



PLANNING COMMITTEE

MINUTES

14 DECEMBER 2023



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MINUTES -14 DECEMBER 2023 PLANNING COMMITTEE MEETING 14 DECEMBER 2023



MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY COUNCIL HELD 14 DECEMBER 2023 IN ST KILDA TOWN HALL AND VIRTUAL VIA WEBEX

The meeting opened at 6:30pm.

IN ATTENDANCE

Cr Crawford (Chairperson), Cr Baxter, Cr Cunsolo, Cr Martin, Cr Nyaguy and Cr Sirakoff.

Brian Tee, General Manager City Growth and Development, Larry Parsons, Manager City Development, Scott Parkinson, Coordinator Statutory Planning Gateway Ward, Michael Mowbray, Coordinator Statutory Planning Lake Ward, Martin Cooksley, Senior Urban Planner, Matthew Schreuder, Principal Planner, Xavier Smerdon, Head of Governance, Rebecca Purvis, Senior Council Business Advisor, Samuel Yeo, Grants and Partnerships Advisor.

The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.

REQUESTS TO ATTEND BY ELECTRONIC MEANS

Nil.

1. APOLOGIES

Apologies were received from Councillor Bond, Councillor Clark and Councillor Pearl.

2. CONFIRMATION OF MINUTES

MOVED Crs Martin/Sirakoff

That the minutes of the Planning Committee of the Port Phillip City Council held on 23 November 2023 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Martin declared an *interest* in item 6.2 40 Alma Road St Kilda - *Use of the Land for a Rooming House in the General Residential Zone and Associated Buildings and Works within a Heritage Overlay* as they previously lived within close proximity of the applicaiton being considered. Councilor Martin did not determine this to be a general or material conflict of interest, therefore remained in the chamber for consideration of item.

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Councillor Cunsolo declared an interest in item 6.1 223 Rouse Street, Port Melbourne - PDPL/01298/2021 due to their parent in laws own and live within close proximity of the application being considered. Councilor Cunsolo did not determine this to be a general or material conflict of interest, therefore remained in the chamber for consideration of item.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

The submissions were made verbally and can be listened to in full on Council's website: <http://webcast.portphillip.vic.gov.au/archivephp>

Item 6.1 223 Rouse Street, Port Melbourne - PDPL/01407/2021

- Elizabeth McArthur
- Ken Lee
- Tasman Jones (Applicant)

Item 6.2 40 Alma Road St Kilda - Use of the Land for a Rooming House in the General Residential Zone and Associated Buildings and Works within a Heritage Overlay.

- Phillip Schemnitz
- Matt Spencer
- Livia Bonazzi (*read on behalf by Phillip Schemnitz*)
- Hamish Balzan (Applicant)

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 223 Rouse Street, Port Melbourne - PDPL/ 01407/2021
- 6.2 40 Alma Road St Kilda - Use of the Land for a Rooming House in the General Residential Zone and Associated Buildings and Works within a Heritage Overlay.
- 6.3 Statutory Planning Delegated Decisions - November 2023



6.1 223 Rouse Street, Port Melbourne - PDPL/01407/2021

Purpose

- 1.1 To consider and determine planning permit application PDPL/01407/2021 for the construction of a six-storey mixed use development with rooftop deck and basement car stacker, containing 7 dwellings and an indoor recreation facility at ground floor; a reduction in the car parking requirements.

MOVED Crs Martin/Crawford

- 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 the construction of a six-storey mixed use development with rooftop deck and basement car stacker, containing 7 dwellings and an indoor recreation facility at ground floor; a reduction in the car parking requirements at 223 Rouse Street, Port Melbourne
- 3.3 That the decision be issued as follows:

Amended Plans Required

- 1 Before the use or 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 prepared by Jam Architects titled "*223 Rouse Street, Port Melbourne VIC Apartment Development*", Project No 2123, Plans No's as TP00 to TP25, dated 19 August 22 and Council date stamped 2 September 2022, but modified to show:
 - a) The deletion of the tilt panel glazed door to the Indoor Recreation Facility, replaced with a standard door and window set.
 - b) The removal of the existing crossover to Rouse Street, and made good to match the footpath, kerb and channeling.
 - c) The addition of a window or opening to the wall on the south side of the car stacker entry, of a format sufficient to provide visibility to Donaldson Street.
 - d) The provision of convex mirrors to provide sightlines from the car stacker, installed within the property boundary.
 - e) Provide pedestrian access to the car stackers that does not require access from the carriageway of Donaldson Street.
 - f) Provide a footpath or accessway parallel to- Donaldson Street from the Entry Lobby to Rouse Street.
 - g) Provide 1 visitor bicycle space for residential use.
 - h) Demonstrate all bicycle spaces are to be installed in accordance with Australian Standards, ensuring each space has a clear 1.5m access aisle.

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- i) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
- j) Acoustic attenuation measures to be used for all apartments.
- k) Identify the location of toilets to dwellings in order to comply with Table D7 in Standard D18.
- l) Identify the width of entry doors to Apts 01, 03, 05 and 06 to comply with Standard D18.
- m) Provide effective external lighting to Donaldson Street and the rear lane at ground level.
- n) Any changes required pursuant to Condition 4 (Sustainability Management Plan)
- o) Any changes required pursuant to Condition 11 (Waste Management Plan)
- p) Any changes required pursuant to Condition 12 (Landscape Plan)
- q) Any changes required pursuant to Condition 18 (Wind Assessment)
- r) Any changes required pursuant to Condition 19 (Vehicle Crossing Removal)

No Alterations

- 2 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.

No Change to External Finishes

- 3 All external materials, finishes, and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Sustainable Management Plan

- 4 Concurrent with the endorsement of plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by Frater Consulting Services dated 5 April 2022 but updated to address the following:
 - a) Provide a STORM report achieving a score of 100%.
 - b) Ensure all bathrooms and ensuites have access to an openable window or openable skylight or exhaust fan with humidity sensors.
 - c) Indicate commitment to heating and cooling systems to meet a 4-star minimum or equivalent.
 - d) Provide clear statement of commitments to reflect provisions of Water 1.1 Water Efficiency Features.
 - e) Provide a tap and floor waste to each dwellings POS, preferably connected to the rainwater tank.
 - f) Provide details of proposed roof materials. Light reflective colours should be selected to reduce heat gain.



- g) A minimum of 20% of the cement must be replaced with supplementary cementitious material (SCM), 50% recycled aggregate and 50% recycled water.
- h) All fabricated structural steelwork to be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute and minimum of 60% of all reinforcing bar and mesh is produced using energy-reducing processes in its manufacture

Incorporation of Sustainable Design Initiatives

- 5 The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

Implementation of Sustainable Design Initiatives

- 6 Prior to occupation of the development approved under this permit, an ESD Implementation Report (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the Responsible Authority. The Report must confirm that all ESD initiatives in the endorsed SDA/SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The ESD and WSUD initiatives must be maintained throughout the operational life of the development to the Satisfaction of the Responsible Authority.

Implementation of Water Sensitive Urban Design Initiatives

- 7 The initiatives in the endorsed Water Sensitive Urban Design (WSUD) Response must be fully implemented. These initiatives must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

Stormwater Treatment Maintenance Plan

- 8 Prior to the endorsement of plans under condition 1 of this permit, a Stormwater Treatment Maintenance Plan detailing the on-going maintenance of the stormwater treatment devices must be submitted to and approved by the Responsible Authority, addressing the following points;
 - a) A full list of maintenance tasks for each device,
 - b) The required frequency of each maintenance task (e.g. monthly, annually etc.),
 - c) Person responsible for each maintenance task.

The Stormwater Treatment Maintenance Plan can be part of the Water Sensitive Urban Design (Stormwater Management) response, or can be contained in a stand-alone manual. When approved, the STMP will be endorsed and will form part of this permit.

Construction Management Water Sensitive Urban Design

- 9 The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;
 - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;



- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Urban Art Plan

- 10** Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban Art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

Waste Management Plan

- 11** Concurrent with the endorsement of plans, an amended Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be submitted to and approved by the Responsible Authority. Upon approval the WMP will be endorsed as part of the planning permit. Amendments to the WMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by RB Waste Consulting Service dated 10 November 2021 but updated to address the following:
- a) Commercial tenants to have 1 x 120L waste and 1 x 240L recycling bin and separated from residential bins. Private waste management services will be required for any additional waste generation from the commercial tenancy.
 - b) Allocate a bin for food/green waste.
 - c) Allocate space for a glass bin.
 - d) Correctly match the number of bins from the WMP to the plans.
 - e) A chute system is required for the residential building (above 5 storeys).
Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

Landscape Plan

- 12** 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) A survey plan, including botanical names, of all existing vegetation/trees to be retained;



- b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- c) Significant trees greater than 1.5m in circumference, 1m above ground;
- d) All street trees and/or other trees on Council land;
- e) 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;
- f) Landscaping and planting within all open space areas of the site;
- g) Water sensitive urban design;
- h) Planting in locations to the satisfaction of the Responsible Authority.

Completion of Landscaping

- 13** 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.

Landscaping Maintenance

- 14** The landscaping as shown in 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.

Car Parking and Bicycle Parking Layout

- 15** Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:
- a) Constructed.
 - b) Properly formed to such levels that may be used in accordance with the plans.
 - c) Surfaced with an all-weather surface or seal coat (as appropriate).
 - d) Drained and maintained.
 - e) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
 - f) Clearly marked to show the direction of traffic along access land and driveways.

All to the satisfaction of the Responsible Authority.

Piping, Ducting, Service Units

- 16** All service pipes/service units (excluding down pipes, guttering and rainwater heads) must be concealed from view from the public realm and any screening devices suitably integrated into the design of the building to the satisfaction of the Responsible Authority.

Walls on or facing the boundary

- 17** 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.

Wind Assessment

18 Before the development starts, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report to the satisfaction of the Responsible Authority must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.

Vehicle Crossings – Removal

19 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 as well as any on street parking signage and line marking changes and to the satisfaction of the Responsible Authority.

Noise limits

20 The level of noise emitted from the Indoor Recreation Facility must not exceed the permissible levels specified in Division 1 and 4 of Part 5.3 - Noise, of the Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.

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.

Hours of Operation

21 Without the further written consent of the Responsible Authority the use must operate only between the hours of:

- Monday to Friday 6.00am to 8.00pm
- Saturday 6.00am to 12.00pm
- Sunday closed

Number of Patrons

22 Without the further written consent of the Responsible Authority no more than 10 patrons and 6 staff must occupy the premises during operating hours.

23 Satisfactory Continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time for Starting and Completion

24 This permit will expire if one of the following circumstances applies:

- a) The development is not started within three (3) years of the date of this permit.

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- b) The development is not completed within five (5) years of the date of this permit.

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.

AUTHORISE THE MANAGER CITY DEVELOPMENT FOR THE VCAT APPEAL

Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors for any VCAT application for review, should any be lodged

A vote was taken and the MOTION was CARRIED unanimously.

6.2 40 Alma Road, St Kilda - Use of the land for a Rooming House in the General Residential Zone and associated buildings and works within a Heritage Overlay.

Purpose

- 1.1 to consider and determine Planning Application PDPL/00299/2023 for the use of the land for a rooming house in the General Residential Zone and buildings and works within a Heritage Overlay.

MOVED Crs Sirakoff/Cunsolo

- a. That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, Refuse to Grant a Permit.
- b. That a Refusal to Grant a Permit be issued for *Use of the land for a rooming house*.
- c. That the decision be issued on the following grounds:
 1. The proposal does not meet the definition of a Rooming House as defined in the Residential Tenancies Act 1997. The proposal is more accurately defined as an apartment development.
 2. The proposed development would not provide an appropriate level of amenity as apartments pursuant to Clause 55.07 'Apartment Developments'.

A vote was taken and the MOTION was CARRIED.

6.3 Statutory Planning Delegated Decisions - November 2023

Purpose

- 1.1 To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 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.

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MOVED Crs Nyaguy/Cunsolo

That the Committee:

- 3.1 Receives and notes the November 2023 (Attachment 1) report regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 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 unanimously.

7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 7.39pm.

Confirmed: 29 February 2024

Chairperson _____