



PLANNING COMMITTEE

MINUTES

24 NOVEMBER 2022



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 24 NOVEMBER 2022 IN ST KILDA TOWN
HALL AND VIRTUAL VIA WEBEX**

The meeting opened at 6:31pm.

IN ATTENDANCE

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

Kylie Bennetts, General Manager City Growth and Development, Donna D'Alessandro, Manager City Development, Scott Parkinson, Coordinator Statutory Planning Gateway Ward, Anita Rozankovic-Stevens, Major Projects & Appeals Advisor, Samuel Yeo, Council Business Officer, Emily Williams, Council Business Advisor.

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 Pearl/Bond

That Council approves the request to attend the meeting electronically received from Councillor Clark.

A vote was taken and the MOTION was CARRIED unanimously.

1. APOLOGIES

Councillor Copsey is taking a leave of absence from 10 November to 28 November 2022 inclusive

An apology was received from Councillor Crawford.

MOVED Crs Pearl/Martin

That Council accepts the apology received from Councillor Crawford.

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

MOVED Crs Cunsolo/Bond

That the minutes of the Planning Committee of the Port Phillip City Council held on 29 September 2022 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously



ACKNOWLEDGEMENT OF SERVICE

The Chair acknowledged the service of Kylie Bennetts, Council's Outgoing General Manager City Growth and Development, thanking her for the hard work and guidance provided to Councillors over the last five years, and wishing her success in her new role.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

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

Council Report Submissions:

Item 6.1 – 448 St Kilda Road, Melbourne

- Tim Blowfield
- Amanda Piper
- Michelle Brelaz
- Tricia O'Keefe
- Mauro Mello, Jr
- Victor Ortega Arzate
- Shem Curry, on behalf of the applicant

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 448 St Kilda Road, Melbourne - PDPL/01389/2021
- 6.2 Statutory Planning Delegated Decisions - September and October 2022



6.1 448 St Kilda Road, Melbourne - PDPL/01389/2021

Purpose

- 1.1 construction of an 18-storey (17 level) Residential Hotel building comprising hotel rooms, dwellings, a shop (wellness spa) and retail premises (food and drink premises) over four (4) basement levels; a reduction in the number of car parking spaces required for a shop and retail premises; the use of the land for accommodation with a ground floor frontage exceeding 2 metres in width; and the use of the land to sell or consume liquor for the sale and consumption of liquor on and off premises.

MOVED Crs Bond/Cunsolo

PART A

- a. 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.
- b. That a Notice of Decision to Grant a Permit be issued for construction of an 18-storey (17 level) Residential Hotel building comprising hotel rooms, dwellings, a shop (wellness spa) and retail premises (food and drink premises) over four (4) basement levels; a reduction in the number of car parking spaces required for a shop and retail premises; the use of the land for accommodation with a ground floor frontage exceeding 2 metres in width; and the use of the land to sell or consume liquor for the sale and consumption of liquor on and off premises at 448 St Kilda Road Melbourne.
- c. That the decision be issued as follows:

Amended Plans Required

1. Before the development or use 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 amended Section 57a architectural plans prepared by Kerry Hill Architects Project No. 604, and labelled as A010 Revision E dated 11.10.2022, A020, Revision A dated 11.10.2022, A021 Revision A dated 03.02.2022, A030 Revision B dated 14.10.2022, A031 Revision B dated 02.03.2022, A100 Revision M dated 11.10.2022, A101 Revision H dated 11.10.2022, A102 Revision G dated 03.03.2022, A103 Revision G dated 03.03.2022, A107 Revision F dated 02.03.2022, A108 Revision E dated 03.03.2022, A109 Revision F dated 02.03.2022, A115 Revision E dated 03.03.2022, A117 Revision F dated 03.03.2022, A118 Revision E dated 25.11.2021, A119 Revision F dated 25.11.2021, A120 Revision G dated 08.02.2022, A121 Revision G dated 08.02.2022, A122 Revision E dated 08.02.2022, A150 Revision D dated 11.10.2022, A200 Revision G dated 11.10.2022, A205 Revision E dated 25.11.2021, A250 Revision A dated 26.08.2022, A300 Revision G dated 11.10.2022, A301 Revision H dated 11.10.2022, A302 Revision G dated 11.10.2022 and A303 Revision G dated 11.10.202 and the Advertised Urban Context and Design Response by Kerry Hill Architects, Revision D dated 03 March 2022. The plans must show:
 - a) The location and volume of all external storage to demonstrate compliance with Clause 58.05-4, Standard D21 Storage objective of Port Phillip Planning Scheme.
 - b) Patron numbers removed from the Architectural plans.
 - c) The redline plan amended to show any relevant internal layout changes.



- d) The balcony balustrades and the return heights amended to improve wind conditions for balconies near, or at, corners of the tower as recommended by the advertised Environmental Wind Assessment authored by Mel Consultants.
- e) A statement in accordance with the Environmental Wind Assessment by Mel Consultants detailing that the amendments to the proposed balconies as sought by Condition 1(d) are satisfactory.
- f) Basement B2 including the loading bay and the entire length of the access to basement 2 to be redesigned to accommodate access by a Small Rigid Vehicle with a minimum height of 3.5 metres in line with Australian Standards AS2890.2 – Off street commercial vehicle facilities.
- g) Notation on the plan allocating two visitor car parking spaces at Basement Level B3 or B4.
- h) Notation on the plan allocating one maintenance or building management car parking space within any basement level.
- i) Any changes required by condition 12 - Sustainable Management Plan & Water Sensitive Urban Design Response
- j) Any changes required by condition 26 - Tree Management Protection Report
- k) Any changes required by condition 29 - Landscape Plan
- l) Any changes required by conditions 40 to 43 (inclusive) - Melbourne Water

No Alterations - use and development

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 alterations - external materials

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.

No Alterations - Red Line Plan

4. The red line indicating areas in which liquor may be sold for consumption on the site as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.

Hours for Sale and Consumption of liquor

5. The sale of liquor may occur at any time to guests of the Residential Hotel, and in the restaurant, cafe and bar between the following hours:

Restaurant, café and bar

- Good Friday and ANZAC Day: between 12 noon and 11 p.m.
- 7am - 12 midnight Sunday to Thursday
- 7am – 1am Friday and Saturday

Day Spa

- Good Friday and ANZAC Day: between 12 noon and 10 p.m.
- 10am-10pm, 7 days

Residential Hotel MiniBar

- Anytime.



Number of Patrons – Sale and Consumption of Liquor

6. Without the further written consent of the Responsible Authority the number of patrons occupying the premises during operating hours must not exceed the numbers set out below:

Total number of patrons: 754 with no more than the following patron number per area:

Lower ground (mezzanine)

- Restaurant & bar: 200 patrons

Ground Floor Level

- Café & terrace: 80 patrons
- Lounge: 20 patrons

Level 2 - 7

- Hotel Rooms: 324 patrons

Restaurant

7. Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and the licensee must not permit –
- i. the live performance of any musical works; or
 - ii. the playing of any recorded musical works –
on the premises at higher than background music level.

External Music

8. All music emissions from the development must comply with the noise limits determined in accordance with the Environmental Protection Regulations 2021, Part II of the Noise Limit and assessment protocol for the control of noise from commercial, industrial or trade premises and entertainment venues, Publication 1826 (the Noise Protocol) to the satisfaction of the Responsible Authority.
9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Venue & Patron Management Plan

10. Before the use starts, an amended Patron Management report must be prepared by a suitably qualified consultant and must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will form part of this permit.

The report must be generally in accordance with the advertised Patron Management Plan (Draft). The report title must be amended to a Venue & Patron Management Plan (VPMP).

The restaurant and bar use must operate and be managed in accordance with the approved VPMP to the satisfaction of the Responsible Authority.

The VPMP must include:

- a) The identification of all noise sources (including, but not limited to, patrons on the premises, patrons entering and leaving the premises);

Residential Hotel, restaurant and bar operations



- b) Hours of operation for all parts of the building.
- c) Procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, or an authorised officer of the Responsible Authority.
- d) Details of any measures to work with neighbours and other residents to address complaints.
- e) Details of the security staffing arrangement including numbers and working hours.
- f) Details of proposed management of the venue including emergency procedure management plan, patron management, crowd control and access to external areas.
- g) The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed.
- h) Details of operating procedures for patron querying and patron management when the restaurant, café and bar uses close.
- i) Arrival and departure process for Residential Hotel guests.

Except with the prior written consent of the Responsible Authority, the Venue & Patron Management Plan must not be modified.

Green Star Pre-Certification

11. Prior to occupation or commencement of any use, a Green Star Designed assessment representing pre-certification that the building's design is on track to achieve a minimum 4-star Green Star rating when assessed after construction must be obtained from the Green Building Council of Australia (GBCA) and submitted to the Responsible Authority.

When approved, the report will be endorsed and will then form part of this permit.

Sustainable Management Plan

12. Prior to the endorsement of Condition 1 plans, an amended Sustainable Management Plan & Water Sensitive Urban Design Response in accordance with the advertised report by Ark Resources and dated 10 December 2021 must be submitted to and approved by the Responsible Authority. The report must incorporate:

- a) Confirmation that the development has been registered with Green Building Council of Australia (GBCA) to achieve a 4 Star Green Star Buildings rating.
- b) Updated Green Star Pathway incorporating any changes required to ensure a minimum 4-star Green Star Buildings Design will be met.

When approved, the report will be endorsed and will then form part of this permit.

Incorporation of Sustainable Design Initiatives & Green Star Certification

13. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.
14. Within 12 months of completion of the development, a certificate must be obtained from the Green Building Council of Australia (GBCA), and provided to the Responsible Authority, that a 4 Star Green Star Buildings rating has been achieved for the development.

Incorporation of Water Sensitive Urban Design Initiatives



15. Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the SMP to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

Site Management Water Sensitive Urban Design

16. 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.

Car Parking and Bicycle Parking Layout

17. 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) Surfaced with an all-weather surface or seal coat (as appropriate);
 - d) Drained and maintained;
 - e) Line marked, as appropriate, to indicate each car space, visitor space, bicycle space, loading bay and/or access lane; and
 - f) Clearly marked to show the direction of traffic along access land and driveways.
- All to the satisfaction of the Responsible Authority.

On-Site Bicycle Parking

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

Parking and Loading Areas

19. 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.

Loading Management Plan (LMP)

20. Prior to the commencement of development, a Loading Management Plan (LMP) 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 loading and unloading of vehicles and waste collection from the land must be conducted in accordance with the LMP as approved by the Responsible Authority under the Permit.

The LMP must include, but not be limited to:

- a) Details regarding the management of loading and unloading of goods and materials, delivery needs of the various uses within the development and how they are to be accommodated.
- b) Any policing arrangements and formal agreements.
- c) Details of wayfinding, cleaning and security of end of trip bicycle facilities.
- d) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.
- e) Reflect the swept path diagrams and nominated vehicles within the advertised Waste Management Plan prepared by Traffix Group dated December 2021.
- f) Confirmation that delivery vehicles entering the land will be restricted to a height no greater than 3.5 metres.
- g) How the access and egress of loading vehicles is to be managed so that any conflicts are minimised.
- h) Vehicles can both ingress/egress the land in a forward direction.

Loading/unloading

- 21.** 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.

Waste collection – commercial

- 22.** Any onsite loading/unloading or collection to occur between the following hours:
- 7am - 8pm Mon-Saturday; and
 - 9am - 8pm on Sunday and public holidays regardless of the frequencies of collections.

unless otherwise approved by the Responsible Authority.

Waste collection – residential

- 23.** Any onsite loading/unloading or collection to occur between the following hours:
- 6.30am - 8pm Mon- Sat; and
 - public holidays and 9am - 8pm on Sundays regardless of the frequencies of collections.

unless otherwise approved by the Responsible Authority.

Lighting

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

Vehicle Crossings



25. 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 and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to Pay for Reinstatement

26. Prior to the occupation of the development, the applicant/owner must 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 the 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 alterations/reinstatement.

Tree Management Protection Report

27. Prior to the commencement of development, including any related demolition or removal of vegetation, a Tree Management Report (TMR), prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
- a) The applicant must undertake measures to ensure that all contractors, sub-contractors and tradespersons operating on the site are aware of the contents of this report.
 - b) The Tree Management Report must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.
 - c) Both the TMR & TPP must be part of one document that must be named as the Tree Management Protection Report (TMPR).

The TMPR must include:

- d) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
- e) Protection measures to be utilised and at what stage of the development they will be implemented.
- f) Appointment of a project arborist detailing their role and responsibilities.
- g) Stages of development at which the project arborist will inspect tree protection measures.
- h) Monitoring and certification by the project arborist of implemented protection measures.
- i) The TPP must:
 - a. Be legible, accurate and drawn to scale.
 - b. Show the location of all tree protection measures to be utilised.
 - c. Include a key describing all tree protection measures to be utilised.

Tree Protection



28. Prior to the commencement of development, including any related demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management report and Tree Protection Plan must be submitted to the Responsible Authority.

Street Tree Protection

29. Tree Protection Fencing is to be established around the four street trees parallel to the subject site frontage prior to demolition and maintained until all works on site are complete.
- 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.
 - 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).
 - 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 Management Protection Report.

Landscape Plan

30. Prior to the endorsement of plans under Condition 1 an amended Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- All condition 1 changes.
 - A survey plan, including botanical names, of all existing vegetation/trees to be retained.
 - Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary.
 - All street trees and/or other trees on Council land.
 - A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes.
 - All planters dimensioned and volume notated.
 - Details of access to planter boxes and a maintenance schedule.
 - Irrigation details.
 - Landscaping and planting within all open space areas of the site; and
 - Water sensitive urban design treatments.
- All to the satisfaction of the Responsible Authority.

Completion of Landscaping

31. 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

32. The landscaping as shown in 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.

Walls on or facing the boundary

33. Prior to 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

34. External building materials and finishes must not result in glare that reflect more than 20% of visible light when measured at an angle of 90 degrees to the surface reflectivity to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

No Equipment or Services

35. 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

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

Ongoing Involvement of the Architect

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

Urban Art Plan

38. 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
39. 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.

EPA noise guidelines



40. The roof top plant and services must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines.

Melbourne water

41. The ground floor must be constructed with finished floor levels set no lower than 5.2 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 4.9 metres to AHD.
42. The apex of the entry to the basement should be constructed no lower than 5.2 metres to AHD, which is 300 mm above the applicable flood level of 4.9 metres to AHD.
43. Any external openings to the basement, including windows, vents, doors and stair openings, should be constructed no lower than 5.2 metres AHD, which is 300 mm above the applicable flood level of 4.9 metres AHD.
44. Prior to the issue of an Occupancy Permit, a certified survey plan (as-constructed and reduced to AHD), must be submitted to Melbourne Water to demonstrate accordance with Melbourne Water's requirements. This plan must show finished floor levels, basement-entry apex levels, and levels of external-openings to the basement.

Time for Starting and Completion - Use & development

45. This permit will expire if one of the following circumstances applies:
- a) The development is not started within four (4) years of the date of this permit.
 - b) The development is not completed within two (2) years of the date of commencement of works.
 - c) 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.

PART B

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.



6.2 Statutory Planning Delegated Decisions - September and October 2022

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 Bond/Pearl

That the Committee:

- 3.1 Receives and notes the September and October 2022 reports 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 7.36pm.

Confirmed: 23 February 2023

Chairperson _____