



PLANNING COMMITTEE

MINUTES

23 SEPTEMBER 2021



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD VIRTUALLY ON 23 SEPTEMBER 2021**

The meeting opened at 7:01pm.

PRESENT

Cr Pearl (Chairperson), Cr Baxter, Cr Bond, Cr Clark, Cr Copsey, Cr Crawford, Cr Cunsolo, Cr Martin, Cr Sirakoff

IN ATTENDANCE

George Borg Manager City Development, Simon Gutteridge, Planning Team Leader Fishermans Bend, Patricia Stewart, Fishermans Bend Urban Renewal Senior Planner, Scott Parkinson, Coordinator Statutory Planning Gateway Ward, Kirsty Pearce, Head of Governance, Rebecca Purvis, Senior Governance Officer, Emily Williams, Council Meetings Officer.

The City of Port Phillip respectfully acknowledges the Traditional Owners of this land. 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 Pearl/Crawford

That the minutes of the Planning Committee of the Port Phillip City Council held on 24 June 2021 be confirmed.

The vote was taken under DIVISION.

FOR: Crs Bond, Baxter, Copsey, Crawford, Pearl, Sirakoff, Clark, Cunsolo and Martin

AGAINST: Nil

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

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil



4. PUBLIC QUESTION TIME AND SUBMISSIONS

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

Item 6.1 67-69 Buckhurst Street, South Melbourne

- Tim Retrot

Item 6.2 376-384 St Kilda Road Melbourne

- David MacGowan
- George Swinburne
- Natalie Crosby
- Brendan Rogers

The following submissions were read out in summary by an officer:

Item 6.2 376-384 St Kilda Road Melbourne

- John Tabart

5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** Can officers provide an update of the application at 1-7 Waterfront Place, Port Melbourne?

George Borg, Manager City Development, advised that the Planning Committee resolved to issue a Notice of Decision to Grant a Permit on 24 June 2021. As no objector appeals were lodged against Council's decision a Planning Permit was issued on 3 August 2021. Council was recently informed by VCAT that the applicant had lodged an appeal against the inclusion of four conditions on the permit. Objectors have an opportunity to be a party to the proceedings, however they must complete a Statement of Grounds prior to 24 September 2021. So far 5 Statement of Grounds have already been received. A compulsory conference for this matter is listed for 5 November 2021. If the matter cannot be resolved at the compulsory conference, the appeal will proceed to a full hearing for 3 days listed for 23-25 March.

- **Councillor Pearl:** Concerns have been raised by residents regarding the usability of the planning component of the new website, one of the issues raised is users not being able to find historic applications. Have officers received any further feedback, and is there a plan in place to improve the customer experience of the new website?

George Borg, Manager City Development, took the question on notice regarding historical data, however advised that with all new systems there is likely to be some teething problems. We are aware of some the issues raised around the portal and payments on our website and we are working hard to resolve any glitches. I am familiar with concern that you, the Mayor and I received from one of our applicants, who is a heavy user of the planning service. We have worked with that applicant to resolve his issues. This applicant has also kindly accepted our request to work with him through the system, providing us an invaluable opportunity for us to review the operation of the system from an applicant's perspective.



6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 *67-69 Buckhurst Street, South Melbourne*
- 6.2 *376-384 St Kilda Road, Melbourne*
- 6.3 *207-211 and 215-217 Normanby Road, Southbank*
- 6.4 *Statutory Planning Delegated Decisions - June and July 2021*



6.1 67-69 Buckhurst Street, South Melbourne

Purpose

- 1.1 To provide a Council position on a planning permit application to the Minister for Planning C/- Department of Environment Land, Water and Planning (the Department) for Planning Permit Application Number PA2101152, 67-69 Buckhurst Street, South Melbourne.

MOVED Crs Martin/Bond

RECOMMENDATION – PART A

- 3.1 That the Planning Committee advise the Minister of Planning C/- the Department of Environment, Land, Water and Planning that the Committee:
 - 3.1.1 Supports the application subject to conditions to address areas of concern set out in Sections 9 and 11 of this report including:
 1. Ground floor and podium layouts to improve accessibility, street activation, architectural integration of services, flooding protection and future integration with the future vision for Buckhurst Street.
 2. Execution of architectural concept and stronger link to place through improved façade articulation to present a more human scale at street level, use materials typically found within the area and reference the industrial heritage of the place.
 3. Reconsideration of proposed access arrangements from Ann Street and resultant traffic generation and queuing onto Buckhurst Street in the context of a linear park and strategic cycling corridor to be delivered along Buckhurst Street.

RECOMMENDATION – PART B

- 3.2 That the Committee authorises the Manager City Development to instruct Council's Statutory Planners and/or solicitors to lodge an application for review to VCAT if the matters set out in sections 9 and 11 of this report are not satisfactorily addressed by conditions on any Notice of Decision to Grant a Permit or Permit that may issue.

RECOMMENDATION – PART C

- 3.3 That the Committee authorises 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 to consider the application.

The vote was taken under DIVISION.

FOR: Crs Bond, Baxter, Copsey, Crawford, Pearl, Sirakoff, Clark, Cunsolo and Martin

AGAINST: Nil

The MOTION was CARRIED unanimously.



6.2 376-384 St Kilda Road Melbourne

Purpose

- 1.1 To consider and determine Planning Permit application 764/2020 for buildings and works to an existing commercial building associated with a food and drinks premises, office, and supermarket (no permit required for use) and reduce the car parking requirements at 376 - 384 St Kilda Road, Melbourne.

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 buildings and works to an existing commercial building associated with a food and drinks premises, office, and supermarket (no permit required for use) and reduce the car parking requirements at 376 - 384 St Kilda Road, Melbourne with the following conditions:
- 3.3 That the decision be issued as follows:

1 Amended Plans Required

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 advertised plans but modified to show:

- a) The delegation of any buildings, works or landscaping to the existing level 8 rooftop terrace.
- b) Any changes required by conditions 4, 8 and 9.

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 No Change to External Finishes

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

4 Sustainable Management Plan

Before the development starts 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 Cardno submitted with the application but updated to address the following:



- a) Specify hot water system type and efficiency for end of trip facilities
- b) Update language on pages 2-5 to clarify that the ESD initiatives therein will be implemented (remove statements such as “is recommended” “should be considered”).

5 Incorporation Sustainable Design Initiatives

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

6 Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan 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.

7 Urban Art Plan

Before the development starts (other than demolition or works to remediate contaminated land), 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 0.25% 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.

8 Waste Management Plan

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application but modified to include a requirement that:

- a) The owner and occupier must ensure that waste collection does not occur during the hours of 8.00am to 9.30am and 4.30pm to 6.30pm.

Once submitted and approved, the requirements detailed by the Waste Management Plan must be carried out to the satisfaction of the responsible Authority.

9 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must 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.
- All species selected must be to the satisfaction of the Responsible Authority.

10 Completion of Landscaping

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

11 Landscaping Maintenance

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

12 Car Parking and Bicycle Parking Layout

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:

- Constructed
- Properly formed to such levels that may be used in accordance with the plans
- Surfaced with an all weather surface or seal coat (as appropriate);
- Drained and maintained
- Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
- Clearly marked to show the direction of traffic along access land and driveways

All to the satisfaction of the Responsible Authority.

13 Piping, Ducting, Service Units

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.

14 Green Travel Plan

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide



detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

- a) objectives that must be linked to measurable targets, actions and performance indicators
- b) a description of the existing active private and public transport context
- c) initiatives that would encourage employees and visitors of the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the site
- d) timescale and costs for each action
- e) the funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions, including nominating a tenant(s) as a 'green travel champion'
- f) a monitoring and review plan, requiring annual review for at least three years to track progress against the annual targets, actions and performance indicators
- g) the promotion of various alternative transport smartphone applications, such as Tram Tracker
- h) promotion of existing car-share schemes, bicycle parking facilities for employees/ visitors, railway stations, tram stops, bus stops, taxi ranks, and bicycle paths
- i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3
- j) establishment of a car-pooling database for employees.

15 Regulation of Deliveries and Rubbish Collection

Without the further written consent of the Responsible Authority, deliveries and rubbish collection, must not occur during the hours of 8.00am and 9.30am and 4.30pm to 6.30pm daily.

16 Park Street/Wells Street and St Kilda Rd Cafés

Except with the prior written consent of the Responsible Authority, the provision of music and entertainment in the food and drink premises (café) must only be at background noise levels and that no speakers are either installed or placed external to the building.

Rail Projects Conditions 17 and 18

17 Construction Management Plan

Prior to the commencement of development (including demolition and excavation), a Construction Management Plan (CMP) must be submitted to the satisfaction of Rail Projects Victoria (a Division of the Major Transport Infrastructure Authority) (RPV). The CMP submitted to RPV may form a dedicated part of a broader CMP. The CMP may be approved in stages. The CMP must include details of (but not limited to) management proposals to minimise impacts



to Metro Tunnel Infrastructure during construction and must set out objectives and performance and monitoring requirements for:

- a) The hours of operation for demolition, excavation and construction
- b) The demolition and construction program, including a plan setting out the proposed staging of development
- c) Preferred arrangements for trucks delivering to the subject site, including delivery and unloading and expected duration and frequency;
- d) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services
- e) Waste management arrangements for the subject site and any impacts on waste management arrangements for adjoining sites, if necessary, including alternative waste management arrangements for adjoining sites
- f) How traffic management (including traffic controllers) will be delineated from Metro Tunnel traffic management areas and controllers to avoid confusion between areas of control for the Metro Tunnel and subject sites
- g) Measures to ensure that all works on the subject site will be carried out in accordance with the CMP
- h) A requirement that the CMP be reviewed and updated at intervals as required by RPV
- i) A notification process which ensures that RPV is provided with at least 10 business days notice prior to construction, including significant demolition, excavation and construction works; and
- j) A timing program that demonstrates that works will not interfere with, or will not be commenced until after completion of, the Metro Tunnel program requirements
- k) The positioning of any cranes on St Kilda Road and information to confirm that they will not apply unacceptable loads to the MTP tunnels.

18 Implementation of Construction Management Plan

All demolition and construction works must be carried out in accordance with the approved CMP. The CMP must be implemented at no cost to RPV. Any CMP approved by City of Port Phillip, must be consistent with Rail Projects Victoria's CMP requirements approved under Condition 2 (above).

19 Storage of Goods

Without the further written consent of the Responsible Authority no goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.

20 Satisfactory Continuation

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

21 Tree Protection

Before the development starts, a tree protection fence must be erected around the street trees on Park Street and St Kilda Road to comply with AS 4970 - 2009



Tree protection on development sites 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 (2) years of the date of this permit.
- b) The development is not completed within four (4) 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, Baxter, Copsey, Crawford, Pearl, Sirakoff, Clark, Cunsolo and Martin

AGAINST: Nil

The MOTION was CARRIED unanimously.

6.3 207-211 and 215-217 Normanby Road, Southbank

Purpose

- 1.1 To provide a formal Council position on an application to the Minister for Planning for Planning Permit Application 2015/35840 for a 40-level mixed-use tower and 6-storey office building at 207-211 and 215-217 Normanby Road, Southbank.

MOVED Crs Martin/Bond

RECOMMENDATION – PART A

- 3.1 That the Planning Committee advise the Minister for Planning, C/- the Department of Environment, Land, Water and Planning that the Committee:
 - 3.1.1 Does not support the application in its current form based on the matters set out in Sections 7 and 9 of its report to the Planning Committee on 17 May 2016.
 - 3.1.2 Reaffirms its 2016 concerns with the proposal about lack of diversity in building height, cumulative density, traffic and wind impacts, the limited provision of affordable housing, a shortfall in motorcycle/scooter parking, car park design, loading bay design and accessibility, sustainable design, waste management including poor large vehicle access to and from the site off Montague Street because of the bridge, the lack of provision of community infrastructure, and detail design, operational and amenity matters.



3.1.3 Notes the proposal would not comply with present-day planning policy and planning scheme provisions for the site including:

- Diversity in dwelling sizes;
- Minimum non-residential floor area;
- Affordable and social housing;
- Communal areas and facilities;
- Car share, motorbike and bicycle parking and bicycle end-of-trip facilities;
- Green-star rating sustainable design; and
- Water Sensitive Urban Design including third pipe and rain-water tank(s).

3.1.4 That in the event that the Minister determines to support the application, any approval include conditions to address Council's concerns.

RECOMMENDATION – PART B

3.2 That the Committee authorises 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 to consider the application(s).

The vote was taken under DIVISION.

FOR: Crs Bond, Baxter, Copsey, Crawford, Pearl, Sirakoff, Clark, Cunsolo and Martin

AGAINST: Nil

The MOTION was CARRIED unanimously.

6.4 Statutory Planning Delegated Decisions - June and July 2021

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.

MOVED Crs Pearl/Copsey

That the Committee:

3.1 Receives and notes the June and July 2021 reports (Attachment 1) 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.

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3.2 Notes that the August 2021 reports are currently unavailable. This report will be provided at future Planning Committee meeting.

The vote was taken under DIVISION.

FOR: Crs Bond, Baxter, Copsey, Crawford, Pearl, Sirakoff, Clark, Cunsolo and Martin

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 7:43pm.

Confirmed: 28 October 2021

Chairperson _____