



# PLANNING COMMITTEE

## MINUTES

27 JUNE 2018



Please consider  
the environment  
before printing



Consider carefully how  
the information in this  
document is transmitted



**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP  
CITY COUNCIL HELD 27 JUNE 2018 IN ST KILDA TOWN HALL**

The meeting opened at 6:31pm.

**PRESENT**

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

**IN ATTENDANCE**

Lili Rosic, Acting General Manager Place Strategy and Design; George Borg, Manager City Development; Phillip Beard, Senior Planner Lake Ward.

*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**

**Moved Crs Simic/Pearl**

That an apology was received and a leave of absence granted to Crs Voss and Crawford.

**A vote was taken and the MOTION was CARRIED unanimously.**

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Baxter/Gross**

That the minutes of the Planning Committee of the Port Phillip City Council held on 23 May 2018 be confirmed.

**A vote was taken and the MOTION was CARRIED unanimously.**

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil

**4. PUBLIC QUESTION TIME**

Nil.

**5. COUNCILLOR QUESTION TIME**

Nil.



## 6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 1 37-47 Thistlethwaite Street, South Melbourne
- 2 Mills Street Tram Stop (No 135)
- 3 Planning Permits Delegate Report - May 2018

### 6.1 37-47 Thistlethwaite Street, South Melbourne

#### Purpose

- 1.1 To consider and determine application P0475/2017 for the demolition of the existing buildings and construct an eight storey (including a five storey podium) mixed use (Retail, Office, and Accommodation; including dwellings) building and associated car and bicycle parking and construct and/or carry out works in the Capital City Zone (CCZ1). Use land for Accommodation (Dwelling) in the CCZ1. Construct a building and construct and/or carry out works in the Design and Development Overlay (DDO30) and Special Building Overlay (SBO2).

#### MOVED Crs Simic/Gross

- 3.1 That the Planning Committee adopts Recommendation "Part A" and "Part B" that:
  - A Notice of Decision to Refuse to Grant a Permit be issued for the reasons outlined in Part A.
  - Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council Solicitors on any future VCAT Application for Review.

#### RECOMMENDATION "PART A":

- 3.2 The Notice of Refusal be issued with the following reasons;
  - 1 The design would not achieve an appropriate contextual built form and urban design outcome for the Montague Precinct of the Fishermans Bend Urban Renewal Area, including not satisfactorily responding to Clause 15 (Built environment and heritage) and Clause 58.02-1 (Urban Context Objectives) of the Planning Scheme, and Guidelines 1 and 2 of Objective 1.1 of the Design Guidance of the Fishermans Bend Strategic Framework Plan.
  - 2 The tower balcony projections would not comply with the mandatory tower setbacks of Schedule 30 of the Design and Development Overlay Schedule 30, and would not meet the requirements of Guideline 3 of Objective 3.6 of the Design Guidance of the Fishermans Bend Strategic Framework.



- 3 The proposal would not provide a satisfactory mix of dwelling sizes in accordance with Clause 58.02-3 (Dwelling Diversity) of the Planning Scheme and Guideline 1 of Objective 2.4 of the Design Guidance of the Fishermans Bend Strategic Framework.
- 4 The design would not achieve a satisfactory level of internal amenity for the dwellings, including poor daylight access, particularly for level 1 & 2 habitable rooms, an over-reliance on screening to limit internal views and overlooking to abutting and nearby properties, poor natural ventilation (including podium corridors), poor cross-ventilation, and poor sun shading of windows.
- 5 The design of dwellings 103, 112, 203, 212, 303, 312, 403, & 412 would not achieve the minimum living room width requirements of Clause 58.07-1 (Functional layout objective), and would not provide adequate internal amenity.
- 6 The proposal would provide an excessive number of on-site car parking spaces for the dwellings.
- 7 The design of the car and bicycle parking areas and associated access / egress, ramp grades, ceiling heights and car stacker design would not fully meet Council and/or Australian Standards including insufficient turning and queuing space for cars and trucks, inadequate separation of pedestrians and vehicles, and a high propensity for conflict, and would be unsatisfactory.
- 8 The design of the waste collection area and associated waste management arrangements would be unsatisfactory.
- 9 The proposal would provide insufficient resident, visitor or employee bicycle parking and associated bicycle rider facilities such as lockers and/or showers.
- 10 The building design would not respond satisfactorily to the existing abutting laneways to the east and west sides and the rear, or to the recommended activation of laneways.
- 11 The proposal would not achieve a satisfactory level of Stormwater Management (Water Sensitive Urban Design) or Environmentally Sustainable Design relative to Clauses 22.12 and 22.13 of the Planning Scheme and Standard 7 including Objectives 7.1 and 7.2 of the Design Guidance of the Fishermans Bend Strategic Framework.
- 12 The proposal does not make satisfactory provision for 'back-of-house' access or facilities or storage or deliveries/ collections or waste disposal / collection for the commercial tenancies and the dwellings.
- 13 The detail design including the location of mailboxes, air-conditioning condensers and building services and details of screening would be poor or has not been provided.
- 14 The Finished Floor Level of the south-west 150m<sup>2</sup> office/retail space and south-western section of the car park would not meet the minimum level required to protect from flooding due to the SBO2.



- 15 The level of the substation and entry to the car park would not protect from flooding adequately and should be raised in accordance with Melbourne Water advice.
- 16 The proposal would not provide community facilities and/or infrastructure.
- 17 The proposal would not achieve noise attenuation levels in accordance with State Government guidance for buildings proximate to industry and major roads.

**RECOMMENDATION “PART B”:**

- 3.3 Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council solicitors on any future VCAT application for review.

**A vote was taken and the MOTION was CARRIED unanimously.**



## 6.2 Mills Street Tram Stop (No 135)

### Purpose

To consider and determine an application for planning permit for works associated with a re-designed tram stop in Mills Street and associated works in Page Street, Middle Park. The buildings and works which trigger the need for a planning permit are:

- Alterations and realignments to existing kerbs and footpaths in a Heritage Overlay,
- Changes to the levels of the road pavement.
- The installation of the tram shelters.

The following speakers made a verbal submission in relation to this item:

#### Malcolm Semmens

Objected to the tram stop on the basis that the proposal did not have the wider community's interest at heart and would impact on the heritage area and abutting residents.

#### Spiz Demetriou

Objected to the tram stop based on the neighbourhood character of a heritage area – advised that apart from a couple of houses, Mills Street is comprised completely of heritage homes. Suggested that extra signage could improve safety rather than a large and visually obtrusive tram stop.

#### Clinton Joyce and Sri Kumarasamy

Representing Public Transport Victoria (PTV). A powerpoint was shown detailing the reasons for the re-siting of the tramstop and safety improvements, along with compliance with the Disability Discrimination Act.

### **MOVED Crs Gross/Bond**

- 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 new raised platform tram stop, two associated shelters and associated tramway works (removal of existing kerbing and installing altered new kerbing and footpaths) in Mills and Page Streets between Richardson and Page Streets, Middle Park.
- 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 plans forming part of the application but modified to show the following:



- a) The proposed 'Stop' sign at the intersection of Page and Mills Streets to remain as 'Give Way'.
- b) The footpaths adjacent to and in front of Nos. 128 and 131 (kindergarten) Page Street where intersecting with Mills Street shown as maintaining the existing straight footpath line as opposed to depicting two respective kinks or direction changes.

Once approved, these plans become the endorsed plans under this permit.

#### **No Layout Change**

2. The works and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### **External treatment of shelters**

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

#### **No Advertising**

4. No advertising signage is to be placed on the shelters without the written consent or permission of the Responsible Authority.

#### **Time Limits**

5. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within 1 year of the date of this permit.
  - (b) The development is not completed within 1 year of the date of commencement.

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.

#### **Permit Notes**

- 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.
- The applicant/owner would 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.
- The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.
- 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.

**A vote was taken and the MOTION was CARRIED unanimously.**



### 6.3 Planning Permits Delegate Report - May 2018

#### 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 Copsey/Baxter

That Council:

- 2.1 Receives and notes the May 2018 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.

**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 7.41pm.

Confirmed: 25 July 2018

Chairperson \_\_\_\_\_