



**STATUTORY PLANNING
COMMITTEE**

MINUTES

10 JUNE 2008

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD ON 10 JUNE 2008, IN THE
COUNCIL CHAMBER ST KILDA TOWN HALL**

The meeting opened at 6.07pm.

PRESENT

Cr Klepner (Chairperson), Cr Bolitho, Cr Cribbes, Cr Gross, Cr Logan, Cr Sait, Geoff Oulton Executive Director Community Development and Planning, George Borg Manager, City Development, Paul Smith Manager Environment & Renewal, Richard Schuster Coordinator Statutory Planning - St Kilda/Albert Park, Jane Birmingham Coordinator Statutory Planning - Port Melbourne, South Melbourne & Elwood, Phillip Beard Senior Urban Planner.

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

1. APOLOGIES

MOVED Crs Cribbes/Gross

An apology was received and leave of absence granted to Cr Ray.

A vote was taken and the MOTION was CARRIED.

2. CONFIRMATION OF MINUTES

The Statutory Planning Committee Meeting of the Port Phillip City Council scheduled to be held on 12 May 2008 was cancelled. No minutes to confirm.

3. CORRESPONDENCE

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

The order of business was as follows:

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B1 TRAM TERMINUS PARK STREET, ST KILDA

Purpose

To consider an application for a planning permit for a new tram terminus in Park Street, St Kilda.

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

- James Goulding (objector)

Cr Gross left the meeting at 6.16pm.

Cr Gross returned to the meeting at 6.18pm.

MOVED Crs Cribbes/Gross

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 construction of a new Disability and Discrimination Act (DDA) compliant tram terminus and associated road works will not cause material detriment to any person other than the applicant.

That a Notice of Decision to Grant a Permit be issued for the purposes of construction of a new Disability and Discrimination Act (DDA) compliant tram terminus and associated road works at the Park Street tram terminus at the Park and Fitzroy Street intersection, St Kilda.

That a Notice of Decision be issued subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within two (2) 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.

A vote was taken and the MOTION was CARRIED.

B2 306 AND 308-310 ST KILDA ROAD, ST KILDA

Purpose

Partial demolition of former post office buildings, demolition of adjacent shop, use as food & drink premises, offices and serviced apartments and construction of a three storey building facing St. Kilda Rd and a building up to six storeys facing Inkerman Street along with parking dispensation.

Cr Sait advised the Committee that she was unsure whether she had to declare a Conflict of Interest as she owned a property in Inkerman Street which is near the proposal.

**Mr Oulton, Executive Director Community Development and Planning advised that in regards to advertising for this particular item the Urban Planner considered the area that would be affected by this application, it was noted that Cr Sait was outside this 'advertising area', therefore Cr Sait has no Conflict of Interest to declare.*

MOVED Crs Gross/Logan

That the Statutory Planning Committee, having caused the application to be advertised and having received 7 objections is of the opinion that the proposed partial demolition of the existing buildings and construction of a building up to 6 levels high along with a three level building fronting St Kilda Road, use as shop and food and drink premises (restaurant/café/convenience restaurant) and associated parking dispensation will not cause material detriment to any person other than the applicant.

That a Notice of Decision to Grant a Permit be issued for demolition and partial demolition of the existing buildings, the carrying out of works and the construction of two buildings, one being up to 6 levels high (above ground) along with a three level building, use as shop, food and drink premises (restaurant/café/convenience restaurant) and serviced apartments with a reduction in car parking and waiver of loading bay requirements under the planning scheme.

That the decision be issued as follows:

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 submitted plans (MGS architects dated 16/5/2007)TP 01 to TP 22 inclusive) but modified to show the following:
 - (a) Lowered overall height of the 6 level building to a maximum of AHD 25.145 with altered floor to ceiling heights (2.7m) together with altered roof plant location to improve the alignment of the proposal with Council's sight line performance measure outcome in Council's Heritage policy.
 - (b) An increased width of the balcony for third floor unit 3.06 from 2.7m to 4m, together with consequent lowering of the west vertical panel on that level.
 - (c) Lowering of the east vertical panel (balustrade height) at fourth floor along with the wall at the north-east corner of the building shown with a 1m setback.

- (d) All main walls of the fifth floor with a minimum setback to Inkerman Street of at least 3m.
 - (e) The colour of the exposed concrete elements facing Inkerman Street and St. Kilda Road of the four storey section immediately adjacent to the former post office building as a colour generally matching that of the former post office building.
 - (f) Reinstatement of the original first floor loggia within the former post office building.
 - (g) Vehicle access to the basement car park as being from the lane to the east of the site and the proposed crossover consequently deleted.
 - (h) The east setback of the upper level shown as a minimum of 600mm, measured from the adjacent face of the building, not the east boundary.
 - (i) A schedule of external materials and colours, including samples (glass and otherwise), in a form capable of being endorsed and placed on Council's file.
 - (j) Internal items within the former post office building (both levels) which are to be retained and/or restored in accordance with condition 28.
 - (k) The allocation of car spaces as noted in condition 18.
 - (l) Any balustrading related to the front courtyard fronting St Kilda Road as no more than 1.2m high.
 - (m) A cantilevered street canopy to the Inkerman Street pedestrian access.
2. The development as shown on the endorsed plans, including dimensions, finishes, materials/textures and colours, 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 accord with those endorsed under condition 1.
 5. 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 Council's Urban Art Officer.
 6. The walls on or facing the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority and shall accord with the finishes endorsed under condition 1.
 7. No equipment, services and architectural features other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

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8. 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.
9. Provision shall be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage store areas must be screened from public view.
10. The restaurant shall have a maximum of 112 patrons.
11. The restaurant shall on only operate between 6am to 1am the following day, except for the front terrace areas which must only operate between 7am and 11pm each day.
12. The front access doors to the restaurant must be of a double air-lock type and must be fully operable at all times the restaurant is operating and not fixed in the open position. Except with the further written consent of the responsible authority, these doors shall remain closed between 11pm and 6am.
13. No external amplified equipment, music playing (live or recorded), loud speakers or public address system shall be used in conjunction with the use. No music, other than light background music, shall be played within the premises.
14. Noise levels shall not exceed the permissible noise levels stipulated in State Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
15. Bottles shall not be emptied into any refuse bins between the hours of 11pm and 8am.
16. The amenity of the area must not be detrimentally affected by the use through the:
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, steam, waste water, waste products, grit or oil.
 - (d) Presence of vermin.
17. Parking areas and access lanes must be kept available for those purposes at all times and 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. The car park and access areas shall be maintained to the satisfaction of the Responsible Authority.
18. At all times the permitted uses are operating, at least 2 on site car spaces shall be allocated for shop use, 3 car spaces allocated for office use, 12 car spaces allocated for serviced apartment use with the remainder allocated for restaurant use.

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19. Any solar panels, satellite dishes and air conditioning units shall be appropriately sited so as to minimise visual impact on the streetscape and/or on adjacent properties.
20. All piping and ducting, other than any down pipes above the ground floor storey of the building shall be concealed and any air-conditioning units installed shall be located so as to minimise noise and visual impact on abutting residents and are to be located behind sound reducing structures if necessary to the satisfaction of the Responsible Authority.
21. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
22. Finished floor levels of the ground floor extension must be no lower than existing floor levels. Prior to the issue of a certificate of occupancy, a certified survey plan showing finished floor levels (as constructed) reduced to 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.
23. All doors, windows, vents and openings in the basement car park must be a minimum of 300mm above the applicable flood level.
24. The entry/exist driveway of the basement car park must incorporate a flood proof apex of a minimum of 300mm above the applicable flood level.
25. Any drainage system to the basement car park must be designed such that stormwater is unable to penetrate the basement. Details of the drainage system must be submitted to Melbourne Water and the responsible authority prior to works commencing.
26. All entry ramps to the basement must have a continuous apex with a minimum of 300mm freeboard.
27. 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.
28. Before the development starts, a revised Conservation Management Plan must be prepared by a suitably qualified heritage architect or historian to the satisfaction of the Responsible Authority and must be implemented as part of the development of the land. The revised Conservation Management Plan must be submitted to the Responsible Authority when approved, endorsed to form part of this permit. The Conservation Management Plan must include but is not limited to the following:
 - a) The undertaking of a complete architectural record of the building (for Council and State Library Archives) to the satisfaction of the responsible authority.
 - b) Listing and documentation of internal items of historic and heritage importance within the former post office building which are to be retained and/or restored.

29. 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 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.

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 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.

The developer shall show due care in the development approved so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

The applicable flood level for the property is 5.6m to AHD.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9235 2517 quoting Melbourne Water's reference 137005.

A vote was taken and the MOTION was CARRIED.

B3 21 LYELL STREET, SOUTH MELBOURNE

Purpose

The application proposes the demolition of the existing dwelling and the construction of a new two storey dwelling and basement and two storey garage / studio.

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

- Joseph Kristan (objector)
- Trevor Bauter (supporter)
- Damian Kininmonth (applicant)

MOVED Crs Logan/Gross

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 the construction of a new two storey dwelling and basement and two storey garage / studio will not cause material detriment to any person other than the applicant.

That a Notice of Decision to Grant a Permit be issued for the purposes of the demolition of the existing dwelling and the construction of a new two storey dwelling and basement and two storey garage / studio.

That a Notice of Decision be issued 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 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) Improve solar access to the private open space area in line with Standard 18 through the deletion of bedroom 3 and an increase the rear setback of the south facing wall by 2.7m, to align with the first floor rear wall of the dwelling to the east.
 - b) The deletion of the perforated metal components to front elevation and replacement of the balustrading material with a material that is solid and blends in with the building and streetscape.
 - c) All first floor windows located on the east and south elevations to clearly indicate that they will be either screened or have fixed obscure glazing to a minimum height of 1.7m above finished floor level to limit overlooking.
 - d) A notation on the site plans indicating the locations of the water tank and solar panels.
 - e) A notation on the site plans that the paved courtyard area will be constructed on a sand base or a similarly permeable surface so as not to decrease site permeability and contribute to additional storm water run-off.
 - f) The garage studio to have red face brickwork to the rear laneway interface as opposed to a rendered finish.
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 colours as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Before the development commences a sustainable design statement must be submitted to and approved by the Responsible Authority. The sustainable design statement must outline proposed sustainable design initiatives. When approved, the statement will be endorsed and will then form part of the permit.
5. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement
6. Prior to the completion of the development 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.
7. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.
8. 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.
9. Melbourne Water condition
No polluted and sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
10. 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 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.

FOOTNOTES

Melbourne Water

- *Information available at Melbourne Water indicates that the property is **not subject to flooding from Melbourne Water's drainage system**, based on a flood level that has a probability of occurrence of 1% in any one year.*
- *If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 151046.*

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 the appropriate building approval under the Building Code Australia.

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 and 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 adjoining building and property.

Days and Hours of Construction Works

Developers:

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.

Owner Builders:

Except in the case of an emergency, an owner/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 8.00pm; or*
- *Saturdays, Sundays and public holidays: 9.00am to 6.00pm.*
- *Saturdays, Sundays and public holidays: 9.00am to 6.00pm.*

A vote was taken and the MOTION was CARRIED.

B4 DELEGATE REPORT MAY 2008

Purpose

This report presents Council with a summary of all Planning Permits 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.

MOVED Crs Gross/Cribbes

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 7.15pm.

Confirmed: 14 July 2008

Chairperson: _____