



PLANNING COMMITTEE

MINUTES

28 MARCH 2018



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MINUTES - PLANNING COMMITTEE MEETING - 28 MARCH 2018



MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY COUNCIL HELD 28 MARCH 2018 IN ST KILDA TOWN HALL

The meeting opened at 6:30pm.

PRESENT

Cr Bond (Chairperson), Cr Baxter, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, Cr Pearl, Cr Simic, Cr Voss

IN ATTENDANCE

Claire Ferres Miles General Manager Place Strategy and Development, George Borg Manager City Development, Katrina Terjung Manager Strategy and Growth, Aiden O'Neill Coordinator City Strategy, Donna D'Alessandro Planning Coordinator Gateway Ward, Richard Little Senior Urban Planner, Simon Gutteridge Senior Planner-Fishermans Bend Urban Renewal Area.

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 Gross/Pearl

That the minutes of the Planning Committee of the Port Phillip City Council held on 28 February 2018 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

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4. PUBLIC QUESTION TIME

Nil.

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5. COUNCILLOR QUESTION TIME

Nil.

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6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 Request for Ministerial Amendment to Update DDO26 - St Kilda Road North Precinct
- 6.2 702/1 Roy Street, Melbourne
- 6.3 3A/339 Williamstown Road, Port Melbourne
- 6.4 15-35 Thistlethwaite Street, South Melbourne
- 6.5 199-201 Normanby Road, Southbank
- 6.6 Planning Delegation for Fishermans Bend Ministerial Call-Ins and VCAT Matters
- 6.7 Planning Permits Delegate Report - February 2018

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6.1 Request for Ministerial Amendment to Update DDO26 - St Kilda Road North Precinct

Purpose

- 1.1 To consider design outcomes being achieved through the implementation of Design and Development Overlay 26 (DDO26), including issues of concern to the local community arising from recent development approvals in the vicinity of the future ANZAC Station.
- 1.2 To discuss a potential request to the Minister for Planning to amend DDO26 to address the above, in addition to addressing drafting anomalies to provide clarity over whether design requirements are expressed as mandatory or discretionary controls.

The following speakers made a verbal submission in relation to this item:

David McGowan (Supporter)

Endorses Council's endeavor to tidy up the DDO.

John Tabart (Supporter)

Agreed with the previous speaker and welcomed Council's initiative because the developers are going for maximum height and density.

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MOVED Crs Voss/Simic

That the Planning Committee:

- 3.1 Recognises that some of the performance based controls within Design and Development Overlay 26 are not operating as intended, and as a result are not achieving the high quality design and amenity outcomes sought by the Precinct Plan, and are of additional importance given proximity of the precinct to the future ANZAC station.
- 3.2 Requests the Minister for Planning to prepare and approve Amendment C154 to the Port Phillip Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act 1987*, to amend Schedule 26 to Clause 43.02 - Design and Development Overlay (DDO26) in accordance with the changes reflected in Attachment 7.
- 3.3 Alternatively, endorses preparation of Amendment C154 and a request to the Minister for Planning to exempt Council, as the planning authority, from the notice requirements of sections 19 and associated regulations, pursuant to section 20(2) of the *Planning and Environment Act 1987*, should this be a preferred process by the Minister.
- 3.4 Resolves to progress Amendment C154 pursuant to section 20(4) or section 20(2) of the *Planning and Environment Act 1987*, on the basis that the changes to the scheme proposed have already been subject to significant consultation through the exhibition of Amendment C107 and the St Kilda Road North Precinct Plan (and the associated Independent Planning Panel process), or are minor in nature and will improve the clarity and transparency of the scheme.
- 3.5 Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation to form the basis of the request to the Minister for Planning.
- 3.6 Writes to community representatives advising of Council's decision, and thanking them for their suggestions and ongoing interest in the St Kilda Road North Precinct.

A vote was taken and the MOTION was CARRIED unanimously.

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7.02pm Cr Pearl left the Chamber.

7.03pm Cr Pearl returned to the Chamber.

6.2 702/1 Roy Street, Melbourne

1. PURPOSE

- 1.1 To consider and determine Council's position in the upcoming Victorian Civil and Administrative Tribunal (VCAT) hearing for Planning Permit Application 572/2017.

The following speakers made a verbal submission in relation to this item:

Michael O'Neill (Objector)

Spoke against the officers' recommendation on the grounds that the holistic design of the apartments should not be changed and asked Council to reject the application.

Rose Roth (Objector)

Spoke against the officers' recommendation because there was a vibrant and warm community which would be splintered by the application being approved and set a strong precedence.

Nicholas Konstas (Applicant)

Spoke in favour of the application, citing the extension of the living space was small (only 8sq metres) and that the alterations did not impact the design of the building as a whole.

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MOVED Crs Copsey/Gross

- 3.1 That the Planning Committee adopts Recommendation “Part A” and Part “B”, to advise VCAT that:
- It supports the application with conditions
 - In the event that VCAT determines to grant a permit for the application, any permit issued should incorporate the conditions in this report.
 - Authorise the Manager City Development to instruct Council’s Statutory planners and/ or Council Solicitors on the VCAT Application for Review.

RECOMMENDATION “PART A”:

- 3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, it would have issued a Notice of Decision to Grant a Permit for buildings and works including alterations and additions to extend the existing apartment (on the Queens Road and Roy Street elevations) at 702/1 Roy Street, Melbourne.
- 3.3 That the decision be issued as follows:

1 No Alterations

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

2 Time for starting and completion

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within two years of the date of commencement of works.

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.

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RECOMMENDATION “PART B”:

- 3.4 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on the VCAT application for review.

A vote was taken and the MOTION was CARRIED.

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6.3 3A/339 Williamstown Road, Port Melbourne

1. PURPOSE

- 1.1 To consider and determine application P1060/2016 for the demolition of the existing buildings on site, and construction of a four level building comprising 16 townhouses.

The following speaker made a verbal submission in relation to this item:

Holly Burns (Applicant)

Spoke in support of the officers' recommendation and informed the meeting that the applicant was able and willing to meet all the conditions set out in the recommendation.

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MOVED Crs Voss/Brand

- 3.1 That the Planning Committee adopts Recommendation “Part A” and “Part B”, to advise VCAT that:
- It supports the application with conditions.
 - In the event that VCAT determines to grant a permit for the application, any permit should incorporate the conditions to this report.
 - Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council Solicitors on any future VCAT Application for Review.

RECOMMENDATION “PART A”:

- 3.2 That the Responsible Authority issue a Planning Permit to demolish the existing building in a Capital City Zone. Construct and carry out works for a three to four storey building within the Capital City Zone, Design and Development Overlay, and Special Building Overlay. Use the land for the purpose of Accommodation within the Capital City Zone. Alter access to a road in a Road Zone Category 1 (i.e. traffic to and from Williamstown Road and Plummer Street), at Lot 3A/399 Williamstown Road Port Melbourne, subject to the following conditions.
- 3.3 That the decision be issued as follows:

1 Amended Plans Required

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 an electronic copy must be provided. The plans must be generally in accordance with the plans referred to as drawings 000 to 601 prepared by Crone Architects, and received by Council on 27/11/2017 but modified to show:

- a) Privacy screening, or a minimum sill height of 1.7m from the finished floor level of the room, applied to the second floor north facing window of Townhouse 7.
- b) Privacy screening, or a minimum sill height of 1.7m from the finished floor level of the room, applied to the second floor west facing window of Townhouse 8.
- c) Compliance with Australian Standards for internal bicycle parking spaces.
- d) Confirmation that the ground level of the development is DDA compliant.

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- e) A demolition plan detailing all existing buildings and works on site to be demolished and removed, including the chain wire mesh fence along the eastern title boundary.
- f) Relocation of the site services from the south-eastern corner to an alternative location not adjacent JL Murphy Reserve, and incorporated into the design of the development.
- g) A notation on the ground floor plan detailing connections for WSUD initiatives.
- h) Third Pipe connection location.
- i) Details of car park ventilation noted.
- j) Any amendments associated with the revised Sustainable Management Plan required by Condition 3 of this permit.
- k) Any changes associated with Condition 6 of this permit (Acoustic Report).
- l) Any changes associated with Condition 5 of this permit (WSUD).
- m) Car park dimensions (width and length).
- n) Car park headroom clearance.
- o) Swept path analysis detailing a B85 design vehicle can access/exit critical car parking spaces with suitable clearances.
- p) A note advising the wheel stopper is installed to Australian Standards.
- q) Pedestrian sight triangles to each side of the driveway.
- r) A loading area for on-site waste collection and servicing, with appropriate headroom clearances, and any subsequent changes.

2 Privacy Screens - Cross-Sections Required

Before the development starts (other than demolition or works to remediate contaminated land), cross section elevation drawings of the screens to the windows must be submitted to and approved by the Responsible Authority. The drawings must:

- a) Be drawn to scale and fully dimensioned;
- b) Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
- c) Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward and horizontal views internally and to neighbouring properties;
- d) Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the balcony and/or window.

All to the satisfaction of the Responsible Authority.

3 Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) a revised Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority.

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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. The SMP must be generally in accordance with the SMP prepared by Norm Disney & Young dated 22 November 2017, revision 4.1 2017, but modified to;

- a) Publish the BESS Assessment.
- b) Commitment to provide a photovoltaic array or solar hot water including sufficient solar preheating array to achieve a minimum 30% energy boost.
- c) Provide dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network.
- d) Provision of an electrical car charge station.
- e) Individual meters to each dwelling.
- f) All stormwater generated on site managed within the development footprint.
- g) Capture of runoff from 100% of the roof area and successfully retain onsite at least 50% of the volume of runoff derived from a 5 year, 72 storm event.
- h) Stormwater captured on site reused in toilet flushing and irrigation, with low or no demand for controlled release.
- i) WSUD report attached to the SMP.

4 Incorporation of Sustainable Design initiatives

Prior to the occupation of the additions allowed by this permit, the project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority.

5 Water Sensitive Urban Design

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 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, and the requirements listed within Condition 4 f), g), and h) of this permit.

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.

6 Noise Attenuation for Apartments

Prior to the occupation of the apartments allowed under this permit the project must incorporate the noise attenuation measures listed within the Acoustic Report Prepared by Cogent Acoustics and dated 07/07/2017, and;

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External traffic noise intrusion within apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior must comply with the following:

- a) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- b) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.

7 Incorporation of Water Sensitive Urban Design initiatives

Prior to the occupation of the additions allowed by this permit, the project must incorporate the water sensitive design initiatives listed in the endorsed Water Sensitive Urban Design Response.

8 Completion of Landscaping

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.

9 Landscaping Maintenance

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.

10 Arborist Report

The endorsed Arborist report, prepared by Treelogic, referenced 008079, dated 26 April 2017 will form part of the permit. The tree protection measures outlined in the report must be complied with to the satisfaction of the Responsible Authority.

11 Privacy Screens Must be Installed

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.

12 Walls on or facing the boundary

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

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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.

13 No equipment or services

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.

14 Parking and Loading Areas Must Be Available

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.

15 Car Parking Space Allocation

Car parking for the approved development must not exceed 1 space per dwelling, to the satisfaction of the Responsible Authority.

16 Number of Dwellings

Without the further written consent of the Responsible Authority, no more than 16 dwellings may be constructed on the land.

17 Public Services

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.

18 Contaminated Land

Before the development starts (other than demolition or works to remediate contaminated land), the Responsible Authority must be provided with:

- a. A certificate of Environmental Audit for the land issued in accordance with Section 53Y of the *Environment Protection Act 1970*; or

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- b. A *Statement of Environmental Audit for the land issued under Section 53Z of the Environment Protection Act 1970* confirming that the environmental conditions of the land are suitable for the use and development allowed by this permit.

19 Compliance with Statement of Environmental Audit

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

20 Remediation Works Plan

Before any remediation works are undertaken in association with the environmental audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

21 Agreement under Section 173 of the Planning and Environment Act 1987 Re: Developer Contribution

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- a) Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority;
- b) Register the agreement on the title(s) for the land in accordance with

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Section 181 of the *Planning and Environment Act 1987*; and

- c) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- (a) The developer to pay a development contribution of:
 - \$15,900 per dwelling
 - \$180 per sqm of gross commercial floor area;
 - \$150 per sqm of gross retail floor area;or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.
- (b) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
- (c) Require registration of the Agreement on the titles to the affected lands as applicable.
- (d) Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions.
- (e) Confirm that contributions will be payable to the Metropolitan Planning Authority.
- (f) Confirm that the contributions will be used by the Development Agency as stipulated by the Metropolitan Planning Authority to deliver the schedule of types of infrastructure.
- (g) Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.
- (h) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
- (i) Require that payment of 10% of the contribution is at the time of issue of the building permit and 90% to be made prior to the issue of a Statement of Compliance in accordance with the *Subdivision Act 1988*.
- (j) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

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22 Dual Water Reticulation

Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.

23 Services to be underground

All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority. All costs associated with any such works must be borne by the applicant / owner.

24 Lighting baffled

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

25 Water Supply / Recycled Water / Sewerage Provision

The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.

26 Energy Supply Provision

The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.

27 Waste Management

An adequate waste management arrangement must be provided, in accordance with Council's Community Amenity Local Law No:3 to the Satisfaction of the Responsible Authority. Without the further written consent of the Responsible Authority, waste management for the proposal must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 24 August 2016 but amended to;

- a) Provide on-site waste collection.

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Waste management must be in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

28 No Alterations

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, unless the Port Phillip Planning Scheme exempts the need for a permit.

29 Time for starting and completion

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.

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.

Notations:

- **Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

- **Building Works to Accord With Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

- **Days and Hours of Construction Works**

Developers

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

- **Other Approvals May be Required**

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of

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Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

- **Broadband, Communications and Digital Economy**

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

- **Council contacts**

Approval may be required from other Council Departments (where relevant) before the proposal may commence, and discussion with Council's Development Engineer is recommended prior to the submission of plans for standards of construction of crossovers and stormwater drains. The following contact details are provided for your assistance:

- Building Department 9209 6253
- Health Department (Community Amenity) 9209 6262
- Local Laws 9209 6852
- Development Engineer 9209 6774

RECOMMENDATION “PART B”:

- 3.4 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council solicitors on any future VCAT application for review.

A vote was taken and the MOTION was CARRIED unanimously.

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6.4 15-35 Thistlethwaite Street, South Melbourne

1. PURPOSE

- 1.1 To consider and determine a request to extend the time to start the development by two years.

MOVED Crs Simic/Voss

- 3.1 That the Responsible Authority, having not caused the application to be advertised approve the request to extend the time to start the development by two years.
- 3.2 That the request be approved under Section 69(2) of the *Planning and Environment Act 1987* and the applicant be granted an extension of time of two years to start the development; ie the expiry date of the permit be extended from 14 December 2017 to 14 December 2019 to start the development.

A vote was taken and the MOTION was CARRIED unanimously.

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6.5 199-201 Normanby Road, Southbank

1. PURPOSE

- 1.1 To consider and provide advice to the Minister for Planning regarding a S72 application to amend an existing planning permit and endorsed plans for a 40 level mixed use development at 199-201 Normanby Road, Southbank.

The following speaker made a verbal submission in relation to this item:

Kel Twite (Applicant)

Spoke in favour of the officers' recommendation but noted disappointment over the permit condition covering affordable housing.

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MOVED Crs Pearl/Voss

- 3.1 That the Planning Committee adopts Recommendation "Part A" and "Part B" to:
 - Advise the Minister for Planning and the applicant that Council supports the amendment of the permit and plans subject to the draft conditions set out in the attachment to this report; and
 - Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council Solicitors on any future VCAT Application for Review.

RECOMMENDATION "PART A":

- 3.2 That the Planning Committee advises the Minister for Planning C/- the Department of Environment, Land, Water and Planning and the applicant that it supports the amendment of the permit and plans subject to the draft conditions set out in the attachment to this report.
- 3.3 That the recommended draft conditions include changes to Conditions 1 (Amended plans), 4 (Materials and finishes), 6 (On-going engagement of architect), 17 (Wind report), 22 (Sustainable design), 23 (Traffic management), 27 (Car park design), 32 (Car park ramp), and 34 (Waste management), and the first notation of the existing permit to delete redundant or incorrect conditions or references to the design and/or plans and/or architects and/or associated consultant reports for the current approved permit.
- 3.4 That the recommended draft conditions include amendment of Condition 18 and the inclusion of additional conditions for noise attenuation, deletion of Condition 20 for a construction management plan in lieu of a notation, and new conditions for affordable housing, water sensitive urban design, and amended traffic, waste, wind and sustainable design reports.
- 3.5 That the recommended draft conditions include a new condition for the provision of affordable housing.
- 3.6 That the preamble of the existing permit be revised to reflect the amended proposal and current planning controls; eg: as follows:

Demolish the existing buildings, construct a multi-storey mixed-use building, construct and carry out works, and use land for Accommodation (Dwelling and Residential hotel) in the Capital City Zone.

Construct a multi-storey mixed-use building and construct and carry out works in the Design and Development Overlay.

Alter access to a road in a Road Zone Category 1.

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RECOMMENDATION “PART B”:

- 3.7 That the Planning Committee authorises the Manager City Development to instruct Council's Statutory Planners and/or Council solicitors on any future VCAT application for review.

A vote was taken and the MOTION was CARRIED unanimously.

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6.6 Planning Delegation for Fishermans Bend Ministerial Call-Ins and VCAT Matters

1. PURPOSE

- 1.1 To inform Council of the decision of the Minister for Planning to call-in the live permit applications in the Fishermans Bend Urban Renewal Area, where he is the Responsible Authority;
- 1.2 To authorise the Manager City Development to instruct Council's Statutory Planners and/or Solicitors regarding:
 - 1.2.1 Any independent advisory committee appointed by the Minister for Planning to consider the called-in applications; and/or
 - 1.2.2 Any Victorian Civil and Administrative Tribunal (VCAT) application for review for the called in applications.

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MOVED Crs Copsey/Voss

That the Planning Committee:

- 3.1 Authorises the Manager City Development to instruct Council's Statutory Planners and/or Solicitors regarding:
 - 3.1.1 Any Independent Advisory Committee appointed by the Minister for Planning to consider the called-in applications; and/or
 - 3.1.2 Any Victorian Civil and Administrative Tribunal (VCAT) application for review for the called in applications;
- for the twenty-one proposals at:
 1. 261, 271-281 Ingles St, Port Melbourne.
 2. 163-169 Ferrars Street, Southbank (Corso Body Works).
 3. 240 - 246 Normanby Road, South Melbourne.
 4. 248-250 & 252-254 Normanby Road, South Melbourne.
 5. 256-258 & 260-262 Normanby Road, South Melbourne.
 6. 264 - 270 Normanby Road, South Melbourne.
 7. 203 - 205 Normanby Road, Southbank.
 8. 207-211 & 215-217 Normanby Road, Southbank.
 9. 91-95 Montague Street, South Melbourne.
 10. 179-185 Normanby Road, Southbank (Laconia).
 11. 272-280 Normanby Road, South Melbourne.
 12. 118 Bertie Street, Port Melbourne.
 13. 17 Rocklea Drive Port Melbourne.
 14. 112 Salmon Street, Port Melbourne.
 15. 400 - 430 City Road, Southbank.
 16. 365, 371, 391 Plummer Street, Port Melbourne.
 17. 2-28 Montague St, 80 Munro St, South Melbourne.
 18. 187-197 Normanby Rd, Southbank (Total Tools).
 19. 18-22 Salmon Street (SE Cnr. Plummer St), Port Melbourne.
 20. 235-239 and 241-243 Normanby Road, South Melbourne.
 21. 541 Graham Street Port Melbourne (National Tiles).
- 3.2 Notes Council has considered and provided advice to the Minister on sites 1 to 16, and did not support any of these applications.

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- 3.3 Notes Sites 17 to 21 are recent applications for which reports are currently being prepared for a future meeting, or are waiting on further information to enable assessment and reporting to be carried out.

A vote was taken and the MOTION was CARRIED unanimously.

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6.7 Planning Permits Delegate Report - February 2018

Purpose

To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Action 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.

MOVED Crs Simic/Pearl

That the Planning Committee:

- 2.1 Receives and notes the February 2018 report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Action 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.

A vote was taken and the MOTION was CARRIED unanimously.

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7. URGENT BUSINESS

Nil.

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8. CONFIDENTIAL BUSINESS

Moved Crs Voss/Pearl

That in accordance with Section 77(2)(a) of the Local Government Act 1989 (as amended), the meeting be closed to members of the public in order to deal with the following matters, that are considered to be confidential in accordance with Section 89(2) of the Act, for the reasons indicated:

8.1 77 Park Street and 286 Kingsway, South Melbourne

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:

89(2)(h). A matter which the Council or Special Committee considers would prejudice the Council or any person.

8.2 8 Palmerston Crescent, South Melbourne

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:

89(2)(h). A matter which the Council or Special Committee considers would prejudice the Council or any person.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting was closed to the public at 8.14pm

The meeting was reopened at 8.27pm

As there was no further business the meeting closed at 8.27pm.

Confirmed: 26 April 2018

Chairperson _____