



# PLANNING COMMITTEE

## MINUTES

**23 NOVEMBER 2023**



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY  
COUNCIL HELD 23 NOVEMBER 2023 IN ST KILDA TOWN HALL AND VIRTUAL  
VIA WEBEX**

The meeting opened at 6:31pm.

**IN ATTENDANCE**

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

Brian Tee, General Manager City Growth and Development, Donna D'Alessandro, Manager City Development, Scott Parkinson, Coordinator Statutory Planning Gateway Ward, Xavier Smerdon, Head of Governance, Rebecca Purvis, Senior Council Business Advisor, 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/Cunsolo**

That Council approves the request to attend the meeting virtually received by Councillor Martin.

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

**1. APOLOGIES**

Apologies were received from Councillors Bond and Clark.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Nyaguy/Cunsolo**

That the minutes of the Planning Committee of the Port Phillip City Council held on 26 October 2023 be confirmed.

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

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



## **PRESENTATION TO OUTGOING MANAGER CITY DEVELOPMENT DONNA D’ALESSANDRO**

The Chair, Deputy Mayor Crawford, recognised the service of outgoing Manager City Development, Donna D’Alessandro, to the City of Port Phillip and invited Brian Tee, General Manager City Growth and Development, to say a few words.

Brian Tee, General Manager City Growth and Development addressed the meeting:

“It is with some sadness that I advise that Donna is leaving the City of Port Phillip and I have the great privilege of thanking Donna for their contribution to the City. Donna has made an excellent contribution in a number of areas of our organisation, but it is in this planning world that Donna has excelled. Donna has an excellent command of planning and excels at interpreting, explaining, and applying our very complex planning regulations. Donna is very well respected by the community, developers, and our planners. For me, the long term perspective is the great contribution that Donna has made to planning, ensuring that we understand the consequences of any application that comes before us, and in doing so, that any decision is taking into account the impact on our community, on our liability and the character of our neighbourhoods. In doing so, Donna ensures that their legacy and Council’s legacy is one that will be looked upon favourably by the next generation. It’s been an enormous privilege to work with Donna. Donna’s passion for this area is well known and regarded and I know that Donna will continue to make a contribution to the community in their next career.

The Chair, Deputy Mayor Crawford, Mayor Cunsolo, and Councillors Pearl and Sirakoff thanked Donna for their contributions to the City of Port Phillip and presented them with a gift on behalf of all Councillors.

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

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

### **Item 6.1 15-37 Bank Street, South Melbourne**

- George Swinburne
- Veronica Connolly
- Jamie Govenlock (Applicant)
- Carlo Morello (Project Traffic Engineer)
- David MacGowan
- Millie Ma
- Chris Exner (Project Architect)

## **5. COUNCILLOR QUESTION TIME**

Nil.

## **6. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 6.1 15-37 Bank Street, South Melbourne - PDPL/00890/2022
- 6.2 Statutory Planning Delegated Decisions - October 2023



## 6.1 PDPL/00890/2022 - 15-37 Bank Street, South Melbourne

### Purpose

- 1.1 To consider and determine planning permit application PDPL/00890/2022 to construct a multi-storey mixed use building on land in the Mixed Use Zone and Design and Development Overlay and Special Building Overlay and associated reduction of car parking at 15 - 37 Bank Street, South Melbourne.

*The Chair adjourned the meeting at 8:01pm.*

*The meeting resumed at 8:07pm.*

### MOVED Crs Cunsolo/Pearl

#### 3. RECOMMENDATION 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 subject to conditions.
- b) That a Notice of Decision to Grant a Permit be issued to construct a multi-storey mixed use building on land in the Mixed Use Zone and Design and Development Overlay and Special Building Overlay and associated reduction of car parking at 15-37 Bank Street, South Melbourne.
- c) That the decision be issued as follows:

#### Amended Plans Required

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (prepared by RotheLowman Revision B dated 8 May 2023 [TP01.22 Revision B dated 8 May 2023]) but modified to show:
  - a) A 6.2m wide break in the built-form must be provided between the eastern and western wings of the building at level 6 and above.
  - b) A setback of 2.2m at levels 1 and 2 to the Little Bank Street boundary.
  - c) All apartments provided with storage that is compliant with the requirements of Clause 58.05-4
  - d) The ground-floor to Bank Street to be setback 0m from the street (excluding the through-block link area).
  - e) All lift overruns must not exceed 66.1m AHD.
  - f) The two rooftop pergolas to be deleted.
  - g) All trafficable balcony, trafficable communal open space, and resident amenities must be setback by 4.5m from the eastern boundary at level 3.
  - h) Calculations to demonstrate that services on the rooftop (excluding solar panels) do not exceed 10% of gross floor area of the top building level or 50 square metres (whichever is greater).



- i) All visitor bicycle parking relocated from Bank Street to within the title boundary.
- j) Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.
- k) The proposed location of Urban Art.
- l) Any changes necessary to comply with the approved Sustainability Management Plan (SMP) required Condition 6.
- m) Any changes necessary to comply with the approved Waste Management Plan required under Condition 27.
- n) Any changes necessary to comply with the approved noise report required under Condition 28.
- o) Any changes necessary to comply with the approved wind report required under Condition 29.
- p) A basement level to be provided with a minimum of 70 car parking spaces

#### **No Alterations**

- 2. The layout of the site and the size, levels, design and location of buildings, and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

#### **Walls on or Facing the Boundary**

- 3. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

#### **No Equipment or Services**

- 4. 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.

#### **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.

#### **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 being that prepared by Wrap Consulting Engineering Revision 04 dated 22 June 2023, but modified to address the following;

- a) Amended calculations to reflect changes required under Condition 1

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 Environmentally Sustainable Design**

7. Prior to occupation of the development approved under this permit, an ESD Implementation Report (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.

#### **Construction Management Water Sensitive Urban Design**

8. The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;
  - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
  - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
  - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
  - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
  - e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

#### **Car Parking and Bicycle Parking Layout**

9. 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, to the satisfaction of the Responsible Authority, 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 to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
- f) Clearly marked to show the direction of traffic along access land and driveways

**Parking and Loading Areas Must be Available**

- 10. 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**

- 11. 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.

**Direction Sign**

- 12. Before the occupation of the development allowed by this permit a sign containing details and of a size to the satisfaction of the Responsible Authority must be displayed directing drivers to the area(s) set aside for car parking. The sign must be located and maintained to the satisfaction of the Responsible Authority.

**Vehicle Crossings**

- 13. 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.

**Vehicle crossings – removal**

- 14. 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.

**Applicant to Pay for Reinstatement**

- 15. Before the occupation of the development allowed by this permit, 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.

**Public Services**

- 16. 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.

#### **Car Parking Allocation**

17. 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) not less than 5 spaces for maintenance vehicles;
- b) not less than 3 spaces for retail use
- c) not less than 5 car share parking spaces
- d) not less than 10 spaces for visitors

All to the satisfaction of the Responsible Authority.

#### **Loading/Unloading**

18. 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.

#### **Landscape Plan**

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

- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- b) All street trees and/or other trees on Council land;
- c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- d) Relocate transition of bluestone pavers to bitumen to the property boundary
- e) Extend planting on Levels 1 and 2 to southern edge of building to improve screening and softening of building
- f) Provide trees in planted areas on level 5 podium
- g) Provide larger turf space on rooftop area with planters relocated to edges
- h) A maintenance management plan for all planting
- i) Typical details of planters, tree planting, and ground-floor planting

#### **Completion of Landscaping**

20. 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**

21. 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.

#### **No Damage to Existing Street Tree**

22. The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction.

The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

#### **Noise Limits**

23. Noise levels of the ground-floor retail tenancies must not exceed the permissible noise levels stipulated in Part 5.3 - Noise, of the Environment Protection Regulations 2021 for Residential Premises, Commercial, Industrial and Trade Premises and Entertainment Venues and Outdoor Entertainment Events to the satisfaction of the Responsible Authority.

#### **Noise Report**

24. Prior to occupation, an acoustic report must be prepared and submitted to the satisfaction of the Responsible Authority. The report must confirm that any plant on surrounding commercial buildings does not impact dwellings on the land and must include details of any further mitigation if required.

#### **Outdoor trading**

25. Any outdoor trading associated with the ground-floor retail tenancies must cease by 10pm

#### **Amenity**

26. The amenity of the area must not be detrimentally affected by the development through the:
  - a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### **Amended Waste Management Plan**

27. Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan to the satisfaction of



the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the waste management plan will be endorsed and then form part of the permit. The waste management plan must be generally in accordance with the waste management plan submitted with the application (prepared by Traffix Group Revision B dated 18 March 2022) but modified to include:

- a) The estimated garbage and recycling volumes for the whole development.
- b) Bin quantity, size and colour.
- c) The garbage and recycling equipment to be used.
- d) Collection frequency.
- e) The location and space allocated to the garbage and recycling bin storage area and collection point.
- f) The waste services collection point for vehicles.
- g) Waste collection provider.
- h) How tenants will be regularly informed of the waste management arrangements.
- i) Scaled waste management drawings.
- j) Swept path diagrams confirming ingress and egress to the site.
- k) Signage.

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

#### **Amended Noise Report**

28. Before the development starts (other than demolition or works to remediate contaminated land), an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the acoustic report will be endorsed and then form part of the permit. The acoustic report must be generally in accordance with the acoustic report submitted with the application (prepared by Renzo Tonin and Associates dated 16 December 2022) but modified to show:

- a) The revised layout required pursuant to Condition 1

Once submitted and approved, the recommendations of the acoustic report must be complied with to the satisfaction of the Responsible Authority.

#### **Amended Wind Report**

29. Before the development starts (other than demolition or works to remediate contaminated land), an amended wind report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the wind report will be endorsed and then form part of the permit. The wind report must be generally in accordance with the wind report submitted with the application (prepared by RWDI dated 16 December 2022) but modified to show:

- a) The revised layout required pursuant to Condition 1

Once submitted and approved, the recommendations of the wind report must be complied with to the satisfaction of the Responsible Authority.



### **Regulation of Deliveries and Rubbish Collection**

30. Without the further written consent of the Responsible Authority deliveries to and from the site, including rubbish collection, must only take place between 7am to 8pm Monday to Saturday and 10am to 8pm public holidays and Sundays

### **Storage of Goods**

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

### **Services to be screened**

32. All air conditioning and refrigeration plant 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.

### **Lighting Baffled**

33. All lighting of external areas during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10pm and 7am.

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

34. 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 six (6) years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- a) before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- b) within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

## **4. RECOMMENDATION B**

- 4.1 Authorises the Manager City Development to Instruct Councils Statutory Planners and/or Council's solicitors on any VCAT application for review should one be lodged for this application.

**A vote was taken and the MOTION was LOST.**

### **MOVED Crs Nyaguy/Baxter**

## **3. RECOMMENDATION 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 subject to conditions.



- b) That a Notice of Decision to Grant a Permit be issued to construct a multi-storey mixed use building on land in the Mixed Use Zone and Design and Development Overlay and Special Building Overlay and associated reduction of car parking at 15-37 Bank Street, South Melbourne.
- c) That the decision be issued as follows:

**Amended Plans Required**

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (prepared by RotheLowman Revision B dated 8 May 2023 [TP01.22 Revision B dated 8 May 2023]) but modified to show:
  - a) A 6.2m wide break in the built-form must be provided between the eastern and western wings of the building at level 6 and above.
  - b) A setback of 2.2m at levels 1 and 2 to the Little Bank Street boundary.
  - c) All apartments provided with storage that is compliant with the requirements of Clause 58.05-4
  - d) The ground-floor to Bank Street to be setback 0m from the street (excluding the through-block link area).
  - e) All lift overruns must not exceed 66.1m AHD.
  - f) The two rooftop pergolas to be deleted.
  - g) All trafficable balcony, trafficable communal open space, and resident amenities must be setback by 4.5m from the eastern boundary at level 3.
  - h) Calculations to demonstrate that services on the rooftop (excluding solar panels) do not exceed 10% of gross floor area of the top building level or 50 square metres (whichever is greater).
  - i) All visitor bicycle parking relocated from Bank Street to within the title boundary.
  - j) Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.
  - k) The proposed location of Urban Art.
  - l) Any changes necessary to comply with the approved Sustainability Management Plan (SMP) required Condition 6.
  - m) Any changes necessary to comply with the approved Waste Management Plan required under Condition 27.
  - n) Any changes necessary to comply with the approved noise report required under Condition 28.
  - o) Any changes necessary to comply with the approved wind report required under Condition 29.

**No Alterations**



2. The layout of the site and the size, levels, design and location of buildings, and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

#### **Walls on or Facing the Boundary**

3. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

#### **No Equipment or Services**

4. 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.

#### **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.

#### **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 being that prepared by Wrap Consulting Engineering Revision 04 dated 22 June 2023, but modified to address the following;

- a) Amended calculations to reflect changes required under Condition 1

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 Environmentally Sustainable Design**

7. Prior to occupation of the development approved under this permit, an ESD Implementation Report (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.

**Construction Management Water Sensitive Urban Design**

8. The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;
  - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
  - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
  - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
  - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
  - e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

**Car Parking and Bicycle Parking Layout**

9. 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, to the satisfaction of the Responsible Authority, 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 to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
  - f) Clearly marked to show the direction of traffic along access land and driveways

**Parking and Loading Areas Must be Available**

10. 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**

11. 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.

**Direction Sign**

12. Before the occupation of the development allowed by this permit a sign containing details and of a size to the satisfaction of the Responsible Authority must be





displayed directing drivers to the area(s) set aside for car parking. The sign must be located and maintained to the satisfaction of the Responsible Authority.

#### **Vehicle Crossings**

13. 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.

#### **Vehicle crossings – removal**

14. 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.

#### **Applicant to Pay for Reinstatement**

15. Before the occupation of the development allowed by this permit, 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.

#### **Public Services**

16. 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.

#### **Car Parking Allocation**

17. 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) not less than 5 spaces for maintenance vehicles;
  - b) not less than 3 spaces for retail use
  - c) not less than 5 car share parking spacesAll to the satisfaction of the Responsible Authority.

#### **Loading/Unloading**

18. 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.

### **Landscape Plan**

19. Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
  - b) All street trees and/or other trees on Council land;
  - c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
  - d) Relocate transition of bluestone pavers to bitumen to the property boundary
  - e) Extend planting on Levels 1 and 2 to southern edge of building to improve screening and softening of building
  - f) Provide trees in planted areas on level 5 podium
  - g) Provide larger turf space on rooftop area with planters relocated to edges
  - h) A maintenance management plan for all planting
  - i) Typical details of planters, tree planting, and ground-floor planting

### **Completion of Landscaping**

20. 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**

21. 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.

### **No Damage to Existing Street Tree**

22. The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction.

The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

### **Noise Limits**



23. Noise levels of the ground-floor retail tenancies must not exceed the permissible noise levels stipulated in Part 5.3 - Noise, of the Environment Protection Regulations 2021 for Residential Premises, Commercial, Industrial and Trade Premises and Entertainment Venues and Outdoor Entertainment Events to the satisfaction of the Responsible Authority.

#### **Noise Report**

24. Prior to occupation, an acoustic report must be prepared and submitted to the satisfaction of the Responsible Authority. The report must confirm that any plant on surrounding commercial buildings does not impact dwellings on the land and must include details of any further mitigation if required.

#### **Outdoor trading**

25. Any outdoor trading associated with the ground-floor retail tenancies must cease by 10pm

#### **Amenity**

26. The amenity of the area must not be detrimentally affected by the development through the:
- a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### **Amended Waste Management Plan**

27. Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the waste management plan will be endorsed and then form part of the permit. The waste management plan must be generally in accordance with the waste management plan submitted with the application (prepared by Traffix Group Revision B dated 18 March 2022) but modified to include:
- a) The estimated garbage and recycling volumes for the whole development.
  - b) Bin quantity, size and colour.
  - c) The garbage and recycling equipment to be used.
  - d) Collection frequency.
  - e) The location and space allocated to the garbage and recycling bin storage area and collection point.
  - f) The waste services collection point for vehicles.
  - g) Waste collection provider.
  - h) How tenants will be regularly informed of the waste management arrangements.
  - i) Scaled waste management drawings.
  - j) Swept path diagrams confirming ingress and egress to the site.
  - k) Signage.



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

#### **Amended Noise Report**

28. Before the development starts (other than demolition or works to remediate contaminated land), an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the acoustic report will be endorsed and then form part of the permit. The acoustic report must be generally in accordance with the acoustic report submitted with the application (prepared by Renzo Tonin and Associates dated 16 December 2022) but modified to show:

- a) The revised layout required pursuant to Condition 1

Once submitted and approved, the recommendations of the acoustic report must be complied with to the satisfaction of the Responsible Authority.

#### **Amended Wind Report**

29. Before the development starts (other than demolition or works to remediate contaminated land), an amended wind report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible authority. When approved, the wind report will be endorsed and then form part of the permit. The wind report must be generally in accordance with the wind report submitted with the application (prepared by RWDI dated 16 December 2022) but modified to show:

- a) The revised layout required pursuant to Condition 1

Once submitted and approved, the recommendations of the wind report must be complied with to the satisfaction of the Responsible Authority.

#### **Regulation of Deliveries and Rubbish Collection**

30. Without the further written consent of the Responsible Authority deliveries to and from the site, including rubbish collection, must only take place between 7am to 8pm Monday to Saturday and 10am to 8pm public holidays and Sundays

#### **Storage of Goods**

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

#### **Services to be screened**

32. All air conditioning and refrigeration plant 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.

#### **Lighting Baffled**

33. All lighting of external areas during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10pm and 7am.



## **Time for Starting and Completion**

34. 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 six (6) years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- a) before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- b) within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

## **4. RECOMMENDATION B**

4.1 Authorises the Manager City Development to Instruct Councils Statutory Planners and/or Council's solicitors on any VCAT application for review should one be lodged for this application.

### **AMENDMENT**

Moved Crs Sirkaoff/Martin

Includes (d) to condition 17 of the recommendation as follows:

- d) not less than 10 spaces for visitors

**A vote was taken and the AMENDMENT was CARRIED.**

**Cr Sirakoff called for a DIVISION.**

**FOR: Crs Crawford, Pearl, Sirakoff, Martin and Cunsolo**

**AGAINST: Crs Baxter and Nyaguy**

**The AMENDMENT was CARRIED.**

**The AMENDMENT became the SUBSTANTIVE MOTION.**

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

## **6.2 Statutory Planning Delegated Decisions - October 2023**

### **Purpose**

- 1.1 To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

### **MOVED Crs Nyaguy/Crawford**

That the Committee:

- 3.1 Receives and notes the October 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 &

# MINUTES - PLANNING COMMITTEE MEETING - 23 NOVEMBER 2023



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 8.18pm.

Confirmed: 14 December 2023

Chairperson \_\_\_\_\_