



PLANNING COMMITTEE

MINUTES

23 JUNE 2022



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 23 JUNE 2022 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

Cr Bond (Chairperson), Cr Baxter, Cr Clark, Cr Copsey, Cr Cunsolo, Cr Pearl (until 7pm), Cr Martin, Cr Sirakoff

IN ATTENDANCE

Kylie Bennetts, General Manager City Growth and Development, Donna D'Alessandro, Manager City Development, Martin Cooksley, Senior Urban Planner, Anita Rozankovic-Stevens, Major Projects and Appeals Advisor, Mitch Gillett, Liam O'Cathasaigh

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

Apologies were received from Councillor Crawford.

Councillor Pearl advised that he would leave the meeting shortly before 7pm to attend a Council function.

2. CONFIRMATION OF MINUTES

MOVED Crs Pearl/Martin

That the minutes of the Planning Committee of the Port Phillip City Council held on 28 April 2022 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Cunsolo declared a material conflict of interest in item 6.2 Statutory Planning Delegated Decisions.

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 – 141 Acland Street St Kilda

- Victoria Dartnell
- Clare Chadderton
- Jason Barnfather
- Joel Burnstyner

Item 6.3 – 313-317 Kings Way, South Melbourne

- David MacGowan

5. COUNCILLOR QUESTION TIME

Councillor Martin asked if someone was carrying out works which exceeded legislated noise levels, what actions people who experienced the excessive noise could take, and what actions Council could take. thou

Donna D'Alessandro, Manager City Development, advised that construction noise would be dealt with by the local law, deploying the complaint system through city permits. Noise from live music and venues, is dealt with through planning compliance or the EPA.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 480/2020 - 141 ACLAND STREET, ST KILDA VIC 3182
- 2 STATUTORY PLANNING DELEGATED DECISIONS - APRIL & MAY 2022
- 3 313-317 KINGS WAY, SOUTH MELBOURNE - PDPL/01035/2021



6.1 480/2020 - 141 Acland Street, ST KILDA VIC 3182

Purpose

- 1.1 To consider and determine application P480/2020 for partial demolition, alterations and additions; the construction of ground, first and second floor levels to an existing commercial building and the reduction of car parking requirements at 141 Acland Street, St Kilda.

MOVED Crs Cunsolo/Martin

- 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; alterations and additions; the construction of a ground, first and second floor addition to an existing commercial building, the construction of a roof terrace and the reduction of car parking requirements at 141 Acland Street, St Kilda.
- 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 with the application (identified as TP0, TP1.01 – TP1.02, TP2.01 – TP2.05, TP3.01 – TP3.04, TP4.01 – TP4.03 and TP5.01 – TP5.04, prepared by Dragonfly Architecture and Construction and dated 18 August 2021) but modified to show:

- a) Pedestrian site triangles for the proposed garage.
- b) The following annotations to support the Sustainable Design Assessment (SDA);
 - i. A commitment to the DTS method addressing the Thermal Performance Rating.
 - ii. A commitment to providing fixtures, fittings and appliances (dishwashers and washing machines) as part of the building fit-out.
 - iii. An indication of electrical provisions for electric vehicle charging.
 - iv. The sub-meter provided to all major common area services to be separately sub-metered.
 - v. A commitment to provide a Building Users Guide to future owners.
- c) A stormwater layout plan.



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 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.

4 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.

5 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 frontage (other than a lane) or public park without the written consent of the Responsible Authority.

6 Noise Limits

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

7 Updated Sustainable Design Assessment

Prior to plans being endorsed under Condition 1 of this permit, an updated Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. The updated SDA must be generally in accordance with the SDA submitted with the application, but modified to address the following;

- a) Meet the minimum 50% overall score and minimums in Energy



(50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design.

- b) A commitment to the use of low VOC paints, sealants and adhesives and E1 or E0-grade engineered wood products.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

When approved, the updated SDA will be endorsed and will then form part of this permit. The ESD initiatives in the endorsed SDA must be fully implemented and must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

8 Implementation Report for Environmentally Sustainable Design

Prior to occupation of the development approved under this permit, an ESD Implementation Report (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the Responsible Authority. The Report must confirm that all ESD initiatives in the endorsed SDA/SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The ESD and WSUD initiatives must be maintained throughout the operational life of the development to the Satisfaction of the Responsible Authority.

9 Water Sensitive Urban Design Response

Prior to the endorsement of plans under condition 1 of this permit, an updated Water Sensitive Urban Design (Stormwater Management) Response that outlines the stormwater treatment strategy for the site must be submitted, to the satisfaction of and approved by the Responsible Authority.

The response must include;

- a) A site layout plan showing all stormwater catchment areas, permeable and impermeable areas in m², location and type of all stormwater management devices and connection notations.
- b) A report to demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).
- c) Design details of the stormwater treatment devices, such as cross-sections and connection to legal point of discharge.



When approved, the WSUD Response will be endorsed and will form part of this permit. The initiatives in the endorsed WSUD Response must be fully implemented and must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

10 Stormwater Treatment Maintenance Plan

Prior to the endorsement of plans under Condition 1 of this permit, a Stormwater Treatment Maintenance Plan detailing the on-going maintenance of the stormwater treatment devices must be submitted to and approved by the Responsible Authority, addressing the following points;

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

The Stormwater Treatment Maintenance Plan can be part of the Water Sensitive Urban Design (Stormwater Management) response or can be contained in a stand-alone manual. When approved, the STMP will be endorsed and will form part of this permit.

11 Construction Management Water Sensitive Urban Design

The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit:

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

12 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.

A vote was taken and the MOTION was CARRIED unanimously.

Councillor Pearl left the meeting

6.2 Statutory Planning Delegated Decisions - April & May 2022

Councillor Cunsolo declared a potential interest in this item due to her involvement in a planning permit listed in the report, and out of an abundance of caution, left the meeting at 7:02pm

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 Martin/Baxter

That the Committee:

- 3.1 Receives and notes the April 2022 (Attachment 1) and May 2022 (Attachment 2) reports regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED unanimously.

Councillor Cunsolo returned to the meeting at 7:03pm



6.3 313-317 KINGS WAY, SOUTH MELBOURNE - PDPL/01035/2021

1. PURPOSE

- 1.1 To provide Council's position for an upcoming Victorian Civil and Administrative Tribunal (VCAT) compulsory conference and hearing for planning permit PDPL/01035/2021 for:
- the construction of a 19-storey mixed use tower;
 - the use of the land for office that exceeds 250 square metres in leasable floor area;
 - to construct a building or construct or carry out works for an office that exceeds 250 square metres in leasable floor area;
 - to construct a building or construct or carry out works in the Design and Development Overlay (DDO26);
 - to construct a building or construct or carry out works in Special Building Overlay (SBO);
 - to reduce the number of car parking spaces required under Clause 52.06-5; and
 - to create or alter access to a road in a Transport Zone 2.

MOVED Crs Martin/Baxter

- 3.1 That Council adopt Recommendation "Part A" and "Part B" to advise VCAT that:
- It would have issued a Notice of Refusal to Grant a Permit.
 - 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, would have issued a Notice of Refusal to Grant a Planning Permit for the construction of a mixed use office building over four basement levels, and a reduction in the car parking requirements at 313 - 317 Kings Way, South Melbourne and Crown Allotment 28A Section 68 City of South Melbourne Parish of Melbourne South Volume 10043 Folio 105 on the following grounds:
1. The proposal does not adequately satisfy the relevant objectives and strategies of the Local Planning Policy Framework (LPPF), specifically:
 - a. Clause 21.05-2 - Built Form - Urban Structure and Character;
 - b. Clause 21.05-3 - Built Form - Urban Design and the Public Realm;
 - c. Clause 21.06-7 - Neighbourhoods - St Kilda Road North Precinct; and
 - d. Clause 22.06-3 - Urban Design Policy for Non-Residential



- Development and Multi Unit Residential Development of the Port Phillip Planning Scheme.
- e. Clause 43.02 - Design and Development Overlay, Schedule 26 of the Port Phillip Planning Scheme.
2. The proposal fails to respond to the Design and Development Overlay – Schedule 26 including the objectives of Sub Precinct 2 - North-West Corner of DDO26; by:
 - a. exceeding the discretionary building height limit of height of 40 metres;
 - b. exceeding the mandatory height of 60 metres;
 - c. failing to achieve urban design and architectural excellence;
 - d. failing to provide a sufficient landscape response;
 - e. failing to provide an appropriate built form, scale and mass;
 - f. failing to provide a 3-metre front setback and an integrated design response to the frontage to contribute to a high-quality public realm;
 - g. failing to successfully integrate grade differences with the public realm;
 - h. failing to adequately demonstrate how light and noise pollution will be managed to not unreasonably affect the amenity of public areas and nearby residences.
 3. The development does not meet the requirements of Clause 52.06 and the Access Driveway Locations Standards in AS2890.1 and will generate unacceptable queueing, circulation and safety impacts to Kings Way, a Primary State Arterial road and the surrounding traffic network.
 4. The removal of public on-street parking for an on-street private loading bay to accommodate waste and loading activities that cannot be provided on site, will generate unacceptable impacts to the surrounding traffic network and conflicts with Clause 52.06 Car Parking.
 5. The proposal fails to provide a satisfactory response to Clause 22.12 Stormwater Management (Water sensitive urban design) and Clause 22.13 Environmentally Sustainable.
 6. Fails to demonstrate the impacts of wind on the amenity and usability of nearby public open spaces, streetscapes or the public realm including any appropriate mitigation measures, to achieve safe and comfortable wind conditions.
 7. The proposal is an overdevelopment of the subject site and would not be in keeping with the orderly planning of the area.

RECOMMEDATION “PART B”

- 3.3 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 unanimously.



7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 07:07pm.

Confirmed: 28 July 2022

Chairperson _____