



PLANNING COMMITTEE

MINUTES

24 OCTOBER 2018



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 24 OCTOBER 2018 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Lili Rosic, General Manager City Strategy and Sustainable Development; George Borg Manager City Development; Donna D'Alessandro Planning Coordinator Gateway Ward, Simon Gutteridge, Planning Coordinator Canal Ward; Matt Spencer, Principal Planner; Richard Little, Senior Urban 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

MOVED Crs Gross/Baxter

That an apology be received and a leave of absence granted to Cr Bond.

A vote was taken and the COUNCIL RESOLUTION was CARRIED.

2. CONFIRMATION OF MINUTES

MOVED Crs Voss/Gross

That the minutes of the Planning Committee of the Port Phillip City Council held on 26 September 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

Cr Brand requested an update on a recent planning application relating to 1 Victoria Avenue, Albert Park.

The Chair, Cr Simic, deferred to Lili Rosic, General Manager City Strategy and Sustainable Development who responded that Council's delegate refused the application on the grounds that Council does not support the demolition of the existing building and it is not satisfied with the replacement building. The decision is in line with Council's policy of not allowing the demolition of significantly graded buildings in a heritage overlay unless they are structurally unsound. Council officers formed the view that 1 Victoria Avenue building is not structurally unsound and the proposed design would not be in keeping with the heritage surroundings.

George Borg, Manager City Strategy further advised that the applicant now has 60 days to lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) against Council's decision, objectors will be invited to be a party to the proceedings.

Cr Voss asked for an update on 1-7 Waterfront Place, Port Melbourne, in relation to a recent judgement from the Supreme Court.

The Chair, Cr Simic, deferred to George Borg, Manager City Strategy who responded there had been a Supreme Court challenge to the Minister for Planning "calling in" the proposals for Waterfront Place and judgement had been handed down on Monday 22 October and found that the Minister's "call in" was effective, which means there will be no VCAT hearing on the matter. The Minister will now have an opportunity to determine the application, at present we do not know what process will be used, it remains to be seen whether an advisory committee might be formed.

Cr Voss asked if Council had requested to be part of the process?

The Chair, Cr Simic, deferred to George Borg, Manager City Strategy who responded that Council has not yet made a request. Often with advisory committees they seek Council's commentary as well as that of the applicant to ensure an equitable process.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 57 DRAPER STREET, ALBERT PARK
- 2 40 ELM GROVE, BALACLAVA
- 3 218 ESPLANADE WEST, PORT MELBOURNE
- 4 PLANNING PERMITS DELEGATE REPORT - SEPTEMBER 2018



6.1 57 Draper Street, Albert Park

Purpose

To consider and determine an application for demolition of a contributory graded building and construction of two, two-storey dwellings with open fronted garages and a new front fence on the subject site.

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

Shane Ford (applicant)

Spoke in support of the officer's recommendation, stating the residence was in poor condition and that he and his family intend to live at the property.

MOVED Crs Voss/Copsey

- 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 building and construction of a two, two storey dwellings and new front fencing at 57 Draper Street, Albert Park
- 3.3 That the decision be issued as follows:

Amended Plans

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 an electronic copy must be provided. The plans must be generally in accordance with the plans forming part of the application but modified to show:
 - a) The existing side entry pit modified to Council's standard design detail SD2111, whereby the pit is wholly contained within the crossover and that its cover is bicycle safe.
 - b) The internal dimensions of both garages to meet Clause 52.06 (Car Parking) so as to measure 3.5m by 6m.
 - c) The crossovers each reduced to no more than 2.5m in width (2.5m for the west crossover, no more than 2.5m widening for the east crossover)
 - d) Full pedestrian sight triangles at the outer corners of each garage in accordance with Clause 52.06 (Car Parking) together with the immediate fence and planting no higher than 900mm.
 - e) The screening to the sides of the roof balconies/decks to be zero percent transparent together with the un-screened sections of the balconies either screened to 1.7m above floor level with zero transparency.
 - f) No new trees, hot water services or buildings or works shown on any part of the easement of way.



No Layout Change

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

External colours and Finishes

3. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

Equipment and Services Above Roof Level

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

Plant & Equipment

5. 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.

Outdoor Lighting

6. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

Updated Environmental Sustainability Documents

7. Before the development starts, updated ESD documentation and reports are to be submitted and if satisfactory, endorsed to form part of this permit. The updated documentation is to include the relevant matters as originally submitted, but must as a minimum, also address the following:
 - Provision of a stormwater plan indicating the site's catchment areas and treatment methods as per a stormwater modelling report,
 - Provide a rainwater tank with a STORM reliability rating of at least 80% and indicate the tank's location and water re-use functions
 - Provide a Maintenance Manual outlining WSUD measures appropriate for the development,
 - Update the BESS report in terms of noting the correct Water Category,
 - Achieve a minimum of 6.6 stars for the NATHERS assessment.

Maintenance Manual for Water Sensitive Urban Design Initiatives

8. 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 Builder' User's Guide or a Building Maintenance Guide.

Incorporation of Sustainable Design Initiatives

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

Incorporation of Water Sensitive Urban Design initiatives

10. 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.

Privacy Screens Must be Installed

11. 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.

No equipment or services

12. 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.

Vehicle Crossings

13. 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. Any 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.

Applicant to Pay for Reinstatement

14. 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.



Walls on or facing a boundary

15. 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.

Car parking Areas must be Available

16. Car and bicycle parking and loading 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.

Landscape Plan

17. 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 incorporate:
- (a) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
 - (b) All street trees and/or other trees on Council land;
 - (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
 - (d) Landscaping and planting within all open space areas of the site;
 - (e) Water sensitive urban design.

Time Limits

18. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within 2 years of the date of this permit.
 - (b) The development is not completed within 2 years of the date of commencement.

The Responsible Authority may extend the 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

- 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.

MINUTES - PLANNING COMMITTEE MEETING - 24 OCTOBER 2018



- The applicant/owner would provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.
- The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.
- Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:
 - Monday to Friday: 7.00am to 6.00pm; or
 - Saturdays: 9.00am to 3.00pm.An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.
- All redundant crossovers must be reinstated to Council satisfaction.
- All proposed crossovers must be installed to Council satisfaction.
- Any costs associated with changes to on-street parking signage and/or line marking is to be covered wholly by the applicant.

A vote was taken and the MOTION was CARRIED.

Cr Pearl called for a DIVISION.

FOR: Crs Voss, Baxter, Copsey, Crawford and Simic

AGAINST: Crs Brand, Gross and Pearl

A vote was taken and the MOTION was CARRIED.



6.2 40 Elm Grove, Balaclava

Purpose

- 1.1 To consider and determine Planning Permit Application P1150/2017 for demolition of the existing building and construction of four (4) double storey dwellings.

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

Jim Russell

Asked how underground water tanks can be placed against the boundary fence without causing subsidence?

Les Klajn (applicant)

As the architect, he thanked Council and officers for their assistance and advised that he believes the objectors have not objected on grounds for refusal.

Seth Holmes (applicant)

Represented the owner of the property and advised they hope that the requirements and concerns of objectors have been met, and commented that the proposed development would be an improvement on the current building.

Cr Pearl left the chamber at 7.11pm.

Cr Pearl returned to the chamber at 7.12pm.

MOVED Crs Baxter/Copsey

- 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 building and construction of four (4) double storey dwellings at 40 Elm Grove, Balaclava
- 3.3 That the decision be issued 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 an electronic copy 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) Deletion of the vertical strapping to the gable ends and its replacement with plain render



- b) The surface of the walkway along the east (side) boundary to be notated as being permeable
- c) The first floor east facing kitchen windows to units 2, 3 and 4 provided with sill heights to 1.7 m above finished floor level or fixed obscure glazing to 1.7 m above the floor level or permanent screens to 1.7 m above the floor level of each unit. If screens, rather than obscure glazing or 1.7 m 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. 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.
- d) The depth of the balcony to Unit 4 increased to a minimum of 1.6 m
- e) The capacity of each external storage unit to be increased to a minimum of 3.2 m³
- f) Windows shown as operable apart from those portions comprising fixed obscure glass
- g) Windows nominated as double glazed
- h) Water tanks to each dwelling notated as being connected to toilets for flushing and all water tanks notated as being located underground.
- i) Solar panels and screened gas hotwater units to be shown on the rear flat/skillion roof
- j) A bicycle rail for visitors located to the north side of the electric meters
- k) The site coverage at TP-08 amended to 62%
- l) The location of all air-conditioning unit(s) and/or hot water service(s) to each Unit
- m) A full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file)
- n) Any changes necessary to meet the requirements of Melbourne Water as outlined in condition 4 below
- o) Any changes necessary to meet the requirements of the Sustainable Design Assessment in the corresponding condition below



- p) Any changes necessary to meet the requirements of the Water Sensitive Urban Design Response 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 development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD) and must be amended as follows:

- a) Dwellings must be shown to be constructed with finished floor levels set no lower than 10.17 metres to Australian Height Datum (AHD), which is 300mm above the applicable current flood level of 9.87 metres to AHD.
- b) Open carports must be shown to be constructed with finished surface levels set no lower than 10.02 metres to AHD, which is 150mm above the applicable flood level of 9.87 metres to AHD or set on natural ground surface levels.

- ii. Any new front fence or gate must be of a 50% open style which will allow the free passage of flood flows through the fence, and thereby preventing floodwaters backing up behind solid structures which can increase flood levels on neighbouring properties. More resilient solid brick and steel fences may increase upstream flood levels.

- iii. 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.

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 an assessment against the Built Environment Sustainability Scorecard (BESS)

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 Tree Protection Plan

The works described in the submitted *Tree Protection Plan*, prepared by Kylie May for John Patrick Landscape Architects dated March 2016, must be undertaken and implemented to the satisfaction of the Responsible Authority.

13 Waste Management

An adequate waste management arrangement must be provided for the premises, in accordance with Council's Local Law No. 1 (Community Amenity) 2013 to the satisfaction of the Responsible Authority.

14 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.

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, 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 Piping and ducting

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

20 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.

21 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.

22 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).

A vote was taken and the MOTION was CARRIED.



6.3 218 Esplanade West, Port Melbourne

Purpose

- 1.1 To consider and determine Planning Permit application P320/2018 for demolition of existing dwelling, shed and associated fences and construction of a two storey dwelling and crossover to the road to the south of the site.

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

Jos de Bruin (applicant)

Stated he and his family intend to live in the property, however due to its poor condition, overshadowing and no outdoor living area, the only option is to demolish and rebuild.

Jim Holdsworth (applicant)

Stated he is the planning consultant and considers the contributory grading an anomaly that should not apply to the property because the context has been lost by the demolition of the adjacent building some eight years ago.

MOVED Crs Voss/Copsey

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received no objections, issue a Planning Permit.
- 3.2 That a Planning Permit be issued for the demolition of existing dwelling, shed and front fence, southern boundary fence and gate and the construction and carrying out of buildings and works including a two storey dwelling, a southern boundary fence and vehicle crossover to the road to the south at 218 Esplanade West, Port Melbourne.
- 3.3 That the Planning Permit be issued subject to the following grounds:

- 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 electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The garage to have a minimum internal area of 5.5 m by 6.0 m with no change to the overall area of the ground floor footprint.
- b) The garage wall on the eastern boundary must not exceed 3.2 m high where it is opposite the secluded private open space of No. 2 Lagoon Lane.
- c) The ground floor laundry and bathroom walls to be reduced to 3.0 m high or setback in accordance with Standard A12 of ResCode (Clause 54).
- d) The eastern elevation of the first floor terrace and the study window on the western elevation at first floor level to each been screened to a height of at least 1.7 m above finished floor level. The drawings must:



- i. Be drawn to scale and fully dimensioned;
 - ii. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - iii. Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward or horizontal views to neighbouring properties;
 - iv. 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 precluded, while allowing outlook upward from the balcony and/or window.
- e) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions;
 - f) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally
 - g) Any changes required per Conditions 4 (Water Sensitive Urban Design).

2. 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, unless the Port Phillip Planning Scheme exempts the need for a permit.

3. 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.

4. 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.



5. 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.

6. Maintenance Manual for Water Sensitive Urban Design Initiatives

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 Builder' User's Guide or a Building Maintenance Guide.

7. 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.

8. 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.

9. Piping and ducting

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

10. 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 a street (other than a lane) or public park without the written consent of the responsible authority.



11. 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.

12. 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).

A vote was taken and the MOTION was CARRIED.

Cr Brand called for a DIVISION.

FOR: Crs Voss, Baxter, Brand, Copsey and Simic

AGAINST: Crs Crawford, Gross and Pearl

A vote was taken and the MOTION was CARRIED.



6.4 Planning Permits Delegate Report - September 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 Baxter/Copsey

That Council:

- 2.1 Receives and notes the September 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

MOVED Crs Voss/Gross

That in accordance with Section 77(2)(a) of the Local Government Act 1989 (as amended), the meeting be closed to members of the public in order to deal with the following matters, that are considered to be confidential in accordance with Section 89(2) of the Act, for the reasons indicated:

8.1 253-273 Normanby Road, South Melbourne

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:

- 89(2)(h). A matter which the Council or special committee considers would prejudice the Council or any person.

A vote was taken and the MOTION was CARRIED.

MINUTES - PLANNING COMMITTEE MEETING - 24
OCTOBER 2018



The meeting was reopened to the public at 8.04pm

As there was no further business the meeting closed at 8.04pm.

Confirmed: 14 November 2018

Chairperson _____