



CITY OF
PORT PHILLIP

**STATUTORY PLANNING
COMMITTEE**

MINUTES

11 FEBRUARY 2002

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD ON 11 FEBRUARY 2002,
IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.15pm.

PRESENT

Cr Gross (Chairperson), Cr Brand, Cr Hill, Cr Hutchens, Cr Johnstone, Cr Lewisohn, David Spokes Chief Executive Officer, Geoff Oulton Director City Development, Bruce Phillips Manage Planning and Building Services, Sue Wilkinson Team Leader Statutory Planning.

The Chairperson (Cr Gross) acknowledged the traditional owners of the land on which the Council meets, the Boonerwung language people and the Wurundjeri people as custodians.

1. APOLOGIES

MOVED Crs Brand/Johnstone

An apology was received and leave of absence granted to Cr Ray.
A vote was taken and the MOTION was CARRIED.

2. CONFIDENTIAL MATTERS

Nil.

3. DECLARATIONS OF PECUNIARY INTEREST

Nil.

4. CONFIRMATION OF MINUTES

Nil.

5. QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

The order of business was as follows:

- B1 2 MARINE AVENUE, ST KILDA
- B2 190, 192 AND 194 GLADSTONE STREET, SOUTH MELBOURNE
- B3 1 BLENHEIM STREET, BALACLAVA
- B4 360-370 ST KILDA ROAD, MELBOURNE – ROYAL DOMAIN TOWERS
- B5 DELEGATE REPORT

B1 2 MARINE AVENUE, ST KILDA

Purpose

The construction of three dwellings and carparking.

MOVED Crs Johnstone/Hutchens

That the Standing Committee being the Responsible Authority, (having caused the application to be advertised) and having received and noted 4 objections, is of the opinion that the proposed development and use will not cause material detriment to any person other than the applicant.

That a Notice of Decision to grant a planning permit be issued for the purposes of construction of three dwellings (three level) generally in accordance with the endorsed plans.

That a Notice of Decision to issue a planning permit be issued subject to the following conditions.

1. Before the use and 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 submitted with the application but modified to show:
 - a) Screening to the three east facing bedroom windows on the first level and the rear (south) facing window on the first and second levels in the form of translucent glass to at least 1.6m above floor level,
 - b) Screening to the upper level roof deck, on all sides, to at least 1.6m above floor level to prevent any overlooking into adjacent open space,
 - c) The provision of at least 5 under cover carspaces at the rear of the site with the rear apron, (4.9m in depth) shown as permeable paving,
 - d) Provision of a rubbish bin enclosure,
 - e) Construction of a front fence no higher than 1.4m with vertical pickets and/or palisades,
 - f) All external rendered surfaces to suitably reference the red face brick colour of dwellings in the street, along with red/brown toned bricks on portion of the east and north elevations. A red/brown toned colourbond curved roof is also to be depicted to reference the character of new buildings approved on nearby lots.
 - g) The redesign of the roof deck access to include a sloped roof and consequent reduction in its size and massing to the satisfaction of the Responsible Authority.
 - h) An increase in side setback on East side of the second floor at the rear areas to bring boundary wall in line with stairwell wall.

All of the above to the satisfaction of the Responsible Authority.

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3. Prior to the issue of a Statement of Compliance, the owner shall enter into and comply with an agreement with Melbourne Water Corporation under section 269a of the Melbourne & Metropolitan Board of Works Act, 1958, for the provision of drainage works and acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage system.
4. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
5. Prior to certification, the plan of subdivision must be referred to Melbourne Water in accordance with section 8 of the Subdivision Act, 1988.
6. Unless otherwise agreed to in writing by Melbourne Water, finished floor levels must be a minimum of 300mm above the applicable flood level.
7. Any new garage, carport or vehicle parking area must be constructed with finished floor or surface levels a minimum of 150mm above the applicable flood level.
8. The floor levels required by Melbourne Water must not increase the overall height of the external walls of the proposed dwelling, as shown on the advertised plans to the satisfaction of the Responsible Authority.
9. Prior to the commencement of the development hereby permitted a schedule, and coloured elevations that show all details of the external materials, finishes and colours shall be submitted to the satisfaction of the responsible authority. Once approved they will form part of the permit.
10. 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.
11. Prior to the commencement of the development hereby permitted, a landscape of the development and schedule shall be submitted to and approved by the responsible authority. Landscaping in accordance with such approved plan and schedule shall be completed before the commencement of the occupation of the building hereby permitted. Such plan must show appropriate and mature/semi mature planting at the front of the site to be in keeping with the garden character of the area.
12. Landscaping works as shown on the endorsed plans must be completed within three (3) months from the completion of works (defined by the issue of Certificates of Occupancies for the dwellings) to the satisfaction of the responsible authority and then maintained to the satisfaction of the responsible authority.
13. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the responsible authority.
14. The colour of external materials and finishes of the proposed building shall be to the satisfaction of the Responsible Authority and all paintwork shall be satisfactorily maintained and shall accord with condition 1 (f).

15. All piping and ducting above the ground floor storey of the building shall be concealed.
16. 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.
17. Parking areas and access lanes must be kept available for those purposes at all times.
18. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within 2 years from the date of issue of this permit,
 - b) The development is not completed within 1 year of the date of commencement.

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.

Melbourne Water Notes

The applicable flood level for the property is 1.6m to AHD.

The 'Best Practice Environmental Management Guidelines for Urban Stormwater' may be used as a guide when developing site controls to minimise sediment laden runoff and stormwater pollution during construction. Section 6.3 'Construction Activity' of these guidelines provides a useful checklist to develop a management plan.

If further information is required in relation to Melbourne water's permit conditions shown above, contact 9235 2212 quoting reference No. 74897.

Council Note

The Development allowed by this permit shall not be issued with resident and/or visitor parking permits by Council.

A vote was taken and the MOTION was CARRIED.

B2 190,192 AND 194 GLADSTONE STREET, SOUTH MELBOURNE

Purpose

The application proposes to the development of five offices in a three storey building, above a basement car park and associated car parking dispensation. After external advertising of the application the applicant provided an amended plan which increased the number of on site car spaces and reduced the office floor area.

MOVED Crs Brand/Hutchens

That the Standing Committee, having caused the application to be advertised and having received one objection, is of the opinion that the proposed development of the site for use as an office and associated car parking dispensation will not cause material detriment to any person other than the applicant.

That a Notice of Decision to Grant a Planning Permit be issued for the purposes of development of the site for use as an office and associated car parking dispensation in accordance with the endorsed plans.

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

1. Before the use and development starts, 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 development generally in accordance with the amended plans numbered 'Drawing No. A3-2.00 Rev 3, A3-1.01 Rev 2, A3-2.01 Rev 3, A3-2.02Rev 3, A3-2.03 Rev 2, A3-6.00 rev 2, A3-6.01 Rev 2, A3-6.02 Rev 1, but modified to show additional alterations as required in Conditions 1b-1e below.
 - b) The two side walls to be modified so that the exposed sections of wall are articulated to the satisfaction of Council and in conjunction with Council's urban designer.
 - c) The materials and finishes to the rear walls to be constructed from materials that minimise the potential for graffiti and allow for the cleaning of graffiti from the walls and finishes.
 - d) All wall heights above natural ground level to be nominated on the plans.
 - e) A schedule of finishes (2 coloured copies to be provided), detailing materials and colours of main external surfaces, including roofs, walls, windows, doors.
 - f) To require adequate provision for and the maintenance of appropriate receptacles for cigarette butts at all external entrances.
2. Prior to the commencement of the office uses permitted the land must be subdivided in accordance the Plan of Subdivision PS 448163W.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. Provision shall be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
5. 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.
6. Outdoor lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
7. Exposed walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
8. All piping and ducting (excluding downpipes) shall be concealed to the satisfaction of the Responsible Authority.
9. The legal point of stormwater discharge for the proposal shall 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.
10. Before the use starts, areas set aside for parked vehicles and access lines as shown on the endorsed plans must be:
 - a) Constructed to the satisfaction of the responsible authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather sealcoat to the satisfaction of the responsible authority.
 - d) Drained and maintained to the satisfaction of the responsible authority.

Parking areas and access lanes must be kept available for these purposes at all times.
11. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operators control, or the operators staff, are parked in the streets nearby.
12. The car parking provided on the land must always be made available for use by persons employed on or visiting the subject premises to the satisfaction of the Responsible Authority, and no measures restricting access by such persons to the car park may be taken without the prior permission of the Responsible Authority.
13. The Applicant/Owner shall 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 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 reinstatement.

Melbourne Water

14. The owner shall enter into and comply with an agreement with Melbourne Water Corporation, unless under Section 296A of the Melbourne and Metropolitan Board of Works Act 1958, for the provision of drainage works and the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage system.
15. No polluted and/or stormwater laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
16. Separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drain or watercourses. Prior to accepting an application, a statement/document must be provided indicating that Council considers that it is not feasible to connect to the local drainage system.
17. This permit will expire if one of the following circumstances applies:
- The development is not started within 2 years of the date of this permit.
 - The development is not completed within 4 years of the date of this permit.

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:

- **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 shall 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.
- **Vehicle Crossing Approval Required**
A cross-over permit must be obtained from Standard Roads (contact 9209.6684) prior to the carrying out of any vehicle crossing works.
- **Melbourne Water**
If further information is required in relation to Melbourne Water's permit conditions shown above, please contact George Lattouf on telephone 9235 2228 quoting Melbourne Water's reference 73594.

Note

That the Statutory Planning Committee has made this decision having particular regard to Sections 58, 59, 60, 61 and 62 of the Planning & Environment Act 1987.

A vote was taken and the MOTION was CARRIED.

Cr Lewisohn voted against the MOTION.

MOVED Crs Gross/Johnstone – MOTION ARISING

The Director City Development be requested to examine the parking with a view to increasing accessibility for visitors to businesses.

A vote was taken and the MOTION ARISING was CARRIED (unanimously).

B3 1 BLENHEIM STREET, BALACLAVA

Purpose

The construction of three dwellings and carparking.

MOVED Crs Brand/Hutchens

That the Standing Committee being the Responsible Authority, (having caused the application to be advertised) and having received and noted 1 objection (withdrawn), is of the opinion that the proposed development and use will not cause material detriment to any person other than the applicant.

That a Planning Permit be issued for the development of three dwellings.

That a Planning Permit be issued subject to the following conditions.

1. Before the use and 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 submitted with the application but modified to show:
 - a) Screening to the north elevations of all open space decks to be of translucent glass to 1.7m above relevant floor level, in lieu of slatted timber,
 - b) Additional planting along the north boundary in the form of mature, non deciduous species to be at least 4.5m high at time of planting. Such planting is to form an effective visual barrier to the proposal when viewed from the north.
 - c) Suitable acoustic treatment for the rear wall of dwelling three to protect residents of that dwelling from noise from the adjacent rail line.

All of the above to the satisfaction of the Responsible Authority.

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
4. The costs of any relocation of the existing speed hump which may be necessary are to be met by the applicant/owner.
5. Finished floor levels must be a minimum of 300mm above the applicable flood level.
6. Any new carport or vehicle parking area must be constructed with minimum surface levels of 9.1m to AHD.
7. The floor levels required by Melbourne Water must not increase the overall height of the external walls of the proposed dwelling, as shown on the advertised plans to the satisfaction of the Responsible Authority.

8. Prior to the commencement of the development hereby permitted a schedule, and coloured elevations that show all details of the external materials, finishes and colours shall be submitted to the satisfaction of the responsible authority. Once approved they will form part of the permit.
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.
10. Prior to the commencement of the development hereby permitted, a landscape of the development and schedule shall be submitted to and approved by the responsible authority. Landscaping in accordance with such approved plan and schedule shall be completed before the commencement of the occupation of the building hereby permitted. Such plan must show appropriate and mature planting at the front of the site, paving details and details of the front hedge all in accordance with condition 1(b).
11. Landscaping works as shown on the endorsed plans must be completed within three (3) months from the completion of works (defined by the issue of Certificates of Occupancies for the dwellings) to the satisfaction of the responsible authority and then maintained to the satisfaction of the responsible authority.
12. Any external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.
13. The walls near the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the responsible authority.
14. The colour of external materials and finishes of the proposed building shall be to the satisfaction of the Responsible Authority and all paintwork shall be satisfactorily maintained.
15. All piping and ducting above the ground floor storey of the building shall be concealed.
16. 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.
17. Parking areas and access lanes must be kept available for those purposes at all times.
18. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within 2 years from the date of issue of this permit,
 - b) The development is not completed within 1 year of the date of commencement.

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.

Melbourne Water Notes

The applicable flood level for the property is 9.5m to AHD.

If further information is required in relation to Melbourne water's permit conditions shown above, contact 9235 2232 quoting reference No. 75053.

A vote was taken and the MOTION was CARRIED (unanimously)

B4 360-370 ST KILDA ROAD, MELBOURNE - ROYAL DOMAIN TOWERS

Purpose

To consider final details and amendments relating to an approved residential tower at 360-370 St Kilda Road, Melbourne.

MOVED Crs Brand/Gross

That this matter be deferred to Council on 25 February 2002 (to get further advice on the scope of what Council is trying to make a decision on, what we are bound to make a decision on, and what we may make a decision on and Council's capacity to influence the elevation).

A vote was taken and the MOTION was CARRIED.

MOVED Crs Lewisohn/Brand – FURTHER MOTION

The conjunction with the deferral the question of elevations be specifically considered, firstly, as to whether they are satisfactory and secondly, to what extent Council will be in a position to influence or modify.

A vote was taken and the FURTHER MOTION was CARRIED.

B5 DELEGATE REPORT

Purpose

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

MOVED Crs Gross/Johnstone

That the Council receive and note the amended report (with changes made at the Councillor Briefing session) regarding the 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 adopted by Council on 24 July 1996 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 7.25pm.

Confirmed: 25 February 2002

Chairperson: _____