Delegates to the Executive Director of Community Development and Planning the authority to finalise the urban design guidelines, 1-11 Waterfront Place Beacon Cove Design Guidelines October 2009, generally in accordance with the objectives and principles outlined in the report.
- 2.3 Writes to the Minister for Planning outlining Council's preferred consultation and decision making process and requests that this includes the appointment of a Ministerial Advisory Committee to hear submissions on any development application for 1-11 Waterfront Place.
- 2.4 Undertakes informal consultation with established community groups such as Beacon Cove Neighborhood Association, Port People, Port Melb Inc., Friends of Port Melbourne's Foreshore etc, seeking their views regarding the detail of the Urban Design Advice 1-11 Waterfront Place Beacon Cove Report October 2009.

A vote was taken and the MOTION was CARRIED.

MOVED Crs O'Connor/Touzeau

That the meeting move into Urgent Business to set the date of the next Statutory Planning Committee meeting.

A vote was taken and the MOTION was CARRIED.

URGENT BUSINESS

MOVED Crs Middleton/Powning

That an additional Statutory Planning Committee Meeting be held on 21 December 2009 at the St Kilda Town Hall commencing at 6.00pm.

A vote was taken and the MOTION was CARRIED.

As there was no further business the meeting closed at 6.52pm

Confirmed: 21 December 2009

Chairperson: _____