



# PLANNING COMMITTEE

## MINUTES

**26 FEBRUARY 2020**

*These Minutes contain only summary comments from members of the public. To hear full submissions and view a complete recording of the meeting, go to:*

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- 2.2 Receives and notes the decisions made by the Manager City Development under delegation from the Chief Executive Officer during the period 5 December 2019 and 4 February 2020, as resolved by Council at its Ordinary Meeting of 4 December 2019.

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

**Cr Bond called for a DIVISION.**

**FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross and Simic**

**AGAINST: Nil**

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

*The Chair advised that the meeting will take a short break at 8.30 pm*

*The meeting resumed at 8.36pm*

*Councillor Gross returned to the meeting at 8.45pm*

### **6.3 245-247 AND 249-251 NORMANBY ROAD, SOUTH MELBOURNE**

#### **Purpose**

- 1.1 To provide a Council position on Ministerial Application 15/2015/MIN/A at the abovementioned address, to amend the existing permit under Section 72 of the *Planning and Environment Act 1987* to amend condition 14 (Environmental Audit) and condition 20 (Affordable Housing).

**MOVED Crs Simic/Voss**

#### **RECOMMENDATION – PART A – CONDITION 14**

That the Planning Committee advises the Department of Environment, Land, Water and Planning that Council:

- 3.1 Supports the amended application, subject to the rewording of Condition 14 and the addition of the new conditions and the renumbering of the conditions in the permit:

#### **Condition 14 amended to read:**

‘Before the development starts, excluding demolition, bulk excavation and site preparation works and works to remediate contaminated land, the permit holder must provide:

- *A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or*
- *A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. This Statement must state that the site is suitable for the intended uses.’*



**New condition to read:**

*'Within three months of the demolition or removal of existing buildings or works on the land, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:*

- a) if the land remains vacant for 6 months after completion of the demolition;*
- b) demolition or construction activity ceases for a period of 6 months; or*
- c) construction activity ceases for an aggregate of 6 months after commencement of the construction.*

*The owner must construct temporary works on the land to the satisfaction of the Responsible Authority.'*

**New condition to read:**

*Prior to the commencement of the construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Responsible Authority. Temporary works may include:*

- d) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or*
- e) Landscaping of the site for the purpose of public open space, subject to a site assessment from a suitably qualified environmental professional in accordance with General Practice Note 30 (Potentially Contaminated Land) that the land is suitable for public open space.*

*The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.'*

**RECOMMENDATION – PART B – CONDITION 20**

- 3.2 That the Planning Committee advises the Department of Environment, Land, Water and Planning that Council does not support the proposed amendment to Condition 20

**RECOMMENDATION – PART C – CONDITION 20**

- 3.3 That the Planning Committee advises the Department of Environment, Land, Water and Planning that in the event the Minister determines to approve the amendment to condition 20, it includes the following additional **(bolded)** changes:

**Condition 20 amended to read:**

*'Before the development starts, excluding demolition, bulk excavation, piling, ground works and site preparation works, the owner must:*

- a) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction of 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 on the title.*



*The agreement must be in a form to the satisfaction of Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration, 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 the following:*

- i. Not less than 6% of the total number of dwellings (rounded down to the nearest whole number), in the form of one-bedroom dwellings with an allocated bicycle parking space and no car parking to be used and managed as Affordable Housing (within the meaning described in section 3AA of the Planning and Environment Act 1987) **by a Housing Trust, Registered Housing Association or Housing Provider approved by Port Phillip City Council:***

- (1) **in perpetuity**; and*
- (2) managed in accordance with relevant Affordable Housing legislation and regulations to guide the allocation, affordability and management of the dwellings as Affordable Housing.*
- (3) the affordable housing dwellings provided for within this development and any subdivision thereof shall not be liable for any Owners Corporation fees.***

*OR*

- ii. 6% of the total number of dwellings (rounded down to the nearest whole number) to be offered for sale to a Housing Trust or Registered Housing Association or Housing Provider approved by Port Phillip City Council within a minimum period of three months and maximum of twelve months from the date the development commences, at a discount of 40% of the value of the dwellings as determined by an independent valuer at the time the dwellings are offered for sale and conditional on all dwellings (offered for sale) being:*
- transferred to one single Housing Trust or Registered Housing Association or Housing Provider in one single transaction (i.e. all 6% sold to the same entity and in a single transaction); and*
  - managed as affordable housing in perpetuity by a single Housing Trust or Registered Housing Association or Housing Provider; and*
  - set aside for occupation by low income residents to the satisfaction of Port Phillip City Council.*
- All 6% of the dwellings offered for sale to the Housing Trust or Registered Housing Association or Housing Provider must be:*
- one-bedroom dwellings;*
  - tenure blind;*
  - dispersed throughout the development to the satisfaction of the Responsible Authority;*



- allocated one bicycle space per dwelling.
- **The affordable housing dwellings provided for within this development and any subdivision thereof shall not be liable for any Owners Corporation fees.**
- **In the event the permit holder is unable to achieve an arrangement in accordance with this condition, to Council's satisfaction, the City of Port Phillip would be responsible for locating a Housing Association or Housing Provider.**

OR

- iii. 2.5% of the total number of dwellings (rounded down to the nearest whole number) must be transferred to a single Housing Trust or Registered Housing Association or Housing Provider approved by Port Phillip City Council at no cost to the Housing Trust or Registered Housing Association or Provider **or a suitable alternative housing organisation**, on the issue of the certificate of occupancy. The dwellings transferred to the Housing Trust or Registered Housing Association or Housing Provider must be:

- one-bedroom dwellings;
- tenure blind;
- dispersed throughout the development to the satisfaction of the Responsible Authority;
- managed as affordable housing in perpetuity;
- set aside for occupation by low income residents to the satisfaction of Port Phillip City Council;
- allocated one bicycle space per dwelling

OR

- iv. If it can be demonstrated the affordable housing dwellings cannot be leased or the affordable housing dwellings are not purchased at a discounted price, or transferred for nil consideration for affordable housing **in the Fishermans Bend Urban Renewal Area** referred to in clause (i), (ii) or (iii) above then:

- (a) the owner must pay to a registered housing agency, a sum of money the equivalent of the economic benefit of the dwellings to be transferred at nil cost in clause (iii), rounded down to the nearest whole number (i.e whole dwelling);  
The equivalent of the economic benefit for the purposes of the scenario is calculated as follows:  
**60% of Market value of Dwellings offered but taken x 60% = equivalent economic value.**

OR



- v. *Provide an alternative means of delivering an equivalent quantum of Affordable Housing to the satisfaction of the Responsible Authority.*

**RECOMMENDATION – PART D**

- 3.4 Authorise the Chief Executive Officer (including the power to on delegate) to negotiate an appropriate affordable housing outcome for the proposal and to instruct Council’s Statutory Planners and/ or Council’s Solicitors on any future VCAT application for review.

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

**Cr Simic called for a DIVISION.**

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

**AGAINST: Crs Bond and Gross**

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

**6.4 28 Montague Street, 80 Munro Street, Johnson Street, South Melbourne**

**Purpose**

- 1.1 To provide a Council position for the Fishermans Bend Standing Advisory Committee on an application to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for 2-28 Montague Street and 80 Munro Street, South Melbourne.

**MOVED Crs Voss/Copsey**

**3.1 RECOMMENDATION – PART A**

- 3.1.1 That the Planning Committee advises the Fishermans Bend Standing Advisory Committee c/ the Department of Environment, Land, Water and Planning that Council:

- 3.1.1-1 Does not support the application in its current form based on the matters set out in Sections 9 and 12 of this report.

**3.2 RECOMMENDATION – PART B**

- 3.2.1 That Council authorise the Manager City Development to instruct Council’s Statutory Planners and/or solicitors on any future VCAT application for reviews and/or any independent advisory committee appointed by the Minister for Planning the consider the application.

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