



# PLANNING COMMITTEE

## MINUTES

26 SEPTEMBER 2018



Please consider  
the environment  
before printing



Consider carefully how  
the information in this  
document is transmitted



**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP  
CITY COUNCIL HELD 26 SEPTEMBER 2018 IN ST KILDA TOWN  
HALL**

The meeting opened at 6.30pm.

**PRESENT**

Cr Bond (Chairperson), Cr Baxter, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, Cr Pearl, Cr Simic, Cr Voss

**IN ATTENDANCE**

Lili Rosic, General Manager Place Strategy and Development; Donna D'Alessandro, Acting Manager City Development; Simon Gutteridge, Acting Coordinator Statutory Planning Canal Ward; Matt Spencer, Principal Planner.

*The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.*

**1. APOLOGIES**

Nil.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Voss/Pearl**

That the minutes of the Planning Committee of the Port Phillip City Council held on 22 August 2018 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**

Discussion took place in the following order:

- 1 156 - 162 THISTLETHWAITE STREET SOUTH MELBOURNE
- 2 355 BARKLY STREET, ELWOOD
- 3 PLANNING PERMITS DELEGATE REPORT - AUGUST 2018



## 6.1 156 - 162 Thistlethwaite Street South Melbourne

### Purpose

- 1.1 To consider and determine Planning Application 24/2018 which proposes demolition of the existing buildings, construction of twelve four storey townhouses with ground level car parking, and use of the land for accommodation (dwellings).

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

#### Tim McBride-Burgess (Applicant)

Stated the planned 3 bedroom family townhouses met both the zoning provisions and the strategic plan and supported the officers' recommendation.

### MOVED Crs Voss/Brand

- 3.1 That the Planning Committee adopts Recommendation "Part A" and "Part B", to:
  - Support the application with conditions.
  - Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council Solicitors on any future VCAT Application for Review.

### RECOMMENDATION "PART A":

- 3.2 That the Responsible Authority issue a Planning Permit to demolish the existing buildings in a Capital City Zone. Construct a building and construct and carry out works for a four-storey building in the Capital City Zone, and Design and Development Overlay. Use the land for the purpose of Accommodation within the Capital City Zone, at 156 - 162 Thistlethwaite Street South Melbourne, 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 an electronic copy must be provided. The plans must be generally in accordance with the plans referred to as drawings TP110-C - TP115-C, TP210-C – TP212-C, TP300-C - TP301-C, and TP000-C, prepared by MA Architects, and received by Council on 09/07/2018 but modified to show:

- (a) External fixed shading to the north facing windows of Townhouses 07 to 12 to reduce summertime headloads.
- (b) Metal mesh privacy screening to Townhouses 07 to 12 replaced with screening fins that allow for full height glazing but angle views out to the east and the Boundary Street end of the laneway.



- (c) Height, material, and permeability levels for all screening noted on floor and elevation plans, and provided additionally at a scale of 1:50.
- (d) Elevations of the pedestrian entry provided at a scale of 1:50, including materials and permeability levels and dimensions of the proposed timber battens.
- (e) DDA compliant ground floor access for Townhouses 01 to 06.
- (f) Air conditioning units to be screened with material(s) complimentary to the development.
- (g) The garages to incorporate a finished floor level of at least 2.4m AHD plus 600mm mechanical freeboard.
- (h) Dwelling entries raised to a minimum Finished Floor Level of 3.0m AHD.
- (i) Demolition plans, including elevations and floor plans, detailing all existing buildings and works on site to be demolished and removed.
- (j) Indicative Third Pipe connection location.
- (k) Car park dimensions.
- (l) Car park headroom clearance detailed on section diagrams.
- (m) Floor to ceiling heights dimensioned on section diagrams and elevations.
- (n) All levels to Australian Height Datum (AHD).
- (o) External blinds proposed to screen west facing windows detailed on TP210C annotated clearly to specify they are operable external weatherproof blinds.
- (p) Location of bin storage for all townhouses.
- (q) Any changes needed to meet the requirements of the Acoustic Report in the corresponding condition below.
- (r) Any changes needed to meet the requirements of the Sustainable Management Plan and Water Sensitive Urban Design Report in the corresponding conditions below.
- (s) Any changes needed to meet the requirements of the Landscape Plan in the corresponding condition below.
- (t) Plan notations for the development to include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.

**2. Privacy Screens - Cross-Sections Required**

Before the development starts (other than demolition or works to remediate contaminated land), cross section elevation drawings of the screens to the windows must be submitted to and approved by the Responsible Authority. The drawings must:

- (a) Be drawn to scale and fully dimensioned;
- (b) Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
- (c) Clearly illustrate how screening would limit views to neighbouring properties and internally;



- (d) Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen, and the exact permeability of any mesh screening.

**3. Sustainable Management Plan**

Before the development starts (other than demolition or works to remediate contaminated land) a revised Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed. The SMP must be generally in accordance with the SMP entitled Project Reference 17022 Version V2 dated 06/07/2018, prepared by Urban Digestor, date stamped received by Council on 09/07/2018, but modified to include a response to the requirements of the Fishermans Bend Strategic Framework Plan Design Guidance as follows:

- (a) All stormwater generated on site managed within the development footprint.
- (b) Capture of runoff from 100% of the roof area and successfully retain onsite at least 50% of the volume of runoff derived from a 5-year, 72 storm event.
- (c) Stormwater captured on site reused in toilet flushing and irrigation, with low or no demand for controlled release.

**4. Incorporation of Sustainable Design initiatives**

Prior to the occupation of the additions allowed by this permit, the project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority.

**5. Water Sensitive Urban Design**

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended, and respond to the requirements of the Fishermans Bend Strategic Framework Plan Design Guidance as follows:

- (a) All stormwater generated on site managed within the development footprint.
- (b) Capture of runoff from 100% of the roof area and successfully retain onsite at least 50% of the volume of runoff derived from a 5-year, 72 storm event.
- (c) Stormwater captured on site reused in toilet flushing and irrigation, with low or no demand for controlled release.



When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

**6. Incorporation of Water Sensitive Urban Design initiatives**

Prior to the occupation of the additions allowed by this permit, the project must incorporate the water sensitive design initiatives listed in the endorsed Water Sensitive Urban Design Response.

**7. Noise Attenuation for Apartments**

Prior to the occupation of the apartments allowed under this permit the project must incorporate the noise attenuation measures listed within the Acoustic Report Prepared by Marshall Day Acoustics and received by Council on 17/01/2018 with changes as necessary to achieve:

- External traffic noise intrusion within apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with *AS/NZS2107/2000 Acoustics - Recommended Design Sound levels and Reverberation Times for Building Interior*.
  - (a) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
  - (b) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.

**8. Updated Landscape Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Eckersley Garden Architecture Pty Ltd, Drawing No. THI-0917-01-01, and received by Council on 17/01/2018, but must incorporate:

- (a) Changes to reflect the amended development proposal including 12 townhouses with a pedestrian sightline to the north of the proposed crossover;
- (b) Details of landscaping to both street frontages;
- (c) Provision of more substantial landscaping along the west and north walls of the internal vehicle accessway.
- (d) Details of protection measures for the five existing street trees along Boundary Street and Thistlethwaite Street, generally in accordance with the Arborist report, prepared by Artio Consulting and received by Council on 17/01/2018.



- 9. Completion of Landscaping**  
The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- 10. Landscaping Maintenance**  
The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
- 11. No Damage to Existing Street Trees**  
The proposed works must not cause any damage to the existing street trees. Any root pruning of the street trees must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction.  
  
The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.
- 12. Privacy Screens Must be Installed**  
Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority
- 13. Walls on or facing the boundary**  
Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also 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.
- 14. No equipment or services**  
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 the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.





**15. Parking Areas Must Be Available**

Car and bicycle parking and areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

**16. Car Parking Space Allocation**

Car parking for the approved development must not exceed 1 space per dwelling, to the satisfaction of the Responsible Authority.

**17. Number of Dwellings**

Without the further written consent of the Responsible Authority, no more than 12 dwellings may be constructed on the land.

**18. Public Services**

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

**19. Contaminated Land**

Before the development starts (other than demolition or works to remediate contaminated land), the Responsible Authority must be provided with:

- a. A certificate of Environmental Audit for the land issued in accordance with Section 53Y of the *Environment Protection Act 1970*; or
- b. A *Statement of Environmental Audit for the land issued under Section 53Z of the Environment Protection Act 1970* confirming that the environmental conditions of the land are suitable for the use and development allowed by this permit.

**20. Compliance with Statement of Environmental Audit**

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.



Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

**21. Remediation Works Plan**

Before any remediation works are undertaken in association with the environmental audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

**22. Agreement under Section 173 of the Planning and Environment Act 1987 Re: Developer Contribution**

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- (a) Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority;
- (b) Register the agreement on the title(s) for the land in accordance with Section 181 of the *Planning and Environment Act 1987*; and
- (c) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- (a) The developer to pay a development contribution of:
  - \$15,900 per dwelling
  - \$180 per sqm of gross commercial floor area;
  - \$150 per sqm of gross retail floor area;or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.
- (b) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.



- (c) Require registration of the Agreement on the titles to the affected lands as applicable.
- (d) Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions.
- (e) Confirm that contributions will be payable to the Metropolitan Planning Authority
- (f) Development Agency as stipulated by the Metropolitan Planning Authority to deliver the schedule of types of infrastructure.
- (g) Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.
- (h) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
- (i) Require that payment of 10% of the contribution is at the time of issue of the building permit and 90% to be made prior to the issue of a Statement of Compliance in accordance with the *Subdivision Act 1988*.
- (j) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

**23. Dual Water Reticulation**

Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.

**24. Services to be underground**

All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority. All costs associated with any such works must be borne by the applicant / owner.

**25. Lighting baffled**

All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

**26. Water Supply / Recycled Water / Sewerage Provision**

The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.



**27. Energy Supply Provision**

The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.

**28. Vehicle Crossings**

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

**29. Vehicle Crossings – Removal**

Before the occupation of the development *allowed by this permit*, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

**30. Applicant to Pay for Reinstatement**

Before the occupation of the development *allowed by this permit*, 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.

**31. No Alterations**

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

**32. Time for starting and completion**

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 or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**33. Ongoing Involvement of the Architect**

The applicant must retain MAA Architects Pty Ltd to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

**Notations:**

**Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

**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.

**Days and Hours of Construction Works**

Developers

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

**Other Approvals May be Required**

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

**Vehicle Crossing Permit Required**

A vehicle crossing permit must be obtained from Council's City Permits Unit prior to the carrying out of any vehicle crossing works.

**Broadband, Communications and Digital Economy**

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

**Council contacts** Approval may be required from other Council Departments (where relevant) before the proposal may commence, and discussion with Council's Development Engineer is recommended prior to the submission of plans for standards of construction of crossovers and stormwater drains. The following contact details are provided for your assistance:

# MINUTES - PLANNING COMMITTEE MEETING - 26 SEPTEMBER 2018



- Building Department 9209 6253
- Health Department (Community Amenity) 9209 6262
- Local Laws 9209 6852
- Development Engineer 9209 6774

#### **Location of services**

The location of essential services, such as power connections, switchboards and other critical services should anticipate and address potential flooding events.

#### **RECOMMENDATION “PART B”:**

- 3.3** Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council solicitors on any future VCAT application for review.

**A vote was taken and the MOTION was CARRIED.**



## 6.2 355 Barkly Street, Elwood

### Purpose

- 1.1 To consider and determine Planning Permit application P1166/2017 for demolition of an existing dwelling and buildings and works to construct two double storey dwellings (with basements) and alteration of access to a road in a Road Zone, Category 1.

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

#### Peter Husek (Objector)

Circulated a handout to Councillors. Objects to the development on the grounds of neighbourhood character, overlooking and privacy and the heritage overlay.

#### Michele Tardini (Objector)

Stated she was not anti-development but would prefer a more sympathetic approach by the architect, particularly in regards to the roof profile and materials. Also expressed concern with regard to car parking congestion in the area.

#### Inouk Mackay (Objector)

Agreed with the conditions attached to the plans as this would prevent overlooking from 355 Barkly into rooms in her residence.

#### Paul Little (Applicant)

Stated that they were reviewing the conditions and the implications for the current plans.

### MOVED Crs Brand/Simic

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 3.2 That a Notice of Decision to Grant a Permit be issued for Demolition of the existing dwelling and buildings and works to construct two double storey dwellings (with basements) and alteration of access to a road in a Road Zone, Category 1 at 355 Barkly Street, Elwood
- 3.3 That the decision be as follows:
  - 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 under Section 57A of the Planning and Environment Act 1987, but modified to show:



- a) The location of all air-conditioning unit(s) to House 2 and/or hot water service(s) to each House.
- b) The solid portions of the fence to Lawson Street replaced with fencing that matches the remaining 1.8m high steel pickets.
- c) The external north and east facing walls to the ground floor of the master suite to House 1 finished in face brickwork (otherwise described by the 'external finishes legend' as item 'A').
- d) Each of the first floor windows to House 1 that face Barkly Street to be provided with a 4mm vertical blade screen (otherwise described by the 'external finishes legend' as item 'E').
- e) A dark colour and/or material to each garage door so that each door integrates with the overall design of the development.
- f) A notation on the plans stating that the rainwater tanks will be used for toilet flushing and garden irrigation.
- g) External sun shading devices shading for all sun exposed north and west facing glazing apart from the first floor north facing windows.
- h) A notation on the plans stating that all windows and glass doors will be double glazed.
- i) A notation on the plans stating that Green waste facilities will be provided for each House.
- j) All windows to be shown as operable apart from those portions comprising fixed obscure glass.
- k) The living/dining room of House 2 shifted 2m to the south and the enlarged setback to Lawson Street to include a deck constructed to more than 0.8m above natural ground level, without significantly diminishing the 3-Dimensional (3D) integrity of the gabled form above it..
- l) Deletion of the deck at the southwest corner of House 2 and replacement with at grade landscaping.
- m) The ground floor south facing wall to the master suite/robe/ensuite of House 2 setback in accordance with Standard B20 at Clause 55.04-4 of the Port Phillip Planning Scheme.
- n) The first floor south facing walls of each House setback in accordance with Standard B20 at Clause 55.04-4 of the Port Phillip Planning Scheme.
- o) Retention or like for like replacement of the 2m high paling fence on the south boundary of the site.
- p) The south facing windows of the living/dining area to House 2, the west facing ground floor master suite window to House 2 and the south facing kitchen window to House 1 to be provided with sill heights to 1.7m above finished floor level or





obscure glazing to 1.7m above the floor level or permanent screens to 1.7m above the floor level of each House. If screens, rather than obscure glazing or 1.7m high sills are to be utilised, the plans must include elevation and cross section drawings of the screens to ensure that overlooking of neighbouring secluded private open space and/or neighbouring habitable room windows are prevented (rather than limited). The drawings must:

- Be drawn to scale and fully dimensioned;
  - Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
  - Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward and horizontal views to neighbouring properties;
  - Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are prevented, while allowing outlook horizontally and upward from the windows.
- q) The location of the landing, stairs and associated door to the laundry of House 1 swapped with that of the nearby bins and bike rack.
- r) the permeable crushed rock to the surface of the turning area within the Barkly Street frontage replaced with grass permeable.
- s) A demolition plan.
- t) Any changes necessary to meet the requirements of the Sustainable Design Assessment in the corresponding condition below.
- u) Any changes necessary to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition below.
- v) Any changes necessary to meet the requirements of the Landscape Plan in the corresponding condition below.

## **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 Melbourne Water**

- i. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - a) Finished floor levels of the garages set no lower than 1.8 metres to AHD.
  - b) The self-closing flood barriers set to 2.4m to AHD.
  - c) Highlight windows to the basement removed or set no lower than 2.4 metres to AHD.
  - d) Storage for House 1 moved for the south boundary setback and/or raised to 2.1m to AHD on unenclosed decking.
  - e) Internal fences and gates of an open style of construction (50% open).
  - f) An annotation on the ground floor and elevation plans indicating that the decking is open and unenclosed and steps contain no vertical risers.
  - g) Air-conditioning units and hot water services raised to a minimum of 1.8m to AHD.
- ii. The ground floor dwellings and entry foyers must be constructed with finished floor levels set no lower than 2.4 metres to Australian Height Datum (AHD) which is 600mm above the 2040 flood level of 1.8m to AHD.
- iii. All doors, windows, vents and openings to the basement must be tanked and bunded to a minimum of 2.4 metres to AHD.
- iv. The garages must be constructed with finished floor levels set no lower than 1.8 metres to AHD.
- v. The garages must be protected by a Self-Closing Flood Barrier to a height of no lower than 2.4 metres to AHD which is 600mm above the 2040 flood level of 1.8m to AHD.
- vi. All doors, windows, vents and openings to the basement must be tanked and bunded to a minimum of 2.4 metres to Australian Height Datum (AHD).
- vii. The external storage units must be set no lower than 2.1 metres to AHD which is 300mm above the 2040 flood level of 1.8m to AHD.
- viii. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed), reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.



- ix. All open space within the property must be set at existing natural surface level with the exception of open & unenclosed decking and open style fencing, so as not to obstruct the passage of overland flows (and no retaining walls or solid masonry walls are to be used in the development of the land.)
- x. All proposed decking above natural surface must be constructed with unenclosed foundations and stairs must contain no vertical risers, to allow for the passage of overland flows.
- xi. All new boundary fences or gates facing Barkly and Lawson Streets must be maintained as proposed unless with prior written approval of Melbourne Water.
- xii. All internal fences and gates must be of an open style of construction (50% open) for the passage of overland flows.
- xiii. The air-conditioning and hot water services must be set no lower than the flood level of 1.8m to AHD.
- xiv. Prior to commencement of works, design plans of the Self-Closing Flood Barrier unit including details of general principles of operation, intake structures, control pit details, alarms, flood barrier rise times, risk assessment, maintenance schedule and monitoring of operations must be submitted and approved by Melbourne Water.
- xv. Prior to the completion of works, the owner/s of the Land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Melbourne Water Corporation. All costs associated with the setting up of the agreement must be borne by the permit holder. The agreement must be registered on the title of the Land and must provide, to the satisfaction of the Responsible Authority and Melbourne Water. The purpose of the agreement shall be to:
  - a) identify the garages and internal storage as being constructed below the adopted flood level of 2.4 metres to Australian Height Datum for properties affected by a 0.8 metre rise in sea level by the year 2100.
  - b) identify the use of the Self-Closing Flood Barrier to provide protection to the garages and storage to a level no lower than 2.4 metres to Australian Height Datum. The Self-Closing Flood Barrier must provide a 600mm freeboard above the adopted flood level of 1.8 metres to Australian Height Datum.
  - c) identify the ongoing maintenance requirements for the life of the Self-Closing Flood Barrier. The maintenance plan must be treated as any other essential service with mandatory annual reporting and maintenance servicing.



**5 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.

**6 Sustainable Design Assessment**

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

The report must be generally in accordance with the report submitted with the initial application material but modified to include:

**7 Incorporation of Sustainable Design initiatives**

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority.

**8 Implementation of Sustainable Design Initiatives**

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

**9 Water Sensitive Urban Design**

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.



When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

**10 Incorporation of Water Sensitive Urban Design initiatives**

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

**11 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

**12 Landscape Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must be generally in accordance with the landscape plan submitted with the application and prepared by John Patrick Landscape Architects P/L, dated 08/03/18, but modified to show:

- a) Consistency with the plans required by condition 1 of this permit
- b) The provision of planter boxes to the edges each north facing deck

**13 Completion of Landscaping**

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the



commencement of the use or at such later date as is approved by the Responsible Authority in writing.

**14 Landscaping Maintenance**

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

**15 Applicant to Pay for Reinstatement**

Before the occupation of the development allowed by this permit, 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.

**16 Parking and Loading Areas Must Be Available**

Car parking areas must be kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

**17 Vehicle Crossings**

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

**18 Public Services**

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.



**19 Arborist Report**

Before the development starts, a report and plan by a suitably qualified Arborist to comply with AS 4970 - 2009 Tree protection on development sites setting out how the existing Plane tree adjacent to the northwest corner of the site (opposite the living/dining of House 2) at 355 Barkly Street will be protected during construction, must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved the report and plan will be endorsed and form part of the permit. The tree protection measures outlined in the report must be complied with to the satisfaction of the Responsible Authority.

**20 Removal and Replacement of Street Tree**

Before the development starts, the amenity value and removal and replacement cost of the existing street tree opposite the living/dining of House 1 must be paid by the applicant/owner to the Responsible Authority. Removal and replacement, including 24 month maintenance of the street tree, may only be undertaken by the Responsible Authority.

**21 Piping and ducting**

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

**22 No equipment or services**

Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

**23 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.

**24 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 or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.



**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).

**4. RECOMMENDATION – PART B**

- 4.1 Authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review.

**A vote was taken and the MOTION was CARRIED.**





### **6.3 Planning Permits Delegate Report - August 2018**

#### **Purpose**

To present 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 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

#### **MOVED Crs Voss/Copsey**

That Council:

- 2.1 Receives and notes the August 2018 report (Attachment 1) 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. CONFIDENTIAL BUSINESS**

Nil.

As there was no further business the meeting closed at 7.31pm.

Confirmed: 24 October 2018

Chairperson \_\_\_\_\_