



PLANNING COMMITTEE

MINUTES

29 SEPTEMBER 2022



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 29 SEPTEMBER 2022 IN ST KILDA TOWN HALL
AND VIRTUALLY VIA WEBEX**

The meeting opened at 6:30pm.

IN ATTENDANCE

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

Brian Tee, Executive Manager City Planning and Sustainability, Donna D'Alessandro, Manager City Development, Simon Gutteridge, Planning Team Leader Fishermans Bend, Phillip Beard, Principal Planner, Michael Mowbray, Coordinator Statutory Planning Lake Ward, Joanne McNeill, Executive Manager Governance and Organisational Performance, Mitch Gillett, Workplace Experience Lead, Emily Williams, Council Business Advisor, Samuel Yeo, Council Business 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.

REQUESTS TO ATTEND BY ELECTRONIC MEANS

MOVED Crs Bond/Copsey

That the Committee approves the requests to attend the meeting electronically received from Councillors Clark and Pearl.

A vote was taken and the MOTION was CARRIED.

1. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES

MOVED Crs Martin/Sirakoff

That the minutes of the Planning Committee of the Port Phillip City Council held on 28 July 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.portphilip.vic.gov.au/archive.php>

Item 6.1 2 & 6 Jacka Boulevard, St Kilda

- Charles Meredith
- Brenda Forbath
- Helen Halliday
- David Brand
- Damian Iles (Representing the Applicant)

Item 6.2 272-280 Normanby Road South Melbourne

- Ella Harington (Representing the Applicant)

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 2 & 6 Jacka Boulevard, St. Kilda
- 6.2 272-280 Normandy Road, South Melbourne
- 6.3 Statutory Planning Delegated Decisions - July & August 2022



6.1 2 & 6 Jacka boulevard, St. Kilda

Purpose

- 1.1 To determine an application for the partial demolition of the existing building, construction of buildings and works at second floor level; ground and first floor additions to the south-east side of the building; new café with outdoor seating at ground level, increase of 'red line area' for the sale and consumption of liquor and dispensation of car parking requirements.

MOVED Crs Sirakoff/Crawford

- (a) That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Planning Permit.
- (b) That a Notice of Decision to Grant a Planning Permit be issued for partial demolition, buildings and works to the side and roof of the existing RMYS building, part use of the site as a café (food and drinks premises) increase of red line area for sale and consumption of liquor and reduction of car parking requirements at Royal Melbourne Yacht Squadron, Pier Road, St Kilda (2 & 6 Jacka Boulevard, St. Kilda).
- (c) That the decision be issued as follows:

Amended Plans required

1. 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 generally in accordance with the plans submitted with the application but modified to show:
 - a) The roof deck structure reduced in size through an increased setback from the south east edge of the existing building by at least 4m with consequential reduction to the floor area to the meeting room/bar/store.
 - b) An increased setback of at least 3.4 metres from the north-west edge of the building with consequential reduction of the pavilion space and any consequent relocations of roof plant.
 - c) External colours and treatment of the building altered as follows:
 - i. The colour of the south-east addition and any new brick elements along the northern and western elevations to be a light colour brick to generally match that of the existing building.
 - ii. Depiction of the south-east addition as including a recess/reveal in its upper section horizontally aligning with the adjacent existing eave.
 - iii. Depiction of an increased extent of glass / window to the new south-east facade.
 - d) The red line/licence area corrected to include the upper-level internal floor space of the south-east addition and the entire roof top area, aside from the central stair, lift, kitchen and plant areas.
 - e) Detailed plans to 1:50 scale of the following:
 - i. materials, dimensions, profiles construction methods and wall fixings/glazing bars for the café awnings and window above the awning.
 - ii. materials, dimensions and material profiles / construction methods for the rooftop addition and south-east addition such that achieving the 'folded'



roof form and thin side wall and roof character of the addition and brick patterning of the south east addition can be confirmed.

- f) Details as described in the updated Sustainable Management Plan in accordance with Condition 13 of this permit particularly that there is indication of a minimum size (22.8kWp) that matches what was noted in the advertised SMP.

No Layout Change

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

External colours and Finishes

3. All external materials, finishes, and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

Equipment and Services Above Roof Level

4. No plant, equipment, or 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.

Plant & equipment noise levels

5. Any new/additional air conditioning, refrigeration plant and any other heating plant or similar related to the permitted additions and café 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.

Amenity

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

Walls facing the Boundary

7. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the surrounding park/roads 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.

Café Seating

8. At least 75% of café patrons must be seated at all times the café is operating and the associated outdoor seating area must only be used by café patrons and not by any other component of the building or by the public when the café is not operating.



Operating Hours

9. The café including the sale and consumption of liquor may only operate between the hours of 7am to 9pm on any day.

Patron Numbers

10. No more than an overall total of 80 patrons must occupy the café and the outdoor seating area combined at any one time.

Noise Limits

11. Noise levels from the sale and consumption of alcohol at the rooftop and from the café must not exceed the permissible noise levels stipulated in the Environmental Protection Regulations 2021 and EPA Noise Protocol to the satisfaction of the Responsible Authority.

Storage and Disposal of Garbage

12. Any additional provision for storage and disposal of garbage and waste related to the permitted café must be made to the satisfaction of the Responsible Authority. All new garbage storage areas (if required) must be screened from public view.

Updated Sustainable Management Plan

13. Before plans are endorsed under condition 1 of this permit, an updated Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The update SMP must be generally in accordance with the SMP submitted with the application but modified to address the following;
 - a) That best practice in sustainable design is demonstrated by achieving the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS Stormwater.
 - b) Commitment to providing ventilation systems that are designed and monitored to allow an increase in outdoor air available to regular use areas and maintain a maximum CO2 concentration as indicated in BESS such that the claiming of the IEQ 2.3 Ventilation - Non-Residential BESS credit is justified.
 - c) Commitment that concrete should be specified to have recycled aggregate and manufactured with recycled water and that steel should be supplied by a steel fabricator/contractor accredited to the Environmental Sustainability Charter of the Australian Steel Institute and minimum of 60% of all reinforcing bar and mesh is produced using energy-reducing processes in its manufacture.

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

Implementation Report for Environmentally Sustainable Design

14. Before 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.

Water Sensitive Urban Design Response

15. Before 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.
- d) 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.

Stormwater Treatment Maintenance Plan

16. Before 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) A full list of maintenance tasks for each device.
- b) The required frequency of each maintenance task (e.g., monthly, annually etc.).
- c) 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.

Construction Management Water Sensitive Urban Design

17. 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.

Waste Management Plan

18. Before the development starts (other than demolition or works to remediate contaminated land), a modified Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to all currently described matters including the following:

- reference to a smaller/lower collection truck so that the tree at the bend in Pier Road does not need to be trimmed and/or will not be damaged.

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

Landscape Plan

19. Before the endorsement of plans under condition 1 of this permit, a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- (a) A survey plan, including botanical names, of all existing vegetation/trees to be retained.
- (b) Buildings and vegetation (including botanical names) within 3m of the walls of the existing building.
- (c) Significant trees greater than 1.5m in circumference, 1m above ground.
- (d) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways with particular reference to the café outdoor seating area and the perimeter of the south-east addition.
- (e) Water sensitive urban design.

Time for starting and completion

20. 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 commencement of works hereby approved.
- c) The sale and consumption of liquor associated with the café is not started within two (2) 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 has commenced lawfully under the permit.



AMENDMENT

MOVED Crs Cunsolo/Martin

That the following be **added** to condition 1: Amended Plans required:

- g) Deletion of the first floor south-east addition. Any consequential changes may include a roof top terrace/balcony space above the revised ground floor addition.

A vote was taken and the AMENDMENT was LOST.

AMENDMENT

MOVED Crs Bond/Copsey

That the following be **removed** from condition 1: Amended Plans required:

- a) The roof deck structure reduced in size through an increased setback from the south east edge of the existing building by at least 4m with consequential reduction to the floor area to the meeting room/bar/store.

A vote was taken and the AMENDMENT was CARRIED.

AMENDMENT

MOVED Crs Bond/Copsey

That the following be **removed** from condition 1: Amended Plans required:

- b) An increased setback of at least 3.4 metres from the north-west edge of the building with consequential reduction of the pavilion space and any consequent relocations of roof plant.

A vote was taken and the AMENDMENT was CARRIED.

The AMENDMENT became the SUBSTANTIVE MOTION.

The SUBSTANTIVE MOTION was PUT.

A vote was taken and the MOTION was CARRIED.

6.2 272-280 Normanby Road, South Melbourne

Purpose

- 1.1 To provide a Council position for a request to the Minister for Planning to prepare, adopt and approve Amendment **C207port** to the Planning Scheme for 272-280 Normanby Road, South Melbourne, including for the Fishermans Bend Standing Advisory Committee.

MOVED Crs Copsey/Martin

RECOMMENDATION PART A

- 3.1 That the Planning Committee advise the Minister C/- the Department of Environment, Land, Water and Planning that:
 - 3.1.1 The Council supports the application subject to final plans and reports to satisfy the requirements of the Incorporate Document.
 - 3.1.2 The Council supports:
 - 1. Changes to the Incorporated Document to update the plan and report references and delete redundant text relating to the original design.



2. Changes to Clause 4.54 to allow for the removal of four (4) trees on Normanby Road subject to a requirement for a tree pit system for the replacement trees as follows:

Prior to the replacement of street trees, the applicant must submit, to the satisfaction of the Port Phillip City Council, details of a site-specific tree pit system that incorporates passive irrigation and is connected to water sensitive urban design systems. The document must demonstrate that the design is fit for purpose.

3. Changes to Clause 4.46 for wind comfort criteria as follows:

Demonstrate achievement of the wind comfort criteria outlined in Clause 2.11 of DDO30 for areas within the assessment distance as follows:

- a) Sitting: Outdoor seating areas in the public realm / publicly accessible private areas.
- b) Standing: Building entrances and shop fronts, the north-east side lane and the Johnson Street Park.
- c) Walking: The remaining publicly accessible areas.

- 3.1.3 The Council does not support proposed changes to the Incorporated Document to:

1. Clause 4.69(a): Variation to the rainwater tank specification.
2. Clause 4.74(e): Deletion of the rainwater tank storage capacity requirement.

RECOMMENDATION - PART B

- 3.2 That the Planning Committee authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on:
 - 3.2.1 Any future amendment to the application, including a further request for a Planning Scheme Amendment;
 - 3.2.2 Any VCAT application for review for the matter, and/or;
 - 3.2.3 Any independent advisory committee appointed by the Minister for Planning to consider the application.

A vote was taken and the MOTION was CARRIED unanimously.



6.3 Statutory Planning Delegated Decisions - July and August 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 Copsey/Sirakoff

That the Committee:

- 3.1 Receives and notes the July and August 2022 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.

7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 7.27pm.

Confirmed: 27 October 2022

Chairperson _____