



PLANNING COMMITTEE

MINUTES

25 FEBRUARY 2021



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 25 FEBRUARY 2021 IN ST KILDA TOWN HALL**

Due to technical difficulties, the meeting opened at 6.42pm.

PRESENT

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

IN ATTENDANCE

Lili Rosic, General Manager Development Transport and City Amenity, George Borg Manager City Development, Phil Beard, Senior Planner, Michael Mowbray, Coordinator Statutory Planning Lake Ward, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES

MOVED Crs Bond/Crawford

That the minutes of the Planning Committee of the Port Phillip City Council held on 26 August 2020 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

4. PUBLIC QUESTION TIME

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

Council Report Submissions:

6.1 1 Victoria Avenue, Albert Park

- Richard Kneebone

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- David Brand
- Peter Kenny
- Andrea Zohar

6.2 343-345 Beaconsfield Parade, St Kilda West

- Sandy Probert
- Judith Timoshanko
- Brian Jones
- Paul Martin
- Mark Davies
- John Paul Ungar
- Walter Futschik
- Shaun Grainger
- Ian Tanner
- Mitul Shah
- Kathryn Roediger
- Shelley Roberts
- Charlotte Heine
- Brian Peters
- Damian Isles

The following submissions were submitted prior to the meeting and were read out in summary by the Head of Governance and can be listened to on our website:

<http://webcast.portphillip.vic.gov.au/archive.php>

Public Question Time

- **Adrian Jackson:** Following on from the fire in the western suburbs on 02 Dec 20 were a couple and a baby died does Port Phillip City Council have fire safety and fire exit regulation in place for future new modern two storey townhouses? Are council aware that most town houses only have one set of centrally located stair and no other escape route? Should upper windows be able to be opened and not sealed? What is the council planning department going to do about this potential problem? To reinforce my question, on new town houses. Another town house fire today in Glen Waverly with no escape route most likely and 4 people killed. The Age online said many local Glen Waverly town houses have only one exit.

George Borg Manager City Development advised this is technically a question relating to Building legislation and not planning, however planning and building approval process can often be confused. The Victorian legislation makes a clear distinction between a planning permit issued under the Planning and Environment Act 1987 and a building permit issued under the Building Act 1993. Planning and building approvals are subject to different and completely separate approval processes. A planning permit authorises a change in the use of land and/or the development of land, if required by the planning scheme. "Development" in the planning system predominantly means alterations to the external appearance of a



building. Materials and finishes are often asked for as conditions to ensure consistency with a streetscape or heritage overlay and not in relation to fire safety.

A building permit authorises the construction or demolition of a building or structure if it complies with the Building Regulations and the Building Act 1993 and Building Code of Australia (BCA). These cover matters such as the siting of most single dwellings, protection of the adjoining property during construction, structural adequacy, light, ventilation and drainage.

The BCA considers matters relating to fire safety and fire exits. The current BCA does not require exits from townhouses (Class 1a dwellings). Nor does the Code specify the location of a stair relative to the proportions of the dwelling. While upper floor windows serving habitable rooms are required to be openable for the purposes of natural ventilation, there is no requirement in the BCA to provide a means of escape from those openable windows. The Building Regulations prohibit a building surveyor to request something more than what the legislation requires.

The mechanism to introduce these types of features in townhouses would be to lobby the Australian Building Codes Board and the Building Regulatory Advisory Committee. There is no mechanism for Council to require/insist these provisions for townhouses in the building approval process. There are provisions for exit from other classes of buildings in the Building Code of Australia, however these cannot be applied to townhouses.

Council Report Submissions:

6.1 1 Victoria Avenue, Albert Park

- Amber Moore

6.2 343-345 Beaconsfield Parade, St Kilda West

- Jacqueline Ingram
- Abraham James
- Melanie Paykel
- Sam Kaplan
- Jilian Watt
- Anna Summers
- Keja Shah

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 1 Victoria Avenue, Albert Park
- 2 343-345 Beaconsfield Parade, St Kilda West
- 3 Statutory Planning Delegated Decisions Report - October 2020 to January 2021 (Inclusive)



6.1 1 Victoria Avenue, Albert Park

Purpose

- 1.1 To assess a proposal to demolish the existing two storey building and construct a new three storey building, comprising a nine suite residential hotel above ground level (as-of-right) food and drink premises and basement car parking for five car spaces within car stackers.

MOVED Crs Bond/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 Refusal to Grant a Permit.
- 3.2 That a Notice of Refusal be issued for the demolition of the existing building and the construction of a three storey building (plus basement) comprising as of right food and drink premises and a nine suite Residential Hotel together with reduction in car parking requirements for the food and drink premises at 1 Victoria Avenue, Albert Park.
- 3.3 That the refusal be based on the following grounds:
 1. The proposed demolition of this significant graded heritage building is contrary to Council's Heritage Policy (clause 22.04), which requires such buildings to be retained and conserved.
 2. That the architectural quality of the proposed building does not achieve sufficient design excellence so as to justify demolition of the existing significantly graded building on the site and does not positively support the heritage significance of the Albert Park Village Precinct or the Heritage Overlay area.
 3. The proposal would be contrary to the Heritage Overlay (clause 43.01) under the Port Phillip Planning Scheme, as it will adversely affect the significance of the heritage place.

Cr Pearl called for a DIVISION.

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

AGAINST: Cr Clark

The MOTION was CARRIED.



6.2 343-345 Beaconsfield Parade, St Kilda West

Purpose

- 1.1 To assess the impacts of a proposal for alterations and additions to three existing, double storey units in an existing apartment complex.

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 the construction and carrying out of buildings and works including a rear addition, front balconies, to units 1-3 at 343-345 Beaconsfield Parade, St Kilda West.
- 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 generally in accordance with the plans forming part of the application but modified to show the following:
 - (a) The matters referred to in the revised ESD documentation referred to in condition 6 of this permit.
 - (b) The Juliet balconies setback at least 3m from the front boundary.
 - (c) Screening to the new study windows of unit 1 so as to prevent direct or downwards overlooking on the nearest windows and balconies of the existing south wing within the site.
 - (d) Deletion of the upper level roof decks and associated 'retreats' and roof forms

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 equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Plant and Equipment

5. 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 the primary street frontage



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

Incorporation of water sensitive design and Sustainable Design Initiatives

6. Before the occupation of the development approved under this permit, the project must incorporate appropriate water sensitive urban design initiatives and sustainable design initiatives listed as listed in the submitted ESD memo to the satisfaction of the Responsible Authority, but as revised so as to include partial WSUD compliance, a commitment to use of low VOC materials, a commitment that at least 70% of any demolition material will be re-used and a commitment to the use of E1 to E10 engineered wood products.

Site Management Water Sensitive Urban Design

7. 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.

Walls on or facing a boundary

8. 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.

Time Limits

9. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within 2 years of the date of this permit.
 - (b) The development is not completed within 2 years of the date of commencement.

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.

A vote was taken and the MOTION was CARRIED.



6.3 Statutory Planning Delegated Decisions Report - October 2020 to January 2021 (inclusive)

Purpose

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 Copsey/Bond

That the Committee:

- 2.1 Receives and notes the October 2020, November 2020, December 2020 and January 2021 report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.
- 2.2 Receives and notes the decisions made by the Manager City Development under delegation from the Chief Executive Officer during the period 22 October 2020 and 25 February 2021, as resolved by Council at its Ordinary Meeting of 16 September 2020.

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 8:32pm.

Confirmed: 25 March 2021

Chairperson _____