



PLANNING COMMITTEE

MINUTES

26 AUGUST 2020



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD VIRTUALLY ON 26 AUGUST 2020**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Lili Rosic, General Manager Development, Transport and City Amenity, George Borg Manager City Development, Richard Schuster Planning Coordinator Lake Ward, Phillip Beard Senior Planner Lake Ward, Angus Bevan Principal Planner Canal Ward, Simon Gutteridge Planning Team Leader Fishermans Bend, Patricia Stewart Fishermans Bend Urban Renewal Senior Planner, Scott Parkinson Coordinator Statutory Planning Gateway Ward, Richard Little Senior Urban Planner, Kirsty Pearce, Head of Governance, Emily Williams, Council Meetings Officer, Samuel Yeo, Executive Assistant to the Mayor.

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/Bond

That the minutes of the Planning Committee of the Port Phillip City Council held on 22 July 2020 be confirmed.

The vote was taken under DIVISION.

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

AGAINST: Nil

The **MOTION** was **CARRIED** unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil



4. PUBLIC QUESTION TIME

The following submissions were made verbally during the virtual council meeting and can be listened to in full on our website <http://webcast.portphillip.vic.gov.au/archive.php>

A copy of written submissions has also been made available on our website.

- Tom Anset of Urbis, speaking to item 6.1 46-52 St Kilda Road, St Kilda

5. COUNCILLOR QUESTION TIME

Councillor Pearl - Can officers provide an update on 1-7 Waterfront Place and what are the next steps with the new application that's just been put through according to Media reports?

Lili Rosic, General Manager Development, Transport and City Amenity, confirmed that we have received an application for 1-7 Waterfront Place on 7 August 2020, its currently with the planning officers and we have requested additional information from the application regarding that development and it will be assessed in due course.

Councillor Pearl - Do we have an estimate on the timing it will come to Council for consideration?

George Borg, Manager City Development advised, there is quite a bit of information that is required and we would also need to go through an advertising process & public notification of the application. So that will take a number of months. I would anticipate it would be around the November Council Meeting, if the applicant provides sufficient information and satisfies our requirements.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 46-52 St Kilda Road, St Kilda
- 2 6 Patterson Place, South Melbourne
- 3 2/2014/Min/B - 320 Plummer Street, Port Melbourne
- 4 365, 371, 391 Plummer Street, Port Melbourne
- 5 Statutory Planning Delegated Decisions - July 2020



6.1 46-52 St Kilda Road, St Kilda

Purpose

- 1.1. This report assesses a proposal for the construction of an eight-storey building comprising ground level retail, 26 dwellings, 44 car parking spaces, 33 car stacker parking spaces and 31 on site and two on-street bicycle spaces.

MOVED Crs Crawford/Voss

- 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 construction of a seven-storey building to be used for the purposes of ground level retail tenancies and dwellings above and a reduction of car parking requirements at 46-52 St. Kilda Road, St. Kilda.
- 3.3 That the decision be issued as follows:

1 Amended plans

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 generally in accordance with the submitted plans but modified to show the following:

- a) A loading bay, preferably in basement level 2, measuring at least 30m² in area and with a clearance and access of at least 2.7m.
- b) Deletion of the uppermost level
- c) The ground to third floors inclusive being setback to the east boundary by at least 9m and the screening devices for any new windows facing 1 Octavia Street continued to be depicted for levels four and above
- d) Provision for at least one electric vehicle and one electric bicycle parking bays
- e) At least four additional bicycle parking rails along the St. Kilda Road frontage.
- f) The provision of operable external shading devices to the north, east and west facing glazing.
- g) Allocated space for electronic waste, a charity bin and space for a food/organic bin.
- h) A notation that commercial and residential waste collection areas are to be separate.
- i) Depiction of any car park ventilation fan, ideally adjacent to the car park ramp on the west elevation.



All to the satisfaction of the Responsible Authority.

2 No layout alteration

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

3 No change to external finishes

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.

4 Plant and equipment

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.

5 Outdoor lighting

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

6 Sustainable Management Plan

Before the development starts a revised Sustainable Management Plan that modifies the submitted plan to accord with the comments received from Council's Sustainability Design Officer, most particularly including the following:

- a) Demonstration that the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS would be achieved.
- b) A commitment to achieving a rating beyond the 6-star minimum requirement (7-star average) under the National Construction Code (NCC).
- c) Revisions to the SMP indicating a connection to 60 bedrooms/occupants to be consistent with the STORM report.
- d) Additional details in the Construction Site Management Planx to be consistent with Council's guide
- e) Provision of additional light access modelling indicating that all bedrooms, would meet SDAPP daylight requirements
- f) Inclusion of calculations in the BESS assessment demonstrating how the non-residential spaces are predicted to perform in relation to daylight benchmarks outlined in BESS so as to reflect the 41% being claimed.
- g) An indication of electric vehicle parking
- h) Provision of additional notes and information showing that each dwelling's private open space area will be provided with an external tap, preferably connected to the rainwater tank.



When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit and the development must incorporate the sustainable design initiatives listed.

7 Implementation of sustainable design Initiatives

Before the development is occupied, a report from the author of the approved Sustainable Management Plan, 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 approved Sustainable Management Plan have been implemented and/or incorporated to the satisfaction of the responsible authority.

8 Car park

The car parking areas and access ways as shown on the endorsed plans must be left open and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the responsible authority.

9 Roads/lanes to remain open

During the construction of the development, the roads, streets and lanes adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the responsible authority.

10 Urban Art

Before the development is completed, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the total building cost of the development to the satisfaction of the responsible authority.

11 Applicant to pay for reinstatement

The Applicant/Owner must do the following before the development is completed 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, in particular the electricity pole at the front of the site and the removal/making good/reinstatement of the exiting crossover to St. Kilda Road with kerb, channel, footpath and nature strip as relevant reinstated to Council's standards and satisfaction;
- 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.

12 Car parking allocation:

Without the further written consent of the responsible authority the car parking must be allocated as follows:

- a) not less than two car spaces for each of the retail tenancies,
- b) not less than one car parking space to each one and two bedroom dwelling,
- c) Not less than two car spaces for each three bedroom dwelling.

Any plan of subdivision must accord with the above allocations.

13 Parking and loading areas must be available

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.

14 Waste Management Plan

Before occupation of the building a modified Waste Management Plan must be submitted for endorsement. The plan must be in accordance with the submitted plan but be modified to include reference to the matters noted in conditions 1 (g) and 1 (h) together with including clarification that the retail and office tenants will be separately responsible for the sorting and disposal of waste.

15 Sight Line Triangle

No landscaping is to be planted in the sight line triangle adjacent to the vehicle access ramp.

16 Power Pole, Light and Stay Cable

Before the building is occupied, the applicant/permit holder must meet the following requirements in relation to the power pole, light and stay cable in the footpath adjacent to the north-east corner of the site:

- All works related to the assessment, design, removal, installation and/or relocation of electrical assets (e.g. power poles, stay cables, overhead wires) and public lighting assets (i.e. luminaires, glare shields) must be carried out at the applicant's expense. The applicant must pay for all costs.
- All works must comply with relevant Australian Standards, regulations, and are approved by the relevant authority, i.e. CitiPower/Powercor for electrical works and public lighting assets.
- It is the responsibility of applicant to ensure that electrical works and public lighting assets meet the satisfaction of the relevant authorities, being CitiPower and Council.



- The assessment of the stay cable attached to CitiPower pole (038015-9000A_PL) is subject to all necessary CitiPower assessments, designs, approvals and work processes.
- A lighting assessment and design is to be carried out to ensure compliance with Australian Standard AS 1158, particularly in relation to light spill from the streetlight (LIS-38015) onto abutting properties (i.e. apartments 1.05 and 2.05).

17 Street Tree Relocation

A Management Plan prepared by a qualified Arborist is to be submitted and approved by a Council Arborist. It is to outline details and the timetable and methodology of the tree relocation before any works taking place on the development site. It also needs to indicate that the tree will be stored and maintained off site at a suitable location for the duration of the works and that the tree will undergo a suitable maintenance regime for 2 years once it has been re-planted at the site following completion of all development works. The tree relocation is to be done outside the Spring and summer months and is to be carried out by an experienced person/company.

18 Time limit

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

- a) The development is not started within three years of the issue date of this permit.
- b) The development is not completed, or the use does not start, within four years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

RECOMMENDATION “PART B”

- 3.4 Authorise the Manager City Development to instruct Council’s Statutory Planners and/ or Council’s Solicitors on the VCAT application for review.

The vote was taken under DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.



6.2 6 Patterson Place, South Melbourne

Purpose

- 1.1 To consider and determine Planning Permit Application P199/2020 for the demolition of existing building and development of a two storey dwelling and a reduction in the car parking requirements

MOVED Crs Voss/Pearl

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Planning Permit
- 3.2 That a Planning Permit be issued for demolition of existing building and development of a two storey dwelling and a reduction in the car parking requirements at 6 Patterson Place, South Melbourne
- 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 with the application but modified to show:

- a) The Ground floor level noted as 10.10 RL
- b) Demonstrate that the first floor kitchen windows and balcony and roof level terrace do not allow for downward views into the adjoining secluded private open space of Nos 401 and 393 Coventry Street. If downward views are obtainable then screening to these windows, balcony and terrace are to be provided that would prevent downward views into the secluded private open space of Nos. 401 and 393 Coventry Street. Where louvers or battens are to be used 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 arrangement will prevent sightlines into neighbouring properties' private open space and windows;
 - 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 views of neighbouring private open space and windows are precluded.
- c) Any changes required as a result of conditions 6 and 7

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.



3 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.

4 Piping and ducting

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

5 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.

6 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.

7 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.

8 Privacy screens/measures must be installed

Privacy screens/measures 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.

9 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.

10 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 four 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.

The vote was taken under DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.



6.3 2/2014/MIN/B - 320 Plummer Street, Port Melbourne

Purpose

- 1.1 To provide a Council position on Ministerial Application MPA14/0005 at 320 Plummer Street, Port Melbourne, to amend the existing permit under Section 72 of the Planning and Environment Act 1987 including the use of land for a cinema, office (no permit required), medical centre, childcare centre, and subsequent amendments to plans.

MOVED Crs Voss/Brand

RECOMMENDATION – PART A

- 3.1 That Council advises the Minister (C/- the Department of Environment, Land, Water, and Planning) and the applicant that:
 - 3.1.1 Council supports the amendment application subject to conditions.
 - 3.1.2 In the event the Minister determines to grant an amended permit for the application, it should incorporate the conditions set out in Section 13 of this report.

RECOMMENDATION – PART B

- 3.2 That Council authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review, and/or any future proceedings for the application including any independent advisory committee appointed by the Minister for Planning.

The vote was taken under DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.



6.4 365, 371, 391 Plummer Street, Port Melbourne

Purpose

- 1.1 To provide a Council position to the Minister for Planning on an application to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for four (4) multi-storey towers at 365, 371 and 391 Plummer Street, Port Melbourne.

MOVED Crs Voss/Copsey

3.1 RECOMMENDATION – PART A

3.1.1 That the Statutory Planning Committee advise the Department of Environment, Land, Water and Planning that:

3.1.1-1 The Council supports the application subject to amended plans and reports to address Council's concerns outlined at Sections 9 and 11 of this report.

3.1.1-2 That in the event the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns outlined at Sections 9 and 11 of this report including:

3.1.1-2.1 A condition requiring the Affordable Housing to be gifted to a registered housing agency (or other housing provider or trust)

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 review and/or any future proceedings for the application including any independent advisory committee appointed by the Minister for Planning.

The vote was taken under DIVISION.

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

AGAINST: Cr Bond

The MOTION was CARRIED.



6.5 Statutory Planning Delegated Decisions - July 2020

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 Simic/Voss

That Council:

- 2.1 Receives and notes the July 2020 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.

The vote was taken under DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 7.25pm.

Confirmed: 23 September 2020

Chairperson _____