



8.16 **VCAT APPEAL - 245 - 251 NORMANBY ROAD, SOUTH MELBOURNE**

WARD: **GATEWAY**

GENERAL MANAGER: **CLAIRE FERRES MILES, PLACE STRATEGY & DEVELOPMENT**

PREPARED BY: **ROSANNE MASSEY, SENIOR URBAN PLANNER**

TRIM FILE NO: **PF16/671436**

ATTACHMENTS: **1. 19 July 2017 Council Meeting Resolution advice to DELWP**

PURPOSE

Authorisation is sought for the Manager City Development to instruct Council's Statutory Planners and/or Council solicitors on the VCAT application for review of planning application for 245 – 251 Normanby Road, South Melbourne (Council reference 13/2015/MIN, Minister's reference PA1500028).

1. RECOMMENDATION

That Council:

- 1.1 Authorises the Manager City Development to instruct Council's Statutory Planners and/or Council solicitors on the VCAT application for review of planning application for 245 – 251 Normanby Road, South Melbourne (Council reference 13/2015/MIN, Minister's reference PA1500028).

2. BACKGROUND

- 2.1 Council considered application No. 13/2015/MIN to demolish existing buildings, construct a mixed use 40 level building comprising retail, offices and 321 dwellings and associated car and bicycle parking, use the land for accommodation (dwellings) and alter access to a Road Zone Category 1, at its meeting of 19 July 2017.
- 2.2 The Council resolved to advise the Department of Environment, Land, Water and Planning (DELWP) that:
 - 2.2.1 Council did not support the application in its current form based on the matter set out in Sections 7 and 9 of the Council report, and;
 - 2.2.2 In the event the Minister determines to grant a permit for the application, any permit issued should incorporate the conditions set out in the attachment to the report.
- 2.3 Council did not support the application in its current form and raised concerns with ground floor activation, articulation, affordable housing, internal amenity, storage, DDA compliance, external materials, architectural features, car parking, stormwater management and WSUD, and sustainable design.

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- 2.4 Planning Officers advised the Minister of Council's resolution on 24 July 2017, (refer Attachment I).
- 2.5 An application for review has been lodged at VCAT by the permit applicant against the Minister for failure to decide the application within the prescribed timeframe.
- 2.6 Council received notification of the application for review on 3 October 2017.
- 2.7 Council attended a Practice day hearing, on 27 October 2017, and sought and was joined as a party to the appeal. A Statement of Grounds has been circulated by Council's solicitors which details the reasons Council did not support the application.
- 2.8 A Compulsory Conference is scheduled for 13 December 2017.
- 2.9 If the matter is not resolved at the Compulsory Conference, it will be heard at a full Hearing commencing on 20 February 2018 for four days.
- 2.10 The Council report, its attachments, and the meeting minutes, are available at the following links.
 - 2.10.1 245 - 251 Normanby Road, South Melbourne (PDF 203KB) - Report 6
http://www.portphillip.vic.gov.au/8.6_245-251_Normanby_Road_South_Melbourne.pdf
 - 2.10.2 Council Meeting Report 21 June 2016 (PDF 261KB) - Report 6 Attachment I
http://www.portphillip.vic.gov.au/E77387_17_Report_-_Council_Meeting_21_June_2016-V2.pdf
 - 2.10.3 Architectural Plans (PDF 10.5MB) - Report 6 Attachment 2
http://www.portphillip.vic.gov.au/E77384_17_PLANS_-_PART_1_-_Architectural-V2.pdf
 - 2.10.4 Perspectives and Landscape Plans (PDF 3.39MB) - Report 6 Attachment 3
http://www.portphillip.vic.gov.au/E77386_17_PLANS_-_Part_3_-_Perspectives_and_Landscape_Plans-V2.pdf
 - 2.10.5 Shadow Diagrams (PDF 6.42MB) - Report 6 Attachment 4
http://www.portphillip.vic.gov.au/E77385_17_PLANS_-_Part_2_-_Shadow_Diagrams-V2.pdf
 - 2.10.6 Draft Conditions (PDF 282MB) - Report 6 Attachment 5
http://www.portphillip.vic.gov.au/E81967_17_DRAFT_CONDITIONS-V2.pdf
 - 2.10.7 Confirmed Minutes (PDF 942KB)
http://www.portphillip.vic.gov.au/Confirmed_Minutes_19_July_2017.pdf

3. KEY INFORMATION

- 3.1 As Council has been joined as a party to the appeal Planning Officers are now seeking authorisation for the Manager City Development to instruct Council's Statutory Planners and/or Council solicitors on the application for review. This would provide capacity for a resolution to be achieved prior to the hearings should the opportunity arise.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 Approval will assist officers to achieve Strategic Direction 4 – *We are growing and keeping our character.*

5. CONSULTATION AND STAKEHOLDERS

- 5.1 This proposal for authorisation has been made following consultation with Council's solicitors, the Manager City Development and Statutory Planning Coordinator Gateway Ward.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Authorisation is requested to ensure Council is not obstructionist if a suitable outcome, in line with the intentions of Council and the Minister, is possible.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- 7.1.1 Not applicable

7.2 SOCIAL & CULTURAL IMPLICATIONS

- 7.2.1 Not applicable

7.3 ECONOMIC IMPLICATIONS

- 7.3.1 Not applicable

7.4 FINANCIAL IMPLICATIONS

- 7.4.1 If not approved, Council will have incurred legal costs but be unable to effectively participate in the VCAT process.

8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- 8.1.1 Authorisation of the Manager City Development to instruct Council's Statutory Planners and/or Council solicitors on the application for review, will provide the capacity for a resolution to be achieved prior to the hearing dates.

8.2 COMMUNICATION

- 8.2.1 Not applicable

9. OFFICER DIRECT OR INDIRECT INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.