



0

**STATUTORY PLANNING
COMMITTEE**

MINUTES

21 SEPTEMBER 2009

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD ON 21 SEPTEMBER 2009, IN
THE COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.00pm.

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, 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. 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 17 August 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. 45 – 47 HOTHAM ST, EAST ST KILDA
2. DELEGATE REPORT

1. 45 – 47 HOTHAM ST, EAST ST KILDA

Purpose

Partial demolition, alterations and additions to existing buildings, construction of a three storey building at the rear with a total of 20 dwellings and provision of 18 car spaces.

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

- James Leveque (objector)
- Mark Mocicka (objector)
- Belinda Bold (objector)
- Sonia Abdallah (objector)
- Michael Walton (objector)
- Christina Klemis (objector)
- David Carabott (on behalf of applicant)

MOVED Crs Powning/Bolitho

That the Responsible Authority, having caused the application to be advertised and having received 21 objections is of the opinion that the development of the land for the purposes of the part demolition of the existing building, and construction of an additional level to the existing rear building and construction of a new three level building along with reduced visitor car parking provision will not cause material detriment to any person.

That a Notice of Decision to Grant a Permit be issued for the development of the land for part demolition of the existing building, and construction of an additional level to the existing rear building and construction of a new three level building along with reduced visitor car parking provision generally in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans and elevations 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 submitted and advertised plans but modified to show the following:
 - (a) Deletion of units 13 and 14 and appropriate visual treatment consistent with the new building of any newly exposed walls.
 - (b) The front open space parcels reduced in size by increasing their front setback to a minimum of 9m along with all associated fencing shown as being no more than 1.4m high above natural ground level,

- (c) The skylights to the front dwelling reduced in size to no more than 780mm x 780mm,
- (d) Details, including cross sections, of all west and north facing balcony screening such that they would have zero transparency and that any outward projecting screen features be depicted on the relevant elevations,
- (e) Details of the patterned glass features used as screening devices being of zero transparency,
- (f) Details of landscape planting including all retained and proposed planting. The plan is to show details of proposed species and both height at time of planting and at maturity with all proposed trees along the west boundary and in the north-west and south-west corners as being at least 4m high at time of planting.
- (g) Reduction in proposed front gate height where adjacent to No. 43a Hotham Street to a maximum of 1.3m above natural ground level,
- (h) A schedule of external materials and colours of the proposed buildings and paving details of the driveways and front parking areas, including samples where appropriate (glass and otherwise), all in a form capable of being endorsed and placed on Council's.
- (i) Improved access to natural light and ventilation for the bedrooms of units one, and nine where this has become possible by virtue of Condition 1(a) above.
- (j) Notations indicating appropriate acoustic treatment to the north bedroom wall of unit two.
- (k) A roof plan indicating that the north portion of the courtyard to unit one is open to the sky.
- (l) The provision of traffic calming measures to limit pedestrian and vehicle conflict within the site.

Once approved, these plans become the endorsed plans under this permit.

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4. 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 and are to align with the details shown under condition 1 (h)
- 5. No buildings or works shall commence until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied. Landscaping in accordance with this approved plan and schedule and the details of condition 1 (f) shall be completed before the building is occupied.
- 6. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
- 7. 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.

8. Any outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
9. Prior to the commencement of the development hereby permitted the applicant must demonstrate how environmentally-positive features will be incorporated into the development where possible, to the satisfaction of the responsible authority following consultation with Council's ESD officer via completion of either an appropriate STEPS assessment or a written Sustainability Statement of the various approaches to sustainability matters included in the development with particular reference to storm water retention and permeability in the treatment of the driveway.
10. The car parking areas and accessways as shown on the endorsed plans shall 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.
11. 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. If appropriate, the plan will be endorsed to form part of this permit and all construction works are to be carried out in accordance with the plan.
12. During the construction of the buildings and works allowed by this permit, the roads and streets 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.
13. The car parking allocation for this development must be at the rate of one car space per dwelling.
14. 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 a street (other than a lane) or public park without the written consent of the responsible authority.
15. 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.

Permit Notes

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.

The applicant/owner would 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.

The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.

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.

A vote was taken and the MOTION was CARRIED.

2. DELEGATE REPORT

Purpose

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

MOVED Crs O'Connor/Thomann

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.

As there was no further business the meeting closed at 7.50pm.

Confirmed: 19 October 2009

Chairperson: _____