



PLANNING COMMITTEE

MINUTES

25 MAY 2023



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY
COUNCIL HELD 25 MAY 2023 IN ST KILDA TOWN HALL AND VIRTUAL
VIA WEBEX**

The meeting opened at 6:31pm.

IN ATTENDANCE

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

Lauren Bialkower, Acting General Manager City Growth and Development, Donna D'Alessandro, Manager City Development, Darren Camilleri, Coordinator Statutory Planning Canal Ward.

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

MOVED Crs Nyaguy/Cunsolo

That Council approves the requests to attend by electronic means received by Councillors Clark and Martin.

A Vote was taken and the MOTION was CARRIED unanimously.

1. APOLOGIES

An apology was received from Councillor Pearl.

MOVED Crs Cunsolo/Crawford

That Council notes the apology received by Councillor Pearl.

A Vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

MOVED Crs Cunsolo/Nyaguy

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

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Mayor Cunsolo declared a material conflict of interest in relation to item 6.4 Statutory Planning Delegated Decisions - March & April 2023 due to their professional involvement in an item listed within the report.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

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

Item 6.2 108 Ormond Road, Elwood (PDPL/00013/2023):

- Paul Ghaie

Item 6.3 95 St Kilda road, St Kilda (PDPL/00786/2022):

- Simon Baldwin
- Adriano Zarosinski (Applicant)

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 126 Albert Street, Port Melbourne (PDPL/00842/2022)
- 6.2 108 Ormond Road, Elwood (PDPL/00013/2023)
- 6.3 95 St Kilda road, St Kilda (PDPL/00786/2022)
- 6.4 Statutory Planning Delegated Decisions - March & April 2023



6.1 126 Albert Street, Port Melbourne (PDPL/00842/2022)

Purpose

- 1.1 To consider and determine Planning Permit application PDPL/00842/2022 for the full demolition of the existing dwelling (retrospective approval) and construction of a dwelling including reconstruction of the original front section of the dwelling, and a reduction of car parking requirements from the planning scheme at 126 Albert Street, Port Melbourne.

MOVED Crs Martin/Nyaguy

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received no objections, issue a Permit
- 3.2 That a Planning Permit be issued for **full demolition of the existing dwelling (retrospective approval) and construction of a dwelling including reconstruction of the original front section of the dwelling, and a reduction in the car parking requirements** at 126 Albert Street, Port Melbourne.
- 3.3 That the decision be issued as follows:

Amended Plans required

1. Within three months of the date of this permit, 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 provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The roofing material to the reconstructed building to be double-dipped galvanised iron.
 - b) The cast iron lacework to the verandah to be deleted.
 - c) The rainwater tank notation to the ground floor plan updated to '1000L rainwater tank under deck connected to toilets'.
 - d) Include a typical raingarden section to the WSUD layout plan.
 - e) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.

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.

Walls on or facing the boundary

3. 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.

Implementation of Water Sensitive Urban Design initiatives

4. 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.

Construction Management Water Sensitive Urban Design

5. 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.

Stormwater Treatment Maintenance Plan

6. 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 full list of maintenance tasks for each device,
 - The required frequency of each maintenance task (e.g. monthly, annually etc.),
 - 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.

No equipment or services

7. 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 frontage (other than a lane) or public park without the written consent of the Responsible Authority.



Time for starting and completion

8. 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.

A vote was taken and the MOTION was CARRIED unanimously.

6.2 108 Ormond Road, Elwood (PDPL/00013/2023)

Purpose

- 1.1 To consider and determine Planning Application PDPL/00013/2023 for use of the land for the sale of packaged liquor for consumption off the premises

MOVED Crs Bond/Nyaguy

- 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 use of the land for the sale of packaged liquor for consumption off premises** at 108 Ormond Road, Elwood.
- 3.3 That the decision be issued as follows:

No Alterations

- 1 The layout and description of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority

Hours for the Sale of Liquor

- 2 Without the prior written consent of the Responsible Authority, liquor may only be sold on the site between the following times:
- 9am – 11pm Monday to Sunday
 - 10am - 11pm Sunday
 - 12 noon – 11pm ANZAC Day

Loading/unloading

- 3 The loading and unloading of the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits



interference with other vehicular traffic to the satisfaction of the Responsible Authority.

Waste Management

- 4 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.

Time for Starting and Completion

- 5 This permit will expire if the use is not started within two (2) 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 allowed by the permit has not yet started

4. RECOMMENDATION PART B

- 4.1 That the Planning Committee Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on any VCAT Application for Review should one be lodged.

A vote was taken and the MOTION was CARRIED unanimously.

6.3 95 St Kilda Road, St Kilda (PDPL/00786/2022)

Purpose

- 1.1 To determine an application for the construction of buildings and works comprising a nineteen (19) storey building comprising apartments, café, office space, with four basement levels of car parking, accessed via St Kilda Road, including a reduction in residential parking and a full waiver of office and café (food and drinks premises) parking.

MOVED Crs Bond/Sirakoff

- 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 buildings and works comprising a 17 storey building for apartments, café, co-working office space, a reduction in residential parking and a full waiver of office and café parking at 95 St Kilda Road, St Kilda.
- 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 Bayley Ward titled "95 St Kilda Road", project 1849, plans TP000-TP7230, Council date stamped 23 November 2022 and advertised but modified to show:

- a) An additional basement level containing at least 14 car parking spaces
- b) Deletion of four levels from the building**
- c) The southern balconies of dwelling 104 on levels 1 and 2 to be opened to the western boundary and closed to the communal open space areas.
- d) The replacement of cement sheet cladding (CT01, CT02 & CT03) with a more durable material
- e) Reduction of the western boundary wall height adjacent to the communal open space by 3.1 metres, to a maximum height of 9.9m.
- f) The provision of a pedestrian sight triangle along the southern side of the accessway, in accordance with Design Standard 1 of Clause 52.06.
- g) The provision of 1 bicycle space per dwelling
- h) Any convex mirror must be attached to the building (not to a fence or within a footpath)
- i) Indication of the Pool and spa to the Penthouse terrace on level 17 (if proposed) consistent with the landscape plan
- j) Locations of EV charging infrastructure points
- k) Any changes required by conditions 4 (Sustainable Management Plan), 7 (Water Sensitive Urban Design), 9 (Drainage / Engineering), 11 (Urban Art) 12 (Waste Management Plan), 13 (Landscape Plan) and 17 (Traffic Impact Assessment).
- l) A notation on plan that one of the car spaces is to be allocated to the café.**

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. 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 Hip V. Hype dated 10 November 2022 but updated to address the following:



- a) Measures to Specify provision of waste streams in bin room – 3 bin chutes throughout.
- b) Low/No VOC, embodied carbon, recycled etc – add to Materials & Finishes schedule where applicable.
- c) Provide Building Users Guide (BUG) at occupancy stage.
- d) WELS ratings
- e) HRV/ERV ventilation provided to all apartments
- f) All-electric development
- g) Embedded network provides 100% renewable energy to all apartments
- h) Solar PV - 44 x 415W photovoltaic panels (18.26kWp) offsetting the base building power usage and supplement domestic hot water systems
- i) Hot Water system with Electric heat pump
- j) Load management electric vehicle charging infrastructure will be installed to enable electrical vehicle charge stations
- k) 90% of construction waste to be diverted from landfill (i.e. reused or recycled)
- l) Separated waste streams including recycling and organics
- m) A tap and floor waste will be provided on each balcony
- n) Mechanically exhausted (variable speed drive fans) basement with CO2 monitors
- o) Specify which windows are operable / openable
- p) Trafficable terraces rainwater captured to RWT for garden irrigation
- q) High-performance, double glazed and thermally broken window systems to all apartments

Incorporation 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. 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 Sustainable Management Plan report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.



Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

7. 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.

Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

8. The developer must ensure that:
- 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.

Drainage / Engineering

9. Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by Port Phillip City Council. The stormwater drainage system design must:
- a) Include a detailed response to Clause 19.03-3L (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'
 - b) Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council.

Drainage / Engineering

10. The stormwater drainage system must be constructed in accordance with the design approved under this permit, connected to the existing stormwater



drainage system and completed prior to the occupation of the building to the satisfaction of Port Phillip City Council.

Urban Art Plan

11. 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 0.5% 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

12. 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 (prepared by One Mile Grid dated 11 November 2022) submitted with the application.

Landscape Plan

13. 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. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Tract) submitted with the application but amended to incorporate:
 - a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - b) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - d) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works and be consistent with the architectural plans;
 - e) Details of landscaping within the St Kilda Road frontage
 - f) Details of landscaping on all communal terraces and open communal spaces
 - g) Details of how the vertical landscaping and communal landscaping will be maintained and serviced.
 - h) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - i) Tree protection measures including for street trees accurately drawn to scale and labelled.
 - j) Any changes as required by Condition 1.



When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

Completion of Landscaping

14. 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

15. 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.

Street Tree Protection

16. Tree Protection Fencing is to be established around the tree protection zone of the St Kilda Road street trees prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8 metre high temporary fence constructed using chain wire / cyclone mesh panels, with shade cloth attached (if required), held in place with concrete feet/pads. Alternative materials may be used, if approved by the Responsible Authority.
 - b) The fencing is to encompass the entire nature strip with each end beyond the TPZ of each tree as shown in the Tree Protection and Management Plan (drawing).
 - c) No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ, unless approved in the endorsed Tree Protection and Management Plan.

Traffic Impact Assessment

17. Before the use or development starts, a Traffic Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Traffic Impact Assessment prepared by OneMile Grid dated 11 November 2022 but must include:
 - a) Further details on how two way traffic will be managed within the site (including swept paths through the basement levels and details of the traffic signalisation / vehicle queuing system).

Acoustic Internal Amenity

18. Before the use commences, the permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must not exceed 35dB(a) with the windows closed; and for all other habitable rooms, levels must not exceed 40dB(A) with windows closed in accordance with relevant Australian Standards for acoustic control (including AS2107-1987 and AS3761 - Road Traffic) to the satisfaction of the Responsible Authority.



Car Parking and Bicycle Parking Layout

19. 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.
20. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.
21. Bicycle parking spaces and end of trip facilities are to be designed in accordance with Clause 52.34 of the Port Phillip Planning Scheme.
22. Before the occupation of the development allowed by this permit, a minimum of one (1) car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to the front entrance of the building and must be clearly marked with a sign to indicate that it must only be utilised by disabled persons. The minimum dimensions of the car space must be 3.2 metres wide by 4.9 metres long to the satisfaction of the Responsible Authority.

Loading/unloading

23. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

Piping, Ducting, Service Units

24. 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

25. 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.



Glare

26. External building materials and finishes must not result in hazardous or uncomfortable solar reflectivity and glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Vehicle Crossings

27. 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, kerb and channel and re-location of the on-street parking metre 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.

Lighting baffled

28. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties.

Satisfactory Continuation

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

Department of Transport Conditions

30. Prior to occupation all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel and naturestrip to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Note: a) Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport 2 Zone (St. Kilda Road). Please contact Head, Transport for Victoria prior to commencing any works.

Time for Starting and Completion

31. 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.
 - 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

RECOMMENDATION PART B

- 3.4 That the Planning Committee Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on any VCAT Application for Review should one be lodged.

A vote was taken and the MOTION was LOST.



MOVED Crs Crawford/Nyaguy

- 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 buildings and works comprising a 17 storey building for apartments, café, co-working office space, a reduction in residential parking and a full waiver of office and café parking at 95 St Kilda Road, St Kilda.
- 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 Bayley Ward titled "95 St Kilda Road", project 1849, plans TP000-TP7230, Council date stamped 23 November 2022 and advertised but modified to show:
 - a) An additional basement level containing at least 14 car parking spaces
 - b) Deletion of levels 13 and 14.
 - c) The southern balconies of dwelling 104 on levels 1 and 2 to be opened to the western boundary and closed to the communal open space areas.
 - d) The replacement of cement sheet cladding (CT01, CT02 & CT03) with a more durable material
 - e) Reduction of the western boundary wall height adjacent to the communal open space by 3.1 metres, to a maximum height of 9.9m.
 - f) The provision of a pedestrian sight triangle along the southern side of the accessway, in accordance with Design Standard 1 of Clause 52.06.
 - g) The provision of 1 bicycle space per dwelling
 - h) Any convex mirror must be attached to the building (not to a fence or within a footpath)
 - i) Indication of the Pool and spa to the Penthouse terrace on level 17 (if proposed) consistent with the landscape plan
 - j) Locations of EV charging infrastructure points
 - k) Any changes required by conditions 4 (Sustainable Management Plan), 7 (Water Sensitive Urban Design), 9 (Drainage / Engineering), 11 (Urban Art) 12 (Waste Management Plan), 13 (Landscape Plan) and 17 (Traffic Impact Assessment).
 - l) A notation on plan that one of the car spaces is to be allocated to the café.**

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. 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 Hip V. Hype dated 10 November 2022 but updated to address the following:
 - a) Measures to Specify provision of waste streams in bin room – 3 bin chutes throughout.
 - b) Low/No VOC, embodied carbon, recycled etc – add to Materials & Finishes schedule where applicable.
 - c) Provide Building Users Guide (BUG) at occupancy stage.
 - d) WELS ratings
 - e) HRV/ERV ventilation provided to all apartments
 - f) All-electric development
 - g) Embedded network provides 100% renewable energy to all apartments
 - h) Solar PV - 44 x 415W photovoltaic panels (18.26kWp) offsetting the base building power usage and supplement domestic hot water systems
 - i) Hot Water system with Electric heat pump
 - j) Load management electric vehicle charging infrastructure will be installed to enable electrical vehicle charge stations
 - k) 90% of construction waste to be diverted from landfill (i.e. reused or recycled)
 - l) Separated waste streams including recycling and organics
 - m) A tap and floor waste will be provided on each balcony
 - n) Mechanically exhausted (variable speed drive fans) basement with CO2 monitors
 - o) Specify which windows are operable / openable
 - p) Trafficable terraces rainwater captured to RWT for garden irrigation
 - q) High-performance, double glazed and thermally broken window systems to all apartments

Incorporation 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. 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 Sustainable Management Plan report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

7. 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.

Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

8. The developer must ensure that:
 - 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.

Drainage / Engineering

9. Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be



submitted to and approved by Port Phillip City Council. The stormwater drainage system design must:

- a) Include a detailed response to Clause 19.03-3L (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'
- b) Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council.

Drainage / Engineering

10. The stormwater drainage system must be constructed in accordance with the design approved under this permit, connected to the existing stormwater drainage system and completed prior to the occupation of the building to the satisfaction of Port Phillip City Council.

Urban Art Plan

11. 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 0.5% 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

12. 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 (prepared by One Mile Grid dated 11 November 2022) submitted with the application.

Landscape Plan

13. 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. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Tract) submitted with the application but amended to incorporate:
 - a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - b) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - d) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works and be consistent with the architectural plans;



- e) Details of landscaping within the St Kilda Road frontage
- f) Details of landscaping on all communal terraces and open communal spaces
- g) Details of how the vertical landscaping and communal landscaping will be maintained and serviced.
- h) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- i) Tree protection measures including for street trees accurately drawn to scale and labelled.
- j) Any changes as required by Condition 1.
When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

Completion of Landscaping

14. 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

15. 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.

Street Tree Protection

16. Tree Protection Fencing is to be established around the tree protection zone of the St Kilda Road street trees prior to demolition and maintained until all works on site are complete.
- a) The fencing is to be a 1.8 metre high temporary fence constructed using chain wire / cyclone mesh panels, with shade cloth attached (if required), held in place with concrete feet/pads. Alternative materials may be used, if approved by the Responsible Authority.
 - b) The fencing is to encompass the entire nature strip with each end beyond the TPZ of each tree as shown in the Tree Protection and Management Plan (drawing).
 - c) No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ, unless approved in the endorsed Tree Protection and Management Plan.

Traffic Impact Assessment

17. Before the use or development starts, a Traffic Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Traffic Impact Assessment prepared by OneMile Grid dated 11 November 2022 but must include:
- a) Further details on how two way traffic will be managed within the site (including swept paths through the basement levels and details of the traffic signalisation / vehicle queuing system).



Acoustic Internal Amenity

18. Before the use commences, the permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must not exceed 35dB(a) with the windows closed; and for all other habitable rooms, levels must not exceed 40dB(A) with windows closed in accordance with relevant Australian Standards for acoustic control (including AS2107-1987 and AS3761 - Road Traffic) to the satisfaction of the Responsible Authority.

Car Parking and Bicycle Parking Layout

19. 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.

20. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.
21. Bicycle parking spaces and end of trip facilities are to be designed in accordance with Clause 52.34 of the Port Phillip Planning Scheme.
22. Before the occupation of the development allowed by this permit, a minimum of one (1) car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to the front entrance of the building and must be clearly marked with a sign to indicate that it must only be utilised by disabled persons. The minimum dimensions of the car space must be 3.2 metres wide by 4.9 metres long to the satisfaction of the Responsible Authority.

Loading/unloading

23. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

Piping, Ducting, Service Units

24. 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



25. 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.

Glare

26. External building materials and finishes must not result in hazardous or uncomfortable solar reflectivity and glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Vehicle Crossings

27. 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, kerb and channel and re-location of the on-street parking metre 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.

Lighting baffled

28. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties.

Satisfactory Continuation

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

Department of Transport Conditions

30. Prior to occupation all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel and naturestrip to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Note: a) Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport 2 Zone (St. Kilda Road). Please contact Head, Transport for Victoria prior to commencing any works.

Time for Starting and Completion

31. This permit will expire if one of the following circumstances applies:
- The development is not started within three (3) years of the date of this permit.
 - 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

RECOMMENDATION PART B

- 3.4 That the Planning Committee Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on any VCAT Application for Review should one be lodged.

A vote was taken and the MOTION was CARRIED.

6.4 Statutory Planning Delegated Decisions - March & April 2023

Mayor Cunsolo declared a material conflict of interest in relation to item 6.4 Statutory Planning Delegated Decisions - March & April 2023, left the chamber at 7:02pm and did not return for the remainder of the meeting.

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 Nyaguy/Sirakoff

That the Committee:

- 3.1 Receives and notes the March and April 2023 Delegated Decisions report (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.

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 7:03pm.

Confirmed: 27 July 2023

MINUTES - PLANNING COMMITTEE MEETING - 25
MAY 2023



Chairperson _____