



PLANNING COMMITTEE

MINUTES

28 APRIL 2022



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 28 APRIL 2022 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Kylie Bennetts, General Manager City Growth and Development, Donna D'Alessandro, Manager City Development, Patricia Stewart, Fishermans Bend Urban Renewal Senior Planner, Jeremy Newland, Senior Urban Planner, Kirsty Pearce, Head of Governance; Emily Williams, Council Business Officer; Merryn Shaw, Governance Officer and Council Meetings Officer.

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.

1. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES

MOVED Crs Bond/Martin

That the Minutes of the Planning Committee of the Port Phillip City Council held on 24 March 2022 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

4. PUBLIC QUESTION TIME AND SUBMISSIONS

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

Item 6.1 - 1 Holroyd Court St Kilda East

- Samantha Moses
- Rodney Moses



Item 6.2 - 8 Louise Street Melbourne

- James Chalmers
- Kat Szuhan
- Suman Bellur
- Lisa Worrall
- Sally Anne Hains
- Peter Johnson
- David Dunkerley
- Anthony Veal
- Judith Klepner
- Tait Brady
- Anne Micic
- Kathryn Bramwell
- Roger Burns
- Toby Hayes
- Jamie Govenlock (Representing the applicant)
- Domenic Cerantonio (Representing the applicant)
- Valentine Gnanaknone (Representing the applicant)

Item 6.3 - 6-8 Boundary Street South Melbourne

- Hew Gerrard (Applicant)

5. COUNCILLOR QUESTION TIME

- **Councillor Cunsolo:** sought advice from officers on the potential impacts of deferring decision on an item on the agenda, specifically in relation to whether deferral of an item would enable an applicant to make a submission to the Victorian Civil and Administrative Tribunal (VCAT) during the deferral.

Kirsty Pearce, Head of Governance, advised the result would depend on circumstances of the particular matter and provided procedural advice on making a motion to defer.

Kylie Bennetts, General Manager, City Growth and Development added that an applicant's ability to make a submission to VCAT would also depend on any deferral conditions Council might apply in its resolution.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 1 Holroyd Court St Kilda East - PDPL/01004/2021
- 6.2 8 Louise Street, Melbourne - PDPL/01019/2021
- 6.3 6-8 Boundary Street, South Melbourne - PSA c204 port
- 6.4 276-284 Ingles Street, Port Melbourne
- 6.5 Statutory Planning Delegated Decisions - March 2022



6.1 1 Holroyd Court St Kilda East - PDPL/01004/2021

Purpose

To consider and determine Planning Application PDPL/01004/2021 for the partial demolition of an existing dwelling and buildings and works on a lot over 500m² in a Heritage Overlay.

MOVED Crs Crawford/Copsey

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 3.2 That a Notice of Decision to Grant a Permit be issued for Partial demolition of existing dwelling and buildings and works on a lot over 500m² in a Heritage Overlay at 1 Holroyd Court, St Kilda East.
- 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 submitted under Section 57A of the Act, date stamp received 11 February 2022 and subsequently advertised, (identified as those prepared by Matyas Architects, consisting of drawings TP001, TP002A, TP002B, TP003, TP100-TP104, TP200-TP203) but modified to show:

- a) Detail as to the materiality, width and steel profile of the proposed replacement front façade windows to be shown at an increased scale, to ensure the same as those as existing.
- b) The sections of original heritage fabric to be retained, to be noted as cleaned and repainted.
- c) The proposed location of the rainwater tank to be lower in height than the northern boundary fence and conclusively screened by appropriate-height vegetation.
- d) Inclusion of the 9.6m² buffer strip to be shown on the Roof/STORM Calculation Plan (TP104), along with full compliance with the Water Sensitive Urban Design as outlined in Condition 8.
- e) Inclusion of soft landscaping such as trees and shrubs directly adjacent to the driveway and within the front setback.

2. 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.

3. No Change to External Finishes

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

4. Satisfactory continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.



5. Walls on or facing the boundary

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

6. Piping and ducting

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

7. 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 a street (other than a lane) or public park without the written consent of the responsible authority.

8. Water Sensitive Urban Design

Prior to the endorsement of plans under condition 1 of this permit, a Water Sensitive Urban Design (Stormwater Management) Report that outlines proposed stormwater treatment measures 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. This can be demonstrated by providing;

- A STORM report with a score of 100% or greater (or MUSIC modelling for large scale developments),
- A plan showing the catchment area in m²,
- The stormwater device included on the relevant floor plans (devices are to include raingarden(s), rainwater tank(s), permeable paving etc. or a combination of one or more).

The report must demonstrate how the stormwater device will be maintained on an on-going basis. This can be demonstrated by providing a maintenance manual including the following information;

- A full list of maintenance tasks,
- The required frequency of each maintenance task (monthly, annually etc.),
- Person responsible for each maintenance task.

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

9. Incorporation of Water Sensitive Urban Design Initiatives

Prior to the occupation of any dwelling/building approved under this permit, the provisions, recommendations and requirements of the endorsed Water Sensitive Urban Design Report must be implemented and complied with to the satisfaction of the Responsible Authority.



10. 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 four (4) years of the date of this permit.

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 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.

Permit Notes:

Heritage Overlay

This permit is approved pursuant to the Special Building Overlay and Heritage Overlay controls under the Port Phillip Planning Scheme. No assessment has been made under ResCode and therefore this permit does not purport to give approval for siting dispensation and other relevant matters. Please contact Council's Statutory Building Department on 9209-6253.

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

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.

Due Care

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

Days and Hours of Construction Works

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

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

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

A vote was taken and the MOTION was CARRIED unanimously.



6.2 8 Louise Street, Melbourne - PDPL/01019/2021

Purpose

To consider and determine planning permit application PDPL/01019/2021 for:

- the use of the land for accommodation in a Commercial 1 Zone (C1Z) where the frontage at ground floor level exceeds 2 metres and a retail premises (as-of-right);
- to construct and carry out works in a Commercial 1 Zone (C1Z);
- to construct and carry out works for a building exceeding 33 metres in a Design and Development Overlay (DDO13);
- to construct and carry out works in a Design and Development Overlay (DDO26);
- to construct and carry out works for a building exceeding 15.7 metres in a Design and Development Overlay (DDO28); and
- to reduce the required number of car parking spaces.

MOVED Crs Cunsolo/Martin

That this item be deferred and brought back to the next available Planning Committee meeting.

A vote was taken and the MOTION was LOST

Cr Cunsolo called for a DIVISION.

FOR: Cr Cunsolo and Martin

AGAINST: Crs Bond, Baxter, Copsey, Crawford, Pearl, Sirakoff, and Clark

The MOTION was LOST.

MOVED Crs Bond/Crawford

3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.

3.2 That a Notice of Decision to Grant a Permit be issued for:

- 3.2.1 the use of the land for accommodation in a Commercial 1 Zone (C1Z) where the frontage at ground floor level exceeds 2 metres and a retail premises (as-of-right).
- 3.2.2 to construct and carry out works in a Commercial 1 Zone (C1Z).
- 3.2.3 to construct and carry out works for a building exceeding 33 metres in a Design and Development Overlay (DDO13).
- 3.2.4 to construct and carry out works in a Design and Development Overlay (DDO26).
- 3.2.5 to construct and carry out works for a building exceeding 15.7 metres in a Design and Development Overlay (DDO28); and
- 3.2.6 to reduce the number of car parking spaces.

at 8 Louise Street, Melbourne

3.3 That the decision be issued as follows:



1 Amended Plans Required

Before the use or 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 prepared by Cera Stribley titled "8 Louise Street Melbourne Multi-residential", Job No 21089, Plans No's TP000-TP.051 (Early works), TP.1091-TP.1150 (General Arrangement), TP.2000-TP2103 (Elevations), TP.3000-TP3111 (Sections), TP.5000-TP.5301 (Interiors / Typologies) and TP.8000-TP.8006 (Shadow Study) dated 16 November 2021, Council date stamped 19 November 2021 and advertised but modified to show:

- a) Access door/s provided from the ground floor internal communal area to the external communal area along the eastern site boundary.
- b) The east elevation updated to detail screening measures at podium levels to limit overlooking into areas of secluded private open space and habitable room windows at 490 St Kilda Road.
- c) An annotation in accordance with the design standards of Table 4 of Standard D17 (Accessibility objective) of Clause 58 (Apartment Developments) to confirm that Design Option B includes inward opening doors that have readily removable hinges and all showers are step free.
- d) The fire booster cupboard on Louise Street relocated to a less prominent location in the streetscape and architecturally resolved with the street interface. The fire booster cupboard must be located to avoid trenching within the Tree Protection Zone of the street trees or proposed vegetation within the Louise Street setback.
- e) Indicative location of an urban artwork along the Queens Lane façade at podium levels. The artwork must be appropriately integrated with the brick finishes and service cupboards and generally in accordance with Council's Urban Art Strategy.
- f) A wider pedestrian entry to Louise Street and the relocation of the water feature to facilitate improved visibility to the retail tenancy entry from Louise Street.
- g) Location of planter boxes, tree planting and surface finishes to be consistent with the Acre Landscape Plans required by Condition 14.
- h) The height of the brick fence to Louise Street / Queens Lane junction to be no higher than 0.9m in height for 2m along each side of the corner to provide adequate visibility sightlines.
- i) 50% of all car parking spaces to have access to an electric vehicle charging point.
- j) An electric bike charging installation.
- k) Provision of accessible car parking design to meet AS 2890.6.
- l) Provision of convex mirrors and a warning light at the Queens Lane car park exit. The mirror must be within the property boundary to provide exiting vehicles with appropriate sight lines.
- m) Dimension of the placement of the columns within the basement car parking levels and clearance distances to demonstrate compliance with Clause 52.06.
- n) Over-bonnet storage to be a minimum of 1.5m above finished floor level.
- o) A minimum headroom clearance of 2.1m beneath the carpark doors/ within basement ramps.
- p) Basement access ramps and gradient changes detailed on the floor plans and sections.



- q) Loading area headroom clearance as per AS2890.2 – *Off Street commercial vehicle facilities*.
- r) Provision of an additional 43 bicycle parking spaces on-site.
- s) All bicycle spaces must be installed in accordance with the Australian standards, ensuring each space has a clear 1.5m access aisle.
 - Horizontal rail spaces are to be 1.8m long with 1m centres.
 - Vertical rails are to be installed in a staggered arrangement as per Figure B7 – AS2890.3.
- t) Back-of-house access from the ground floor level retail tenancies to the bin room.
- u) Storage space for Hard waste, E-waste, Organic/Green waste and a Charity bin.
- v) All redundant crossover on Queens Lane shown to be reinstated to kerb and channel.
- w) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed building with details of the glare and solar reflectivity of the building and in accordance with Condition 27.
- x) Detail proposed 20,000L tank connected to all toilets on plans.
- y) Plan notations for lighting to main building entries, pedestrian areas and car parking.
- z) A Services Plan and Report prepared by a suitably qualified person detailing the type, location and service authority requirements for the building based on the height of the building, number of units, visibility and ease of accessibility, operational requirements including distances from entries and connection points, and safety.
- aa) All plant, equipment and services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally must be identified on plans.
- bb) Any changes required by conditions 4 (Sustainable Management Plan), 7 (Water Sensitive Urban Design), 9 (Drainage / Engineering), 12 (Urban Art) 13 (Waste Management Plan), 14 (Landscape Plan), 17 (Tree protection), 21 (Traffic Impact Assessment), 25 (Green Travel Plan) and 28 (Wind).
- cc) Loading bay to be redesigned to accommodate access by a Small Rigid Vehicle and be in-line with the requirements of AS2890.2.
- dd) Notation on the plan allocating two visitor car parking spaces at Basement Level 01 (TP.1093)
- ee) Notation on the plan allocating one maintenance or building management car parking space at Basement Level 01 (TP.1093)
- ff) Access from the loading bay to the lift core to accommodate at least one ramp in lieu of stairs.

2 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.

3 No Change to External Finishes

All external materials, finishes, and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

4 Sustainable Management Plan



Before the development starts a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by Ark Resources dated 3 August 2021 but updated to address the following:

- a) Measures to meet a minimum BESS score of 70% overall score to achieve 'Design excellence'.
- b) Detail proposed 20,000L tank connected to all toilets on plans.
- c) Provisions of a Construction Site Management Plan.
- d) Annotation on the plans for electric vehicle infrastructure.
- e) Provide additional notes on the drawings and in the report, which shows the private open space area of each apartment will be provided with an external tap and floor waste.
- f) Light-coloured or reflective finishes for the non-visible flat roofs.
- g) Materials to correspond with <https://www.portphillip.vic.gov.au/planning-and-building/where-do-istart/sustainable-design> "The 10 Sustainable Building Categories" section for requirements under this category.

5 Incorporation of Sustainable Design Initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

6 Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Sustainable Management Plan report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

7 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- a) inspection frequency
- b) cleanout procedures
- c) as installed design details/diagrams including a sketch of how the system operates.

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

8 Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

The developer must ensure that:



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

9 Drainage / Engineering

Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by Port Phillip City Council. The stormwater drainage system design must:

- a) Include a detailed response to Clause 22.12 (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'.
- b) Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council.

10 Drainage / Engineering

The stormwater drainage system must be constructed in accordance with the design approved under this permit, connected to the existing stormwater drainage system and completed prior to the occupation of the building to the satisfaction of Port Phillip City Council.

11 Drainage / Engineering

The sewer boundary trap for the property to be located within the property boundary.

12 Urban Art Plan

Before the development starts (other than demolition or works to remediate contaminated land), 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 0.25% 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.

13 Waste Management Plan

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan (prepared by One Mile Grid dated 4 August 2021) submitted with the application.

- a) Increase the number of bins or collection frequency. Waste calculation is estimated as below:
 - Retail (non-food), 50L/100m² floor area/week (waste and recycling);



- Takeaway, 150L/100m² floor area/day (Waste and recycling), for Takeaway we use 7 days per week.
- b) Detail how residents would access the organic bins.
- c) Detail bin space for glass recycling to comply with State Government's four waste stream policy.
- d) Detail provision of a charity bin.
- e) Sufficient clearance and separation for bins underneath the chute outlet to avoid cross contamination of waste streams.
- f) Direct access from retail tenancy to the waste room.
- g) Clarification all waste collection times will accord with Council's Local Laws.

14 Landscape Plan

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. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Acre) submitted with the application but amended to incorporate:

- a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- b) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained, calculated in accordance with AS4970-2009.
- c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
- d) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works and be consistent with the architectural plans.
- e) A range of plant types from ground covers within the Louise Street frontage not exceeding a height of 1m, not located within required visibility splays and be provided at adequate planting densities.
- f) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm.
- g) Understorey landscaping within the garden bed fronting Louise Street not to exceed a mature height of 1m.
- h) Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- i) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- j) The location of tree protection measures illustrated to scale and labelled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- k) Any changes as required by Condition 1.

When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

15 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.

16 Landscaping Maintenance

The landscaping as shown in the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

17 Tree Protection

Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporate:

- a) A Tree Management Report (written report) must provide details of:
 - Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan;
 - Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan;
 - How excavation impacts, including soil level changes, on trees to be retained will be managed;
 - How the canopy of trees nominated on the Tree Protection Plan will be protected;
 - Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009;
 - Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified;
 - Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
- b) A Tree Protection Plan (scale drawing) must provide details of:
 - The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site;
 - The location of tree protection measures illustrated to scale and labelled;
 - Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist;
 - Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009;
 - Any pruning to be undertaken being in accordance with AS4373-2007;
 - A notation to refer to the Tree Management Report.

18 Tree Protection



All protection measures identified in the Tree Management Report must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Report and Tree Protection Plan, to the satisfaction of the Responsible Authority.

19 Tree Protection

Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management report and Tree Protection Plan must be submitted to the Responsible Authority.

20 Street Tree Protection:

Tree Protection Fencing is to be established around the tree protection zone of the Louise Street, street trees prior to demolition and maintained until all works on site are complete.

- a) The fencing is to be a 1.8-metre-high temporary fence constructed using chain wire / cyclone mesh panels, with shade cloth attached (if required), held in place with concrete feet/pads. Alternative materials may be used, if approved by the Responsible Authority.
- b) The fencing is to encompass the entire nature strip with each end beyond the TPZ of each tree as shown in the Tree Protection and Management Plan (drawing).
- c) No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ, unless approved in the endorsed Tree Protection and Management Plan.

21 Traffic Impact Assessment

Before the use or development starts, a Traffic Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and when approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Traffic Impact Assessment prepared by OneMile Grid dated 4 August 2021 but must include:

- a) A Traffic Survey of the existing and the expected traffic volumes compared to the acceptable limit for the road function. The assessment is to consider traffic impacts to the intersections of Louise Street/Queens Road and Louise Street/St Kilda Road.

The TIA must demonstrate that the traffic generate would be the acceptable road capacity limits.

22 Car Parking and Bicycle Parking Layout

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- a) Constructed.
- b) Properly formed to such levels that may be used in accordance with the plans.
- c) Surfaced with an all-weather surface or seal coat (as appropriate).
- d) Drained and maintained.
- e) Line marked 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.

All to the satisfaction of the Responsible Authority.

23 Loading/unloading

The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.



24 Piping, Ducting, Service Units

All service pipes/service units (excluding down pipes, guttering and rainwater heads) must be concealed from view from the public realm and any screening devices suitably integrated into the design of the building to the satisfaction of the Responsible Authority.

25 Green Travel Plan

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

- a) objectives that must be linked to measurable targets, actions and performance indicators.
- b) a description of the existing active private and public transport context.
- c) initiatives that would encourage employees and visitors of the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the sit.
- d) timescale and costs for each action.
- e) the funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions, including nominating a tenant(s) as a 'green travel champion'.
- f) a monitoring and review plan, requiring annual review for at least three years to track progress against the annual targets, actions and performance indicators.
- g) the promotion of various alternative transport smartphone applications, such as Tram Tracker.
- h) promotion of existing car-share schemes, bicycle parking facilities for employees/ visitors, railway stations, tram stops, bus stops, taxi ranks, and bicycle paths.
- i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
- j) establishment of a car-pooling database for employees.

26 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 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.

27 Glare

External building materials and finishes must not result in hazardous or uncomfortable solar reflectivity and glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.



28 Wind

Before the development starts, excluding demolition, excavation, piling, and site preparation works, and works to remediate contaminated land, an amended Pedestrian Wind Environment Study must be submitted to and approved by the Responsible Authority in consultation with Port Phillip City Council. The amended Study must be generally in accordance with the Environment Wind Assessment prepared by Mel Consultants (report 153-21-DE-EWA-) but modified to address all changes required under this Condition 1 and must:

- a) Include wind tests taken at various points within the surrounding public realm with an assessment area (i.e. include in the assessment major nearby developments, under construction and approved, and communal open space areas).
- b) Carry out the wind tests on a model of the approved building inclusive of the modifications required to determine the wind impacts of the development.
- c) Provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm, communal open space areas and adjoining windows of heritage properties.
- d) Demonstrate (or provide built form recommendations) that the development will ensure all publicly accessible areas, including footpaths will not be adversely affected by 'unsafe wind conditions'.
- e) Demonstrate (or provide built form recommendations) that the development should achieve 'comfortable wind conditions'.
- f) Demonstrate achievement of the wind comfort criteria
 - Sitting: Private balconies and communal private open space;
 - Standing: The Louise Street and Queens Lane frontages of the site; and
 - Walking: The remaining publicly accessible areas.

29 Wind

Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be located within the development (not on public land), carefully developed as an integrated high-quality solution with the architectural design and not rely on street trees or rely on wind amelioration screens within the public realm to the satisfaction of Port Phillip City Council.

30 Wind

The recommendations and requirements of the approved Wind Impact Assessment Report must be implemented to the satisfaction of Port Phillip City Council before the development is occupied.

31 Noise Limits for Commercial, Industrial and Trade Premises

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 to the satisfaction of the Responsible Authority.

32 Vehicle Crossings – Removal

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 as well as any on street parking signage and line marking changes and to the satisfaction of the Responsible Authority.



33 Lighting baffled

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

34 Victorian Health Building Authority condition

Should any cranes and associated construction equipment be used, prior to the commencement of any development (including any demolition or excavation) or by such time as agreed by the Responsible Authority and Department of Health in writing, a Flight Path Crane Construction Management Plan must be prepared to the satisfaction of the Department of Health and be approved by the Responsible Authority.

The Flight Path Crane Construction Management Plan must include measures to minimise the impact of the construction of the building on the safe and unfettered operation of the Alfred Hospital helipad. The Flight Path Crane Construction Management Plan must identify the location and height of any construction equipment, including cranes which must be provided to the Department of Health at least five days prior to commencement. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Department of Health and the Responsible Authority.

35 Victorian Health Building Authority condition

Cranes and other associated construction equipment must be lit in accordance with Air Ambulance Victoria specified crane lighting requirements and in addition, be fitted with continuously operated low intensity steady red obstruction lighting in accordance with the Civil Aviation Safety Authority (CASA) Part 139 (Aerodromes) Manual of Standards 2019 Chapter 9 Division 4 Obstacle Lighting at their highest point(s) to ensure that they can be seen within the helicopter flight paths.

36 Satisfactory Continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

37 Time for Starting and Completion

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

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within five (5) years of the date of this permit.

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

A vote was taken and the MOTION was CARRIED

Cr Pearl called for a DIVISION.

FOR: Crs Bond, Baxter, Copsey, Crawford, Sirakoff, Clark and Martin

AGAINST: Crs Pearl and Cunsolo



6.3 6-8 Boundary Street, South Melbourne - PSA C204 port

Purpose

- 1.1 To provide a Council position on a request for a Planning Scheme Amendment Application to the Minister for Planning C/- Department of Environment Land, Water and Planning (the Department) for Planning Permit Application Number C204port, 6-8 Boundary Street, South Melbourne.

MOVED Crs Crawford/Martin

- 3.1. That the Statutory Planning Committee advise Minister for Planning, C/- the Department of Environment, Land, Water and Planning that Council:
 - 3.1.1. Supports the application subject to conditions to address areas of concern set out in Sections 9 and 12 of this report and recommended conditions set out at Attachment 6 of this report.

RECOMMENDATION – PART B

- 3.2 That Council authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for reviews and/or any independent advisory committee appointed by the Minister for Planning to consider the application(s).

A vote was taken and the MOTION was CARRIED unanimously.

6.4 276-284 Ingles Street, Port Melbourne

Purpose

- 1.1 To provide a Council position for the Fishermans Bend Standing Advisory Committee on a request to the Minister for Planning to prepare, adopt and approve an Amendment to the Planning Scheme under Section 20(4) of the Planning and Environment Act for 276-284 Ingles Street, Port Melbourne.

MOVED Crs Martin/Pearl

- 3.1 That the Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that Council does not support the application in its current form based on the matters set out in Section 12 and the Attachments of this report including:
 - 3.1.1 The limited height difference between the top of the three (3) elements of the tower;
 - 3.1.2 Limited public and active uses and weak relationship with the public realm in the lower podium levels;
 - 3.1.3 Non-compliance of the curved corners of the podium and the exposed circular vehicle ramp with the street wall setback requirements;
 - 3.1.4 Employment floor area not meeting the recommended area;
 - 3.1.5 Non-compliance with the apartment design objectives and standards of Clause 58;



- 3.1.6 The lack of 3BR Affordable and Social housing dwellings.
- 3.1.7 Wind impacts within and adjoining the land including footpaths and open space areas;
- 3.1.8 The basement car parking levels extending under the proposed new 12.0m wide road at the rear of the site;
- 3.1.9 The use of public land for the transition from the Anderson Street Natural Ground Level up to the required ground floor level for flood management / mitigation;
- 3.1.10 The impact on / proposed removal of existing street trees;
- 3.1.11 Lack of defined public use of and extent and duration of shadow to the Anderson Street streetscape works.
- 3.1.12 The reliance on adjoining land in other private ownership for delivery of the 12.0m wide road link between Anderson Street and Ingles Street and landscaped public open space shown on the plans;
- 3.1.13 Parking and traffic matters including:
 - a) Safety and usability concerns about the width and design of the spiral vehicle ramp and the separate bicycle access ramp;
 - b) Need for more dimensions on plans and cross-section of all ramps confirming min. 2.1m clearance throughout the car park levels and headroom clearance for trucks etc. in loading areas;
 - c) Need for sight triangles at the Ingles Street exit.
 - d) Need to update plan drawings etc. to accord with Traffic Impact Assessment (TIA)
 - e) Need to relocate vehicle entry security gate to allow vehicles to queue on site rather than in Ingles Street and across the footpath when waiting to access the building;
 - f) Inadequate car parking space clearance from columns and walls;
 - g) DDA parking spaces revised to be fully compliant;
 - h) Ramp grades;
 - i) Need for a vertical clearance assessment of all grade changes.
 - j) Need for a street lighting assessment for new footpath in Ingles Street.
 - k) Need for EV charging points.
 - l) New crossings and remediation works to be to the satisfaction of Council.
- 3.1.14 DDA access;
- 3.1.15 Detail Sustainable Design and Water Sensitive Urban Design (WSUD) matters including façade materials to have a low solar absorptance;
- 3.1.16 Detail Waste Management matters;
- 3.2 That in the event that the application for a Planning Scheme Amendment is supported, the Incorporated Document for the amendment incorporate conditions to address Council's concerns including for (but not limited to):
 - 3.2.1 Updated plans to show:



- a) Increased height difference between the top of the three (3) elements of the tower;
 - b) Increased activation of the podium levels;
 - c) The podium street walls compliant with street wall setback requirements.
 - d) Employment floor in accordance with the recommended area;
 - e) Compliance with the Apartment design standards of Clause 58;
 - f) 3BR Affordable and Social housing dwellings.
 - g) The basement car parking levels not extending under the proposed new 12.0m wide road at the rear of the site;
 - h) The transition from the Anderson Street Natural Ground Level up to the required ground floor level for flood management / mitigation contained within the building;
 - i) The retention of existing street trees;
 - j) Changes to address Council's traffic engineer car and bicycle access, parking and traffic concerns;
- 3.2.2 Confirmation of ownership or acquisition arrangements for any adjoining or nearby land currently in other private ownership for delivery of the 12.0m wide road link between Anderson Street and Ingles Street and landscaped public open space shown on the plans;
- 3.2.3 DDA access;
- 3.2.4 Detail Sustainable Design and Water Sensitive Urban Design (WSUD) matters;
- 3.2.5 Detail Waste Management matters;
- 3.2.6 Detail design of all new footpaths including paver material and orientation, a minimum width of 1.8m and protection measures for existing street trees.
- 3.2.7 Council engineering matters;
- 3.2.8 Street design and construction;
- 3.2.9 The location of car share spaces;
- 3.2.10 At least 50% of visitor bicycle parking spaces to be undercover and secure.
- 3.2.11 Detail changes to Waste Management facilities including an accessible hard rubbish store.
- 3.2.12 A Wind Impact Assessment report including wind tunnel testing detailing wind conditions within and adjoining the land including footpaths and open space areas;
- 3.2.13 Wind amelioration treatments to provide a comfortable pedestrian environment within the public realm and any treatment being appropriately resolved within the building architecture.
- 3.2.14 Updated reports for Sustainable Design, Water Sensitive Urban Design, Traffic Impacts, Waste Management, and Street tree condition and protection.
- 3.2.15 At least 50% of all car spaces on all levels to have access to an Electric Vehicle charging cable.



3.2.16 Affordable and Social housing dwellings to comprise a mix of 1, 2 and 3BR dwellings representative of the dwelling mix.

3.2.17 A procedure for the management of any Aboriginal Cultural Heritage that was found during any works on the site

RECOMMENDATION – PART B

3.3 That the Planning Committee authorises the Manager City Development to instruct Council's Statutory Planners and/or solicitors on:

3.3.1 Any future amendments to the application;

3.3.2 Any VCAT application for review for the matter, and/or;

3.3.3 Any independent advisory committee appointed by the Minister for Planning to consider the application.

A vote was taken and the MOTION was CARRIED unanimously.

6.5 Statutory Planning Delegated Decisions - March 2022

Purpose

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

MOVED Crs Pearl/Crawford

That the Committee:

3.1 Receives and notes the March 2022 reports (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED unanimously.

7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

MINUTES - PLANNING COMMITTEE MEETING - 28
APRIL 2022



As there was no further business the meeting closed at 8:44pm.

Confirmed: 26 May 2022

Chairperson _____