



PLANNING COMMITTEE

MINUTES

24 JUNE 2020



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD VIRTUALLY ON 24 JUNE 2020**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Lili Rosic, General Manager City Strategy and Sustainable Development, George Borg Manager City Development, Damian Dewar, Manager Strategy and Design, Kelly White, Head of City Policy, Samindi Yapa, Strategic Planner, Richard Schuster, Coordinator Statutory Planning Lake Ward, Philip Beard, Senior Planner, Nick McLennan, Planning Coordinator Canal Ward, Angus Bevan, Principal Planner, Simon Gutteridge, Planning Team Leader Fishermans Bend, Patricia Stewart, Fishermans Bend Urban Renewal Senior Planner, Kirsty Pearce, Coordinator Governance, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Crawford/Bond

That the minutes of the Planning Committee of the Port Phillip City Council held on 27 May 2020 be confirmed.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Marcus Pearl declared a direct interest in item 6.4 Statutory Planning Delegated Decisions - May 2020.



4. PUBLIC QUESTION TIME AND SUBMISSIONS

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

A copy of written submissions has also been made available on the website.

Dominic Zheng, speaking to item 6.2 *54 - 60 St Kilda Road, St Kilda*

John Kauffman, speaking to item 6.3 *5 Prentice Street, St Kilda East*

Simon Kauffman, speaking to item 6.3 *5 Prentice Street, St Kilda East*

Joseph Indomenico, speaking to item 6.5 *11-41 Buckhurst Street, South Melbourne*

Patrick Brennan, speaking to item 6.6 *134 Ferrars St, South Melbourne*

Ben Cooke, speaking to item 6.2 *54 - 60 St Kilda Road, St Kilda*

The following submissions were submitted prior to the meeting and were read out in summary by the General Manager, City Strategy and Sustainable Development. The full submissions can be found on the website <http://www.portphillip.vic.gov.au/june-2020-meetingagendas.htm>

Norma Walker in relation to item 6.2 *54-60 St Kilda road, St Kilda*

Chris Connell in relation to item 6.3 *5 Prentice Street, St Kilda East*

Clare Szymczyk in relation to item 6.7 *101 Salmon Street, Port Melbourne.*

5. COUNCILLOR QUESTION TIME

Councillor Pearl stated that he had been contacted by a number of residents who have placed signs on their properties in relation to Councils budget position. Local Laws Officers have visited their properties to inform them that were liable for a \$800 fine if they did not remove the signs immediately as they did not have a planning permit under the heritage provisions of our planning regulations. Residents were unable to get confirmation from the local laws officer under which section of the act the offence would be charged. The signs are approximately 60cmx40cm and are of an educational nature. My reading of the Planning Scheme paragraph 52.5-10 indicates that the sign does not require a permit. Can officers please inform Council of the exact details of what permit is required for these signs to be temporarily installed at properties across the City under any one of the Councils planning schemes?

George Borg, Manager City Development, took the question on notice.



6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 Amendment C186port (Montague Commercial Precinct, Fishermans Bend)
Consideration Of Submissions And Request To Proceed To Independent Planning Panel
- 2 54 - 60 St Kilda Road, St Kilda
- 3 5 Prentice Street, St Kilda East
- 4 11-41 Buckhurst Street, South Melbourne
- 5 134-142 Ferrars Street, South Melbourne
- 6 101 Salmon Street, Port Melbourne
- 7 Statutory Planning Delegated Decisions - May 2020



6.1 Amendment C186Port (Montague Commercial Precinct, Fishermans Bend) Consideration of Submissions and Request to Proceed to Independent Planning Panel

Purpose

- 1.1 To consider written submissions received to Amendment C186port to the Port Phillip Planning Scheme during the public exhibition stage.
- 1.2 To determine whether to request the Minister for Planning to appoint an independent Planning Panel to consider submissions to the Amendment.
- 1.3 To consider endorsing a response to issues raised in submissions to form the basis of Council's position at the Panel hearing.

MOVED Crs Copsey/Baxter

That the Planning Committee:

- 3.1 Having formally considered all written submissions made to Amendment C186port to the Port Phillip Planning Scheme including the five late submissions, Council endorses the officers' response to the issues raised by the submissions and also endorses the recommended changes to the Amendment outlined in Attachment 1, as the basis for Council's submission to the Panel.
- 3.2 Requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions received to Amendment C186port, in accordance with Part 8 of the *Planning and Environment Act 1987*.
- 3.3 Refers all submissions to the Panel to be appointed by the Minister for Planning, including the five late submissions.
- 3.4 Writes to all submitters to inform them of Planning Committee's decision to refer the Amendment and submissions to a Panel.
- 3.5 Requests the Minister for Planning to prepare and approve Amendment C192port to the Port Phillip Planning Scheme pursuant to Section 20A of the *Planning and Environment Act 1987* to extend the expiry date of interim Heritage Overlay 442 for six months.
- 3.6 Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation and Ministerial request for Amendment C192port.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.



6.2 54 - 60 St Kilda Road, St Kilda

Purpose

- 1.1 This report assesses a proposal for the construction of a seven storey office building (with ground level retail) together with provision of 89 car parking spaces, including eight on-site share cars, 80 bicycle spaces and 11 motorcycle spaces.

ALTERNATE MOTION

MOVED Crs Bond/Pearl

- 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 construction of a seven storey building to be used for the purposes of an office with ground level retail premises and a reduction of car parking requirements at 54-60 St. Kilda Road, St. Kilda.
- 3.3 That the decision be issued as follows:

Amended plans

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 submitted plans but modified to show the following:
 - (a) A loading bay measuring at least 4.2m x 7.6m .
 - (b) The vertical corners of the building as facing St. Kilda Road comprising a lighter coloured cladding/material.
 - (c) Additional occupant lockers and end of trip facilities specifically for bicycle and motorcycle riders.
 - (d) At least four additional bicycle rails along the St. Kilda Road frontage.
 - (e) The surface and level of the widened portion of Bank Place to match those of the existing/abutting surface.
 - (f) Allocated space for electronic waste, a charity bin and space for a food/organic bin.
 - (g) A weather protection awning over the ground level pedestrian entry to St. Kilda Road.
 - (h) An electric vehicle charge point.
 - (i) A separation of all parts of the ground and first levels of at least 9m to the neighbouring building at No. 4 Charnwood Road.
 - (j) The basement levels modified and incorporating an additional 33 car parking spaces to achieve a total of at least 122 car spaces.
 - (k) The maximum height of the building at any point being no greater than 26m above natural ground level.



All to the satisfaction of the Responsible Authority.

No layout alteration

2. The development and use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

No change to external 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.

Plant and equipment

4. Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

Outdoor lighting

5. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land, to the satisfaction of the responsible authority.

Sustainable Management Plan

6. Before the development starts a revised Sustainable Management Plan that modifies the submitted plan so as to accord with the comments received from Council's Sustainability Design Officer, most particularly including the following :
 - (a) Full music modelling including how the raingardens would be drained
 - (b) A maintenance manual for WSUD calculations
 - (c) Clarification of how the benchmarks would be met for daylight and views
 - (d) Clarification as to how the credits have been claimed for adhesives, paints, sealants, carpets, public transport and green start (including transport)
 - (e) Clarification of how the 33.33% reduction in greenhouse gas emissions will be achieved
 - (f) Outlining of the performance pathway and ecological calculations
 - (g) A green star review for all construction methods and documentation

When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit and the development must incorporate the sustainable design initiatives listed.

Implementation of sustainable design Initiatives

7. Before the development is occupied, a report from the author of the approved Sustainable Management Plan, 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 approved Sustainable Management Plan have been implemented and/or incorporated to the satisfaction of the responsible authority.

Car park

8. The car parking areas and access ways as shown on the endorsed plans must be left open and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the responsible authority.

Roads/lanes to remain open

9. During the construction of the development, the roads, streets and lanes adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the responsible authority.

Urban Art

10. Before the development is completed, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the total building cost of the development to the satisfaction of the responsible authority.

Applicant to pay for reinstatement

11. The Applicant/Owner must do the following before the development is completed to the satisfaction of the responsible authority:
 - (a) pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development, in particular the electricity pole at the front of the site and the removal/making good/reinstatement of the exiting crossover to St. Kilda Road with kerb, channel, footpath and nature strip as relevant reinstated to Council's standards and satisfaction;
 - (b) obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement;
 - (c) comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Car parking allocation:

12. Without the further written consent of the responsible authority the car parking must be allocated as follows:
 - (a) not less than two car spaces for each 100m² of office floor space
 - (b) not less than one car parking space to each 100m² of retail/shop floor space



Relocation of Light/Power Pole

13. The relocation of the power pole and associated street light in Bank Place must be carried out at the applicant's expense prior to occupation of the building and any other existing assets that need to be relocated or removed must also be carried out at the applicant's expense and comply with the relevant authority's requirements. The existing power line is either to be replaced or relocated into a trench leading from the permitted building's substation. The relocation of the light and pole must also be subject to all necessary Council and Citipower approvals/Citipower design and installation processes. The luminaire must remain at the intersection of Bank Place and Charnwood Road and the level of lighting must remain the same as the current situation. A Light Design for Bank Place is to be carried out ensuring compliance with Australian Standard AS 1158. Relevant standards AS 3000 (Electrical Installations) and Electrical Safety (General) Regulations 2019 must also be met.

Parking and loading areas must be available

14. Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the responsible authority.

Landscape plan

15. 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. When the Landscape Plans are approved, they will become endorsed plans forming part of this Permit. The Landscape Plans must be generally in accordance with plans identified as TP01, TP02, TP03 and TP04, dated 13/02/2017 prepared by CDA Design Group Pty Ltd and must incorporate:
 - (a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
 - (b) Buildings and vegetation (including botanical names) on neighbouring properties within 3.0 metres of the boundary;
 - (c) Significant trees greater than 1.5 metres in circumference, 1.0 metre above ground;
 - (d) All street trees and/or other trees on Council land;
 - (e) 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 specific reference to any non-active ground level areas directly abutting St Kilda Road;
 - (f) Landscaping and planting within all open space areas of the site;
 - (g) Water sensitive urban design;
 - (h) Additional detail of tree planters to demonstrate the viability of proposed trees.



All species selected must be to the satisfaction of the responsible authority.

Completion of landscaping

16. The landscaping as shown on the endorsed Landscape Plans must be carried out and completed to the satisfaction of the responsible authority before the development is occupied and/or the commencement of the use or at such later date as is approved by the responsible authority in writing.

Landscaping maintenance

17. The landscaping as shown on 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.

Waste Management Plan

18. Before occupation of the building a modified Waste Management Plan must be submitted for endorsement. The plan must be in accordance with the submitted plan but be modified to include reference to the matters noted in condition 1 (f) together with including clarification that the retail and office tenants will be separately responsible for the sorting and disposal of waste.

Tree Protection

19. Before the development starts, a tree protection fence must be erected around the street trees abutting the site along St Kilda Road and Charnwood Road to comply with *AS 4970 Protection of Trees on Development Sites* to the satisfaction of the responsible authority. Before the development starts, a Tree Management Plan, prepared by a suitably qualified arborist must be submitted to, and approved in writing by, the responsible authority to ensure the protection of the street trees adjacent to the site. The approved Tree Management Plan must be implemented to the satisfaction of the responsible authority before and during the construction of the development.

Time limit

- 20 This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three years of the issue date of this permit.
 - (b) The development is not completed, or the use does not start, within four years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.



RECOMMENDATION “PART B”

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

The vote was taken under DIVISION.

FOR: Crs Bond, Gross and Pearl

AGAINST: Crs Voss, Baxter, Brand, Copsey, Crawford and Simic

A vote was taken and the MOTION was LOST.

MOVED Crs Brand/Gross

- 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 construction of a seven storey building to be used for the purposes of an office with ground level retail premises and a reduction of car parking requirements at 54-60 St. Kilda Road, St. Kilda.
- 3.3 That the decision be issued as follows:

Amended plans

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 submitted plans but modified to show the following:
- (a) A loading bay measuring at least 4.2m x 7.6m .
 - (b) The vertical corners of the building as facing St. Kilda Road comprising a lighter coloured cladding/material.
 - (c) Additional occupant lockers and end of trip facilities specifically for bicycle and motorcycle riders.
 - (d) At least four additional bicycle rails along the St. Kilda Road frontage.
 - (e) The surface and level of the widened portion of Bank Place to match those of the existing/abutting surface.
 - (f) Allocated space for electronic waste, a charity bin and space for a food/organic bin.
 - (g) A weather protection awning over the ground level pedestrian entry to St. Kilda Road.
 - (h) An electric vehicle charge point.
 - (i) A separation of all parts of the ground and first levels of at least 9m to the neighbouring building at No. 4 Charnwood Road.
 - (j) The basement levels modified and incorporating an additional 33 car parking spaces to achieve a total of at least 122 car spaces.



- (k) Revised Architectural treatment of the rear facades to provide an improved architectural presentation to Charnwood Road and Octavia Street residential areas.

All to the satisfaction of the Responsible Authority.

No layout alteration

2. The development and use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

No change to external 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.

Plant and equipment

4. Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

Outdoor lighting

5. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land, to the satisfaction of the responsible authority.

Sustainable Management Plan

6. Before the development starts a revised Sustainable Management Plan that modifies the submitted plan so as to accord with the comments received from Council's Sustainability Design Officer, most particularly including the following :
- (a) Full music modelling including how the raingardens would be drained
 - (b) A maintenance manual for WSUD calculations
 - (c) Clarification of how the benchmarks would be met for daylight and views
 - (d) Clarification as to how the credits have been claimed for adhesives, paints, sealants, carpets, public transport and green start (including transport)
 - (e) Clarification of how the 33.33% reduction in greenhouse gas emissions will be achieved
 - (f) Outlining of the performance pathway and ecological calculations
 - (g) A green star review for all construction methods and documentation

When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit and the development must incorporate the sustainable design initiatives listed.

Implementation of sustainable design Initiatives

7. Before the development is occupied, a report from the author of the approved Sustainable Management Plan, 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 approved Sustainable



Management Plan have been implemented and/or incorporated to the satisfaction of the responsible authority.

Car park

8. The car parking areas and access ways as shown on the endorsed plans must be left open and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the responsible authority.

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Urban Art

10. Before the development is completed, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the total building cost of the development to the satisfaction of the responsible authority.

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 - (b) obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement;
 - (c) comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Car parking allocation:

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Relocation of Light/Power Pole

13. The relocation of the power pole and associated street light in Bank Place must be carried out at the applicant's expense prior to occupation of the building and any other



existing assets that need to be relocated or removed must also be carried out at the applicant's expense and comply with the relevant authority's requirements. The existing power line is either to be replaced or relocated into a trench leading from the permitted building's substation. The relocation of the light and pole must also be subject to all necessary Council and Citipower approvals/Citipower design and installation processes. The luminaire must remain at the intersection of Bank Place and Charnwood Road and the level of lighting must remain the same as the current situation. A Light Design for Bank Place is to be carried out ensuring compliance with Australian Standard AS 1158. Relevant standards AS 3000 (Electrical Installations) and Electrical Safety (General) Regulations 2019 must also be met.

Parking and loading areas must be available

14. Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the responsible authority.

Landscape plan

15. 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. When the Landscape Plans are approved, they will become endorsed plans forming part of this Permit. The Landscape Plans must be generally in accordance with plans identified as TP01, TP02, TP03 and TP04, dated 13/02/2017 prepared by CDA Design Group Pty Ltd and must incorporate:
 - (a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
 - (b) Buildings and vegetation (including botanical names) on neighbouring properties within 3.0 metres of the boundary;
 - (c) Significant trees greater than 1.5 metres in circumference, 1.0 metre above ground;
 - (d) All street trees and/or other trees on Council land;
 - (e) 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 specific reference to any non-active ground level areas directly abutting St Kilda Road;
 - (f) Landscaping and planting within all open space areas of the site;
 - (g) Water sensitive urban design;
 - (h) Additional detail of tree planters to demonstrate the viability of proposed trees.

All species selected must be to the satisfaction of the responsible authority.

Completion of landscaping

16. The landscaping as shown on the endorsed Landscape Plans must be carried out and completed to the satisfaction of the responsible authority before the development is



occupied and/or the commencement of the use or at such later date as is approved by the responsible authority in writing.

Landscaping maintenance

17. The landscaping as shown on 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.

Waste Management Plan

18. Before occupation of the building a modified Waste Management Plan must be submitted for endorsement. The plan must be in accordance with the submitted plan but be modified to include reference to the matters noted in condition 1 (f) together with including clarification that the retail and office tenants will be separately responsible for the sorting and disposal of waste.

Tree Protection

19. Before the development starts, a tree protection fence must be erected around the street trees abutting the site along St Kilda Road and Charnwood Road to comply with *AS 4970 Protection of Trees on Development Sites* to the satisfaction of the responsible authority. Before the development starts, a Tree Management Plan, prepared by a suitably qualified arborist must be submitted to, and approved in writing by, the responsible authority to ensure the protection of the street trees adjacent to the site. The approved Tree Management Plan must be implemented to the satisfaction of the responsible authority before and during the construction of the development.

Time limit

- 20 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the issue date of this permit.
 - (b) The development is not completed, or the use does not start, within four years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

RECOMMENDATION “PART B”

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

The vote was taken under DIVISION.

FOR: Crs Voss, Baxter, Brand, Copsey, Crawford, Gross and Simic

AGAINST: Cr Bond

ABSTAINED Cr Pearl

A vote was taken and the MOTION was CARRIED.



The Chair adjourned the meeting for a break at 7.40pm.

The meeting resumed at 7.45pm.

6.3 5 Prentice Street, St Kilda East

Purpose

- 1.1 To consider and determine Planning Permit Application P1164/2014/B to amend existing Planning permit P1164/2014/A under Section 72 of the *Planning and Environment Act 1987* to make amendments to the plans to allow for the addition of a third bedroom to Unit 1 and Unit 2 at 5 Prentice Street, St Kilda East with a reduction of one car parking space to each unit.

MOVED Crs Crawford/Copsey

- 3.1 That the Planning Committee adopt Recommendation “Part A” and “Part B”, that:
 - A. The Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant an Amended Permit.
 - B. Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council’s 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, issue a Notice of Decision to Grant an Amended Permit to develop the land for the purpose of two double storey dwellings and front fencing and a reduction in parking requirements at 5 Prentice Street, St Kilda East with the following amendments:

Amended Preamble

Develop the land for the purpose of two double storey dwellings and front fencing and a reduction in parking requirements

New or Amended Conditions:

Nil

Amendment Plans

First Floor Plan (rev C) – reconfiguration of layout to provide for an additional bedroom.

RECOMMENDATION “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.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED.



6.5 11-41 Buckhurst Street, South Melbourne

Purpose

- 1.1 To provide a Council position for the Fishermans Bend Standing Advisory Committee on a request for 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 11-41 Buckhurst Street, South Melbourne.

MOVED Crs Crawford/Baxter

3.1 RECOMMENDATION – PART A

That the Planning Committee advises the Fishermans Bend Standing Advisory Committee c/ the Department of Environment, Land, Water and Planning that Council:

- 3.1.1 Supports the application in its current form based on the matters set out in Sections 9 and 11 of this report.

3.2 RECOMMENDATION – PART B

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 the consider the application.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED.

6.6 134-142 Ferrars Street, South Melbourne

Purpose

- 1.1 To provide a Council position on Ministerial Application 3/2013/MIN/B at the abovementioned address, to amend the existing permit under Section 72 of the *Planning and Environment Act 1987* to amend Condition 18 (Affordable Housing).

MOVED Crs Voss/Baxter

RECOMMENDATION – PART A

- 3.1 That the Planning Committee advises the Department of Environment, Land, Water and Planning that Council does not support the proposed amendment to Condition 18.

RECOMMENDATION – PART B

- 3.2 That the Planning Committee advises the Department of Environment, Land, Water and Planning that in the event the Minister determines to approve the amendment to condition 18, it includes the following additional (**bolded**) changes:



Condition 18 amended to read:

Affordable Housing

18. Before the occupation of the development the owner must:
- (a) enter into an agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority;
 - (b) register the agreement on the **title(s) for the land**, in accordance with Section 181 of the Planning and Environment Act 1987; and
 - (c) provide the Responsible Authority with the dealing number confirming the registration of the title.

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

- (i) The provision of 6% of the total number of dwellings (rounded down to the nearest whole number) **as Affordable Housing one (1) bedroom dwellings within the building;**
- (ii) **All of the Affordable Housing dwellings are made available for rent at rates affordable for people on very low, low or moderate incomes in accordance with Section 3AA and 3AB the Planning and Environment Act (1987) (Vic.) definition of affordable housing.**
- (iii) Unless otherwise agreed by the Responsible Authority, utilise one or more of the following mechanisms for the delivery of the affordable housing:
 - **Transfer of the dwellings to a registered housing agency or other housing provider or trust approved by the Responsible Authority.**
 - **Leasing of the dwellings as affordable housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority for a period of not less than 30 years.**
- (iv) **The Affordable housing dwellings must be made available for rent within six (6) months of the issue of a Certificate of Occupation for the development;**
- (v) The dwellings to be tenure blind.
- (vi) **Captured under 30-year timeframe condition outlined above.**
- (vii) One bicycle space must be allocated to each affordable housing dwelling.
- (viii) The owner **of the Affordable Housing dwellings** to be responsible for:
 - **All Owners Corporation costs.**



- **The** on-going management and maintenance of the building, including communal areas and facilities, resident amenity areas.
 - The on-going management and maintenance and individual apartments, including kitchens, other joinery, fixings, carpet and paint (except where damage is due to the occupants negligent activity)
- (ix) In the event the permit holder is unable to achieve an arrangement in accordance with this condition, to Council's satisfaction, the City of Port Phillip will be responsible for locating a Housing Association or Housing Provider.

RECOMMENDATION – PART C

Authorise the Manager City Development to negotiate an appropriate affordable housing outcome for the proposal and to instruct Council's Statutory Planners and/ or Council's Solicitors on any future VCAT application for review and/or any independent Advisory Committee appointed by the Minister for Planning to consider the application.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.

6.7 101 Salmon Street, Port Melbourne

Purpose

- 1.1 To provide a Council position on Ministerial Application 2014/002000-1 at 101 Salmon Street, Port Melbourne, to amend the existing permit under Section 72 of the Planning and Environment Act 1987 including the alteration of plans, permit conditions and permit preamble.

MOVED Crs Voss/Crawford

RECOMMENDATION - PART A

- 3.1 That Council advises the Minister (C/- the Department of Environment, Land, Water and Planning) and the applicant that:
- 3.1.1 Council supports the amendment application subject to conditions.
 - 3.1.2 In the event the Minister determines to grant an amended permit for the application, it should incorporate the conditions set out in Section 11.18 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 review, and/or any independent advisory committee appointed by the Minister for Planning to consider the proposal

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The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross, Pearl and Simic

AGAINST: Nil

A vote was taken and the MOTION was CARRIED unanimously.

6.4 Statutory Planning Delegated Decisions - May 2020

Councillor Pearl declared a direct conflict of interest and left the meeting at 8.09pm.

Purpose

To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

MOVED Crs Gross/Copsey

That Council:

- 2.1 Receives and notes the May 2020 report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

The vote was taken under DIVISION.

FOR: Crs Bond, Voss, Baxter, Brand, Copsey, Crawford, Gross and Simic

AGAINST: Nil

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 8.10pm.

Confirmed: 22 July 2020

Chairperson _____