



# PLANNING COMMITTEE

## MINUTES

24 AUGUST 2023



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY  
COUNCIL HELD 24 AUGUST 2023 IN ST KILDA TOWN HALL AND  
VIRTUAL VIA WEBEX**

The meeting opened at 6:31pm.

**IN ATTENDANCE**

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

Brian Tee, General Manager City Growth and Development, Donna D'Alessandro, Manager City Development, Xavier Smerdon, Head of Governance, Philip Beard, Principal Planner, Rebecca Purvis, Council Business Advisor, Charmaine Mackrodt, Planning Support Officer

*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.*

**REQUEST TO ATTEND BY ELECTRONIC MEANS**

**MOVED Crs Pearl/Nyaguy**

That the Committee approves the request to attend the meeting electronically received from Councillor Baxter

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

**1. APOLOGIES**

An apology was received from Councillor Louise Crawford.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Sirakoff/Martin:**

That the minutes of the Planning Committee of the Port Phillip City Council held on 27 July 2023 be confirmed.

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

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



#### **4. PUBLIC QUESTION TIME AND SUBMISSIONS**

##### **6.1 472-474 St Kilda Road, Melbourne**

- Michael Henderson

##### **6.2 3-15 Fitzroy Street, St Kilda**

- Johan Moylan

#### **5. COUNCILLOR QUESTION TIME**

Nil.

#### **6. PRESENTATION OF REPORTS**

Discussion took place in the following order:

6.1 472 - 474 St Kilda Road Melbourne 1033/2018/a

6.2 3-15 Fitzroy Street, St Kilda (PDPL/00845/2022)

6.3 Statutory Planning Delegated Decisions - July 2023



**6.1 472 - 474 St Kilda Road Melbourne 1033/2018/A**

**MOVED Crs Martin/Cunsolo**

- 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 an Amended Permit.
- 3.2 That a Notice of Decision to Grant an Amended Permit be issued to Construct a multi-storey mixed use building, Residential hotel and dwellings, a reduction in the number of car parking spaces required and a licence for the sale and consumption of liquor at 472-474 St Kilda Road Melbourne with the following changes at 472-474 St Kilda Road Melbourne with the following changes:
- 3.3 The permit preamble and conditions will show changes including deletions as ~~strikeout~~ and new requirements in **bold (excluding headings which remain in bold)**.
- 3.4 That the decision be issued as follows:

**Amended permit preamble:**

Construct a multi-storey mixed use building, comprising a ~~retail, food and drinks premises, bar, serviced apartments~~ **Residential hotel** and dwellings, a reduction in the number of car parking spaces required and a licence for the sale and consumption of liquor.

**Amended conditions:**

**Amended Plans Required**

1. Before the use and/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 and reports 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 ~~without prejudice architectural plans prepared by Cox Architecture submitted by the applicant dated 10 October 2019 received by Council on 05 May 2023 but modified to show:~~
  - a) ~~Deletion of the supermarket and basement level 3 and consequential changes generally in accordance with the plans prepared by Cox dated 17 October 2019 (drawing numbers TP-20-98, TP-20-99, TP-21-00, TP-21-01, TP-40-01, TP-40-02 all revision 3 dated 17 October 2019).~~
  - b) ~~Redesign of the top floor of the building generally in accordance with sketch plans prepared by Cox Architecture labelled ASK200 and ASK200.1 dated 17 October 2019.~~
  - c) ~~Redesign of the St Kilda Road façade generally in accordance with the sketch plan prepared by Cox labelled ASK201 dated 17 October 2019.~~
  - d) ~~Incorporation of a curved indent along the western elevation of the podium at both levels of a minimum of 12m in length and to a maximum depth of 3m generally in accordance with the sketch plan prepared by Cox Architecture labelled ASK-202 dated 17 October 2019.~~
  - e) ~~A setback of the full length of the west elevation of the podium at both levels by 0.5m and pavement of the intervening area to incorporate into~~



- the footpath as generally shown on the sketch plan prepared by Cox Architecture labelled ASK202 dated 17 October 2019.
- ~~f) Details of privacy measures to limit views from the western glazing to the gym at the first floor (marked 'amenity' on plan TP-21-001 dated 17 October 2019) in a westerly direction below 1.7m.~~
  - ~~g) Indication of details of signage directing cyclist to the location of bicycle parking.~~
  - ~~h) Indication of separate allocation of bicycle parking for private residents and the public.~~
  - ~~i) All external glazing and the plant enclosure to be no more than 20% reflectivity.~~
  - ~~j) Pedestrian sight triangles to the west side of the proposed vehicle egress onto Leopold Street.~~
  - ~~k) Allocation of all car parking spaces on the south side of the basement level for public use only.~~
  - ~~l) Allocation of all tandem spaces for use by the three (or more) bedroom apartments.~~
  - ~~m) Details of impermeable awnings to the St Kilda Road and Leopold Frontages.~~
  - ~~n) Indication of additional densely foliating vegetation to the St Kilda Road and Leopold Street frontages.~~
  - ~~o) An elevation drawing (minimum scale of 1:100 @ A3) detailing the material finish of the south facing elevation at ground and first floor level.~~
  - ~~p) Details of the privacy screens to prevent unreasonable internal views into opposing apartments.~~
  - ~~q) Indication of additional bicycle parking at ground level.~~
  - ~~r) Indication of the minimum width for the living area of apartment type T4.~~
  - ~~s) Indication of a breeze path for apartment type T4.~~
  - ~~t) Minimum balcony dimensions to all apartments shown on plans.~~
  - ~~u) Dimension specifications for apartment type T11.~~
  - ~~v) An urban art contribution in accordance with condition 5.~~
  - a) Any changes required by:**
    - i. Condition 6 – Waste Management Plan**
    - ii. Condition 7 – Loading Dock Management Plan**
    - iii. Condition 11 – Landscape Plan**
    - iv. Condition 14 – Sustainability Management Plan**
    - v. Condition 17 – Water Sensitive Urban Design**
    - vi. Condition 20 Wind Report**
  - b) The location of bin chute inlet on level 1 (TP-21-01) corrected.**
  - ~~w) Any changes required by condition 11 (Landscape Plan).~~
  - ~~x) Any changes required by condition 14 (Sustainable Management Plan).~~
  - ~~y) Any changes required by condition 17 (Water Sensitive urban Design).~~
  - ~~z) A full schedule of materials, finishes and paint colours, including colour samples.~~



- ~~aa) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems etc) which are to be located externally and specify how they will be acoustically treated on the roof top including details of any such screening.~~
- ~~bb) Details and location of any signage to be erected.~~
- ~~cc) Details and location of external lighting which must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.~~

### **No Alterations**

2. The layout of the site and the size, levels, design, external materials, finishes and colours, 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.

### **Privacy Screens Must be installed**

3. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

### **Tree Protection Management**

4. Before demolition begins a tree protection management plan (TPMP) setting out how the neighbouring and street tree's will be protected during construction and which generally follows the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction) of AS4970 'Protection of trees on development sites' must be submitted to and approved by the responsible authority. When approved the TPMP will be endorsed and form part of the permit.

### **Urban Art Plan**

5. Before the occupation of the development allowed by this permit, 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**

6. Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments **generally in accordance with the Waste Management Plan prepared by Leigh Design dated 16 March 2023** must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
  - Land use type.
  - The estimated garbage and recycling volumes for the whole development.



- Bin quantity, size and colour.
- The garbage and recycling equipment to be used.
- Collection frequency.
- The location and space allocated to the garbage and recycling bin storage area and collection point.
- The waste services collection point for vehicles.
- Waste collection provider.
- How tenants will be regularly informed of the waste management arrangements.
- Scaled waste management drawings.
- Signage
- **Bin wash down areas identified**

~~The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by Leigh Design (dated 12 March 2019)~~

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority

### **Loading and Waste Collection Management Plan**

7. Before the development starts (other than demolition or works to remediate contaminated land), a Loading and Waste Collection Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include the following matters:
  - a) Deliveries and waste collection must only occur between the following hours: 9am – 7pm on Monday to Friday 9am – 4pm on Saturday
  - b) The loading dock door must be closed at all times (except when delivery vehicles and waste collection vehicles are entering or existing the loading dock).
  - c) The maintenance and cleaning regime of the loading bay.
  - d) Details of vehicles permitted to enter the loading bay.
  - e) **Details of the number of vehicles permitted to enter the loading bay at one time.**

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible authority.

### **~~Serviced Apartments-Residential Hotel~~**

8. This permit allows use of **a maximum 200 apartments 180 residential hotel rooms**. ~~as serviced apartments only, meaning the provision of temporary accommodation mainly for travellers and tourists.~~ Nothing in this permit must be construed as permitting long term residential occupation of the ~~200 apartments nominated as “serviced apartments”~~ **180 residential hotel rooms**.

### **Alteration/Reinstatement of Council or Public Authority Assets**



9. Before the occupation of the development allowed by this permit, the Applicant/ Owner shall do the following things 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 development.
  - 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 reinstatement.

#### **Public Services**

10. Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

#### **Landscape Plan**

11. Before the development starts (other than demolition or works to remediate contaminated land), ~~a detailed Landscape Plan~~ **the Landscape Plan prepared by Paul Bangay dated 1 February 2023, must be submitted to, approved by and must be Approved the satisfaction of by** the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. ~~The Landscape Plan must be generally in accordance with the landscape plans prepared by Paul Bangay dated 9 October 2019 but be modified to show:~~
  - ~~(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 at ground roof and all floor levels where applicable including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;~~
  - ~~(f) Landscaping and planting within all open space areas of the site;~~
  - ~~(g) Water sensitive urban design;~~
  - ~~(h) Any landscaping incorporated onto the roof terraces must have a maximum height of no greater than 3m.~~
  - ~~(i) Any landscaping on the perimeter of the roof terrace to be generally in accordance with the section labelled 'High Balcony with Internal Fixed Objects Typical Detail' on the plan prepared by Paul Bangay drawing number 2 of 3 dated 25 October 2018.~~





~~(j) Landscaping, including details of planter depth, within the 12m by 3m setback on Queens Lane as shown on sketch plan ASK202 prepared by Cox Architecture dated 17 October 2019.~~

~~(k) Any details required by Condition 1 of the permit.~~

~~All species selected must be to the satisfaction of the Responsible Authority.~~

### **Completion of Landscaping**

12. 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**

13. Before the development starts (**other than demolition or works to remediate contaminated land**) a Green Façade Planting and Maintenance Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Façade Planting and Maintenance Strategy will be endorsed and will then form part of this permit. This must detail:
  - a) Elevation drawings at a scale of 1:20 illustrating typical planter details;
  - b) Section drawings to demonstrate details of structures or devices used to establish the plantings, irrigation and maintenance, including fixing details for any structures; and
  - c) Information about how the green façade elements will be maintained, including details of frequency of inspection, frequency of replacement of dead and dying, cleaning and maintenance of planter structures.

### **Sustainable Management Plan**

14. Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan that outlines proposed sustainable design initiatives **generally in accordance with the Sustainability Management Plan prepared by ADP dated 20 February 2023** must be submitted to, be to the satisfaction of and approved by the Responsible Authority.

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

### **Implementation of Sustainable Design Initiatives**

15. Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment/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~~ **endorsed Sustainability Management Plan** have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

### **Water Sensitive Urban Design**



16. 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 **generally in accordance with the Water Sensitive Urban Design Report prepared by ADP dated 20 February 2023** 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.

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

17. 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)**

18. 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.

**Noise Attenuation for Apartments**

19. The building must be designed and constructed to achieve the following noise levels:



- a) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 3am.
- b) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 3am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed. The noise influence area should be measured from the closest part of the building to the noise source

#### **Wind Assessment**

20. Before the development starts, an amended Wind Impact Assessment, generally in accordance with the report prepared by WINDTech Consultants dated ~~17 July 2018~~ **30 May 2022** must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.

#### **Parking and Loading Areas Must Be Available**

21. 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.

#### **Car Parking Allocation**

22. Without the further written consent of the Responsible Authority, a minimum of ~~255~~ **238** car parking spaces are to be provided generally in accordance with the plans prepared by Cox Architecture (drawing number TP-20-98 and TP-20-99 all revision ~~3~~ **8** dated ~~17 October 2019~~ **17/02/2023**). Without the further written consent of the Responsible Authority, the allocation of the ~~255~~ **238** car parking spaces should be in accordance with the following rates:
  - A minimum of ~~58~~ **50** spaces allocated to the proposed one-bedroom apartments.
  - A minimum of ~~403~~ **72** spaces allocated to the proposed two-bedroom apartments.
  - A minimum of ~~57~~ **86** spaces to the remaining three or more-bedroom apartments.
  - ~~30~~ **27** spaces for the serviced apartments.
  - **A minimum of 3 car share spaces.**
  - ~~7 spaces to the commercial and office uses~~

#### **On-Site Bicycle Parking**

23. Before the development is occupied, the approved bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

#### **Parking and Loading Areas must be available**



24. 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.

#### **Lighting**

25. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

#### **No equipment or services**

26. Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

#### **Piping and Ducting**

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

#### **Vehicle Crossings**

28. Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, nature-strip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority

#### **Vehicle Crossings – Removal**

29. 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

#### **SEPP N-1 and N-2**

30. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) to the satisfaction of the Responsible Authority.

#### **Hours for the sale and consumption of Liquor**

31. The sale and consumption of liquor at the premises must only occur between the following times:

##### Internal areas

- Between 7am and 1am the following morning Monday to Saturday
- Between 10am and 11.30pm Sunday
- Between 12noon and 11.30pm Good Friday and Anzac Day

##### External areas



- Between 7am and 11pm Monday to Saturday
- Between 10am and 10.30pm Sunday
- Between 12noon and 10.30pm Good Friday and Anzac Day

### **Number of patrons**

32. Without the further written consent of the Responsible Authority no more than 250 patrons ~~must occupy the premises~~ must occupy the area labelled as 'MEA Resident Lounge and courtyard'.

### **No amplified music**

33. No amplified music, live bands or DJs are permitted at the premises. Any music played on the premises must not exceed the background noise level measured at the property boundary.

### **Ongoing involvement of the Architect**

34. The applicant must retain Cox Architecture to complete the design and provide architectural oversight of the delivery of the detailed design as shown in endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

### **Patron Management Plan**

35. Prior to commencement of the use, a Patron Management Plan must be prepared and submitted for approval to the Responsible Authority which must provide for the following to the satisfaction of the Responsible Authority;
- (a) An attendant or doorman responsible for monitoring the number of patrons on the premises after 11.00pm.
  - (b) The keeping of a register recording the number of patrons on the premises each hour between 11.00pm and closing time.
  - (c) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
  - (d) The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner and maintain satisfactory clearance for other pedestrians on the footpath.
  - (e) The measures to be taken by management and staff to ensure that patrons do not cause nuisance or annoyance to persons beyond the land.
  - (f) Liaison with Victoria Police, the City of Port Phillip and local residents.
  - (g) A telephone number provided residents to contact the premises and linked to the complaints register.
  - (h) The maintenance of a complaints register, which must, on reasonable request, be made available for inspection by the Responsible Authority.

### **Time for Starting and Completion**

36. 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 the date of this permit.



The use is not commenced within two (2) years of the completion of the development

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.

#### **Notes:**

- **Access doors (Fire Booster , Substation) to the services are required to be:**
  - **Self-closing and can be held fully open against the building wall for the time personnel are occupying the facility;**
  - **In the fully open position do not encroach more than 100mm into the Road Reserve;**
  - **Have a minimum clearance of 150mm from the footpath surface;**
  - **Open onto a footpath with a minimum width of 1500mm.**
  - **The doors must be kept locked when not in use with the keys made available to approved personnel only**
- **This site is within a SBO2. Flooding aspects must be considered within the proposed design including water falling directly on the parcel, including onto the building itself, and the excavated area surrounding it will need to be appropriately collected and discharged from the site.**

#### **RECOMMENDATION B – Consent Granted**

- 3.5 In accordance with Clause 52.06-6 of the Planning Scheme the Responsible Authority determines that the residential hotel car parking provision is to its satisfaction of the Responsible Authority.

#### **RECOMMENDATION C - Authorise the Manager City Development for any VCAT appeal**

- 3.6 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.**

#### **6.2 3-15 Fitzroy Street, St Kilda (PDPL/00845/2022)**

##### **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 Planning Permit.
- 3.2 That a Notice of Decision to Grant a Planning Permit be issued for partial demolition (front façade retained) and construction of a mixed use development comprising accommodation (dwellings) and as-of-right retail space.



3.3 That the decision be issued as follows:

**Amended Plans**

1. 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Additional details of propping and retention methods to the 1930 'Moderne' building façade.
  - (b) Details of how any additional damage and existing cracking to the 1930s 'Moderne' and 1900s Victorian Facades would be made good/repaired.
  - (c) Removal of the non-original windows to the balconies of the 1930's Moderne Façade.
  - (d) Reinstatement of the rendered cap of the 1930s façade.
  - (e) Replacement/reconstruction of the four 'outer' first and second level windows (two windows per level) to the 1930s façade to their original form / design.
  - (f) Depiction of differentiating and era appropriate colours to both facades.
  - (g) The north-east wall and window of the 1930s building replaced/replicated 'like-for-like'.
  - (h) The front canopies of the Victorian 1900s building amended as follows:
    - i) to be one continuous element, mounted immediately below the cornice/corbel feature;
    - ii) located within each of the vertical columns so as not to protrude outside those columns.
    - iii) projecting no more than 2m from the front façade.
    - iv) Incorporating slim profile steel framing (where appropriate) that would reflect original proportions (height and width).
  - (i) Any inaccuracies in terms of window descriptions/proportions, proposed materials, paint colours and the like corrected.
  - (j) The new/replaced 1930s canopy projecting at least 3.5m from the front facade
  - (k) The placement of all building services must not be visible from the public realm.
  - (l) Integrated architectural screens or similar that would limit potential internal overlooking,
  - (m) Landscaping details consistent with the landscape plan under condition 14.
  - (n) Privacy screening to all habitable room windows facing and within 9m of the abutting Summerland Mansions building at 17-21 Fitzroy Street demonstrating compliance with standard B22 of clause 55 (overlooking)
  - (o) Location of the 25,000 litre rainwater tank with notations showing tank capacity and connection to toilets and irrigation.
  - (p) Notations for provision of two electric vehicle chargers.



- (q) Provision of double glazing to all bedroom windows facing both Fitzroy Street and abutting no. 1 Fitzroy Street
- (r) Provision of a security door at the south end of the ground level access corridor together with a notation that this corridor is not to be used for commercial activities.
- (s) Separate notes indicating that access arrangements would be consistent with those listed on page 10 of the applicant Traffic report  
A notation and/or graphic depiction that a small removal van (such as *man with a van*) can prop within the site boundaries on the apron of the car park ramp where accessing the laneway (beneath apartment 202 and in the immediate area).

#### **No Layout Change**

- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### **External colours and Finishes**

- 3 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.

#### **Equipment and Services Above Roof Level**

- 4 No plant, equipment or 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 the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

#### **Waste Management**

- 5 An adequate waste management arrangement must be provided for the premises in accordance with Council's Community Amenity Local Law No.3 and all waste collection/management must accord with the Waste Management Plan endorsed under this permit.

#### **Updated Sustainability Management Plan**

- 6 Prior to plans being endorsed under condition 1 of this permit, an updated Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The updated SMP must be generally in accordance with the SMP submitted with the application titled 'Sustainable Management Plan and Water Sensitive Urban Design Response' 5 December 2022, authored by Ark Resources (File 1662A) but modified to address the following;

- (a) Any changes required through Condition 1 above

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

When approved, the updated SMP will be endorsed and will then form part of this permit. The ESD initiatives in the endorsed SMP must be fully





implemented and must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority

#### **Implementation Report for ESD**

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

#### **Implementation of Water Sensitive Urban Design Initiatives**

- 8 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.

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

- 9 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**

- 10 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.



- 11 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**

- 12 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**

- 13 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.

#### **Landscape Plan**

- 14 Before the development starts (other than demolition or works to remediate contaminated land), a modified Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Landscape Plan must be largely in accordance with that submitted with application (date stamped by Council 9/12/22) but modified to show, as a minimum:
- A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - 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;
  - The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works and be consistent with the architectural plans;
  - landscaping on the inner courtyard and the roof garden with adequate deep soil, drainage infrastructure and appropriate species selection that will survive with minimal maintenance efforts along with (i) a landscape design package showing the full extent, location and overall design of the landscaped areas, (ii) clear identification of native plant species for low water demand and (iii) planting that would be partly visible above the common fence with the abutting Summerland property at 17-21 Fitzroy Street.
  - Details of landscaping on all communal terraces and open communal spaces
  - When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.



### **Completion of Landscaping**

- 15** 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.

### **Structural Engineers Report**

- 16** Before any demolition of the existing buildings begins, a structural engineering report carried out by a fully qualified structural engineer, must be submitted to the responsible authority. The report must clearly outline and describe all aspects of the retention of the existing facades and outline how that retention will be ensured and how any existing damage to the 1930s façade will be made good and how any new damage to both facades would be repaired and made good. The report must indicate the location of all propping, including that over the footpath external to the site, and must indicate how the facades will remain unaffected not only by the permitted demolition but also by the permitted construction, especially that of the basement levels.

If satisfactory, the report will be endorsed to form part of this permit.

### **Arborist Report**

- 17** Before any works allowed by this permit take place, an arborist report prepared by a fully qualified arborist must outline and describe a non-destructive root examination of the two abutting trees adjacent to the common boundary of the Summerland site at 17-21 Fitzroy Street. The examination must indicate the location and distribution of roots of trees nominated and must outline what works if any need to be undertaken to ensure the long term survival of the two neighbouring trees along with any changes or alterations to the building's footprint – including those of the basements – to ensure the trees' survival. Tree protection zones and structural root zones must be nominated and details of proposed footings and construction methods for any buildings or structures within the Tree Protection Zone and/or Structural Root Zone nominated to ensure no damage occurs to the health of the abutting trees. The report must also indicate how excavation impacts, including soil level changes on trees to be retained will be managed and how the trees nominated in the approved landscape plan will be protected.

### **Landscaping Maintenance**

- 18** 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.

### **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:
- (a) Constructed
  - (b) Properly formed to such levels that may be used in accordance with the plans



- (c) Drained and maintained
- (d) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
- (e) Clearly marked to show the direction of traffic along access land and driveways

All to the satisfaction of the Responsible Authority.

#### **Parking and Loading Areas Must Be Available**

- 20** 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. Additionally, all commercial/shop loading and deliveries must occur at the rear of the site and not in Fitzroy Street.

#### **Car Parking Allocation**

- 21** Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:
- (a) at least two car spaces allocated to the two bedroom apartments;
  - (b) at least **33** car spaces allocated to the three or larger bedroom apartments,
  - (c) at least five car spaces allocated to the retail tenancies.

All to the satisfaction of the Responsible Authority.

#### **Loading/Unloading – Where a Loading Bay is Provided**

- 22** The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.

#### **Conservation Works Strategy**

- 23** Before any works allowed by this permit take place, a conservation works strategy must be submitted to the responsible authority for approval and endorsement. The strategy must be consistent with all the matters, as relevant to heritage conservation, shown on the plans endorsed under this permit and must include all the conservation matters noted in the condition 1 of this permit:

#### **Walls on or facing the boundary**

- 24** 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.



### **Noise Emissions**

- 25** Any air conditioning and refrigeration plant must associated with the retail tenancies must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the Environment Protection Regulations 2021.

### **Internal Noise Protection**

- 26** Before the building is occupied, 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.

### **Time for Starting and Completion**

- 27** 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 CARRIED unanimously.**

## **6.3 Statutory Planning Delegated Decisions – July 2023**

### **MOVED Crs Cunsolo/Pearl**

That the Committee:

- 3.1 Receives and notes the July 2023 (Attachment 1) report regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

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

# MINUTES - PLANNING COMMITTEE MEETING - 24 AUGUST 2023



## **7. URGENT BUSINESS**

Nil.

## **8. CONFIDENTIAL BUSINESS**

Nil.

As there was no further business the meeting closed at 6.58pm.

Confirmed: 28 September 2023

Chairperson \_\_\_\_\_