



PLANNING COMMITTEE

MINUTES

24 JUNE 2021



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP
CITY COUNCIL HELD 24 JUNE 2021 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Lili Rosic, General Manager Development Transport and City Amenity, George Borg, Manager City Development, Jock Farrow, Coordinator Planning Canal Ward, Scott Parkinson Coordinator Planning Gateway Ward, Kirsty Peace, Head of Governance, Samuel Yeo, 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 Sirakoff/Martin

That the minutes of the Planning Committee of the Port Phillip City Council held on 25 March 2021 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 during the council meeting and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archive.php>

Item 6.1 - 1 & 7 Waterfront Place, Port Melbourne

- David Adam
- Robyn McKenna
- Pam Montgomery
- Gerhard Correa
- Robert Coleman
- Roger Joyce
- Jill Maddox
- Eddie Micallef
- Chris Karambelas
- Aidan Robinson (Representing the applicant)

The following statement was read out by Lili Rosic, General Manager Development Transport and City Amenity

- Victorian Ports Association

Item 6.2 - 305 & 307 - 309 Clarendon Street, South Melbourne

- Simon Trumble
- Deborah Hollingworth
- Anne Michaels
- Claire Scorpo
- Sandra Rigo

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 1 & 7 Waterfront Place, Port Melbourne
- 6.2 305 & 307 - 309 Clarendon Street, South Melbourne
- 6.3 Statutory Planning Delegated Decisions - March, April & May 2021



6.1 1 & 7 Waterfront Place, Port Melbourne

Purpose

- 1.1 To consider and determine an application for the use and development of the land, to carry out works and construct a 10 storey mixed use building over two basement levels, comprising dwellings, retail (shop, food and drink premises, wellness centre), a restricted recreation facility (gymnasium) and a reduction in car parking requirements.

MOVED Crs Bond/Copsey

- 3.1 The Council adopt Recommendation 'Part A' and 'Part B'.

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 a Permit.
- 3.3 That a Notice of Decision to Grant a Permit be issued for the use and development of the land, to carry out works and construct a 10 storey mixed use building over two basement levels, in a shared podium and two tower arrangement, comprising dwellings, retail (shop, food and drink premises, wellness centre), a restricted recreation facility (gymnasium) and a reduction in car parking requirements at 1 & 7 Waterfront Place, Port Melbourne.
- 3.4 That the decision be issued as follows:

1 Amended Plans Required

Before the use and/or development starts (excluding demolition and works required for relevant pre-commencement testing and works to remediate contaminated land), 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 amended by way of Section 57A of the Planning and Environment Act 1987 and advertised by Council, date stamped as being received by Council on 8 April 2021 and identified as A0003 (Rev: D), A0098 (Rev: D), A0099 (Rev: D), A0100 (Rev: D), A0101 (Rev: D), A0102 (Rev: C), A0103 (Rev: C), A0104 (Rev: C), A0105 (Rev: C), A0106 (Rev: C), A0107 (Rev: D), A0108 (Rev: D), A0109 (Rev: D), A0110 (Rev: D), A0900 (Rev: D), A0901 (Rev: D), A0902 (Rev: D), A0903 (Rev: D), A0904 (Rev: B), A0905 (Rev: B), A0950 (Rev: D), A0951 (Rev: D), A0952 (Rev: D), A0960 (Rev: D), A0961 (Rev: D), A0963 (Rev: B), A1100 (Rev: B), A1101 (Rev: B), A1600 (Rev: B), A1601 (Rev: B) and Schedule 002 – External Materials and Finishes (Rev: B) but modified to show:

- a) Details of the surface materials to be used to the north/south laneway (to the western interface of the site), to identify it as a shared surface for pedestrians and vehicles.
- b) A detailed (1:50 scale) elevation(s) to all ground floor commercial frontages which includes a solid section of wall at the base of the building, to better anchor the building and improve tactility.



- c) An improved western interface to Townhouse 6, by including privacy measures to windows and by extending/reconfiguring the abutting planter, to create defensible space adjacent to the bedrooms and bathroom.
- d) Public seating provided to the eastern 'parklet'.
- e) Internal disabled ramp access to the southern entrances of the food and drink premises, provided and gym. Ramp access can replace platform lifts.
- f) Introduction of external shading to the east elevation; and, details of operable external shading devices to east and west façade including dimensions, design details, materials, operability; to be shown on elevations as well as the floor plans.
- g) All windows that are openable on the floor plans.
- h) All balconies that are to be winter gardens.
- i) Details of winter gardens showing the method used to enclose them, the allowance for light penetration and that they shall be fully openable (full height and across the full width of the balcony).
- j) Provide appropriate privacy measures to the east facing windows of the townhouses, to protect their own privacy and also limit overlooking to adjoining townhouses.
- k) The car park entrance 'garage door' at Beach Street to be setback a minimum of 6 metres from the property boundary with Beach Street.
- l) All buildings/built form at ground floor to be setback a minimum of 2m from the southern boundary, including the architectural corner features and the planter extending from the southern courtyard.
- m) Removal of the seating and planter boxes within the east/west pedestrian linkage.
- n) Reduction in height of the podium (likely including the reduction or removal of the parapet) to ensure the podium does not exceed 3 storeys or 12m at any point.
- o) The development does not exceed 10 storeys and 35 metres (inclusive of the podium and exclusive of rooftop services), including the deletion of the rooms upon roof level which are considered to be an 11th storey.
- p) A notation on the plans that written confirmation by a Licensed Land Surveyor will be provided to the Responsible Authority verifying that the development does not exceed 35m above natural ground level in height. This must be provided at relevant stages during the construction of the building as nominated by the Responsible Authority and before the building is occupied.
- q) Details that demonstrate that architectural features, such as building services, that exceed the maximum building height, do not exceed the height by more than 4 metres and do not exceed 10% of the gross floor area of the top building level; and, any associated reduction in roof top services.
- r) Details that demonstrate that development above 3 storeys (and 12 metres) to be set back a minimum of 8 metres in addition to any ground level setback, this includes to the eastern corner of the development where the setback must be taken from the ground level setback; and to the canopy overhangs along the southern elevation and to the eastern corner. Consequential design changes are permitted albeit setbacks must be absorbed within the building envelope, without the reduction of any other setback.
- s) Specifications that demonstrate the external finishes to be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the surface.



- t) A storage schedule which demonstrates compliance with Clause 58 standard D20, for all dwellings.
- u) An annotation to the ground floor plan to state that all offsite works are indicative and are subject to the relevant approval of the Responsible Authority.
- v) Any changes required by the Car and Bicycle Parking Management Plan, in accordance with condition 16.
- w) An Urban Art Plan, in accordance with condition 21.
- x) Any changes required by the findings of the amended Wind Assessment, in accordance with condition 22.
- y) Any changes required by the findings of the Arboricultural Impact Assessment and the TPMP, in accordance with conditions 23 and 24 respectively.
- z) An updated Landscape Plan, in accordance with condition 25.
- aa) Any changes required by the amended SMP, in accordance with condition 27.
- bb) Any changes required by the amended WMP, in accordance with condition 32.
- cc) Any changes required by the findings and recommendations of the Amended Acoustic Report, in accordance with condition 33.

2 No Alterations (development and use)

The layout of the site and the size, levels, design, finishes and location of buildings and works; and, the description of the use(s), as shown on the endorsed plans must not be modified for any reason (unless the Port Phillip Planning Scheme specifically states that a permit is not required) without the prior written consent of the Responsible Authority.

3 Covenants

The uses and development approved by this permit must not commence until the relevant written consents are obtained from Mirvac (Beacon Cove Pty Ltd and/or Victoria Pty Ltd, as relevant) or its nominee pursuant to Restrictive Covenants V074097S (5/11/1997), PS344341D (29/05/1997), W413729L (17/11/1999) registered on the titles of the Subject Land OR the requirement for consent by Mirvac or its nominee is removed from Restrictive Covenants V074097S (5/11/1997), PS344341D (29/05/1997), W413729L (17/11/1999).

If the requirement for consent persists in the covenants, prior to the endorsement of plans the written consents of Mirvac or its nominee must be provided to the Council.

4 Satisfactory Continuation and Completion

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

5 Hours of Operation and Number of Patrons

Without the further written consent of the Responsible Authority the use(s) must operate only between the following hours and with no more than the following number of patrons:

- a) Food and drink premises: 7am to 11pm, Monday to Sunday; with a maximum of 150 patrons at any time.
- b) Retail/shops, including provedore: 7am to 11pm, Monday to Sunday.
- c) Gym (including wellness centre): 5:30am to 11pm, Monday to Sunday; with a maximum of 175 patrons at any time.



6 General Amenity

The amenity of the area must not be detrimentally affected by the use and development through the:

- a) Transport of materials, goods or commodities to or from the land
- b) Appearance of any building, works or materials, or
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

to the satisfaction of the Responsible Authority.

7 Ongoing Involvement of the Architect

The applicant must retain the project architect, Elenberg Fraser, to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

8 No External Amplified Equipment

Without the further written consent of the Responsible Authority, no form of public address system, loud speakers or sound amplification equipment must be used on the premises so as to be audible outside the premises.

9 Privacy Screening Must be Installed

Prior to occupation of the development approved by this permit the installation of privacy screens must be undertaken in accordance with the endorsed plans. The privacy screens must be maintained thereafter to the satisfaction of the Responsible Authority.

10 Walls on or Facing the Boundary

Prior to occupation of the development approved 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.

11 No Equipment or Services

Any plant, equipment or domestic services visible from the primary street (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority. No mechanical plant is permitted on balconies/terraces.

12 Vehicle Crossings

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

13 Car and Bicycle Parking Layout

Prior to occupation of the development approved by this permit the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, 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; and
- e) Line marked to indicate each car space, visitor space, motorcycle space, loading bay and/or access lane.
- f) Clearly marked to show the direction of traffic along access lanes and driveways.

14 Parking and Loading Areas Must Be Available

Car, motorcycle 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.

15 Car Parking Allocation

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:

- a) not less than one car space for each one and two bedroom dwelling;
- b) not less than two car spaces for each dwelling with three or more bedrooms;
- c) not less than 13 car spaces (total) for the food and drink / shop / retail uses;
- d) not less than 10 car spaces for the gym use.

All to the satisfaction of the Responsible Authority.

16 Car and Bicycle Parking Management Plan

Prior to the endorsement of plans under condition 1 of this permit, a parking plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. Once approved the plan will be endorsed and form part of this permit. The plan must detail a car parking management plan (CPMP) including a line-marking plan, specific details regarding the car park access controls and location of intercom system, how to use the bike racks and where residents, staff and accredited visitors should park bikes, to the satisfaction of the Responsible Authority.

17 Lighting

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

18 Utility connections

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reserve (including but not restricted to electricity, telecommunications services, gas, water, sewerage and stormwater drainage), necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

19 Provision of Bike Racks on the Pavement

Prior to occupation of the development approved by this permit, stainless steel bike racks must be installed in the adjacent public footpath or nature strip in a location to the satisfaction of the Responsible Authority. Installation of the bike racks shall be undertaken by the Responsible Authority. All costs associated with the supply and installation of the bike racks are to be borne by the applicant/owner/developer. Once



the racks have been installed they will become a Council asset and the developer will have no further ongoing obligations or responsibilities regarding the racks.

20 Green Transport Plan

Before the occupation of the development allowed by this permit, 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. Once approved the plan will be endorsed and form part of this permit. 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) Bicycle parking, including that suitable for e-bikes, to be installed in well secured and prominent locations at ground level if possible, for tenants and visitors.
- b) Provide electric vehicle recharge facilities
- c) Install signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for staff, residents and visitors, tram stops, taxi ranks, railway stations, bus stops and bicycle lanes and paths.
- d) Ensure that access to the on-site parking is restricted and controlled.
- e) Establishment of a car-pooling database for residents/employees
- f) Specific targets to guide the plans ongoing implementation;
- g) Identify persons responsible for the implementation of actions;
- h) Estimate timescales and costs for each action;
- i) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

21 Urban Art Plan

Concurrently with the submission of plans for endorsement under condition 1 of this permit, 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 0.5% 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.

22 Wind Assessment

Concurrently with the submission of plans for endorsement under condition 1 of this permit, a suitably qualified person must prepare an updated Wind Climate Assessment Report to the satisfaction of the Responsible Authority, which must be provided for the written endorsement of the Responsible Authority. The Report must be in general accordance with the submitted Environmental Wind Considerations, prepared by MEL Consultants and dated 29 October 2020 but updated to reflect the requirements of Condition 1 of this permit. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.



23 Arboricultural Impact Assessment

Prior to the commencement of the development (excluding works required for relevant pre-commencement testing), an Arboricultural Impact Assessment report must be submitted to, be to the satisfaction of and approved by the Responsible Authority, the impact assessment must be prepared by a suitably qualified Arborist (AQF level 5 or equivalent) and include:

- a) trees on neighbouring properties with TPZs that fall within the subject site,
- b) the nature strip tree(s) adjacent the property.

The report must follow the guidelines from Council Arboriculture Victoria and comply with the Australian Standard 4970:2009 Protection of Trees on Development Sites.

Should the report find that any works encroach into 10% or more of the Tree Protection Zone, or into the Structural Root Zone of any tree, and the design cannot be modified to reduce the incursion, then a non-destructive root investigation (NDRI) must be conducted and documented, with a root map to show the location, depth and diameter of all roots found along the line of the proposed works. The findings, photographs and recommendations shall be presented in the impact assessment report.

When approved, the impact assessment will be endorsed and will then form part of this permit.

24 Tree Protection Management Plan

Prior to the commencement of the development (excluding works required for relevant pre-commencement testing), and prior to any related demolition or vegetation removal, a Tree Protection and Management Plan (TPMP) that details how the trees will be protected, in accordance with AS4970-2009 (Protection of Trees on Development Sites), will be required, to the satisfaction of the Responsible Authority. Once approved, the TPMP will be endorsed and form part of the permit. The TPMP must be prepared by a suitably qualified Arborist (AQF level 5 or equivalent) and include:

- a) measures to protect trees including any modified construction techniques such as root sensitive footings and permeable paving;
- b) identification and methodology of any canopy or root pruning required (for onsite or offsite trees);
- c) trees on neighbouring properties with TPZs that fall within the subject site;
- d) the nature strip tree(s) adjacent the property.

The tree protection measures directed in the TPMP must be installed prior to commencement of works at the site, maintained and remain in place until such time as specified within the TPMP.

25 Landscape Plan

Concurrently with the submission of plans for endorsement under condition 1 of this permit, an updated 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 be in general accordance with the Landscape Concept Plan (Rev: 02) dated 08/04/2021 but updated to 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 3m of the boundary;



- (c) Significant trees greater than 1.5m in circumference, as measured 1m 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;
- (f) Landscaping and planting within all open space areas of the site;
- (g) Advanced tree stock (minimum 45 litre pot or bag 2.5 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority);
- (h) Consistency with the plans required under condition 1 of this permit;
- (i) Details of the green wall to the north facing wall, above the food and drink premises;
- (j) Details of the façade planting to the western retail units;
- (k) Landscaping to the first floor level;
- (l) Details of surfaces and appropriate integration with the public realm;
- (m) Details of irrigation;
- (n) Details of the green roof.

Trees are not to be sited over easements.

26 Completion and Maintenance 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. The landscaping as shown 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.

27 Sustainable Management Plan

Concurrent with the endorsement of plans under condition 1 of this permit, a revised Sustainable Management Plan must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The revised Sustainability Management Plan must be generally in accordance with the ESD design memo 'Further Initiatives to BESS Excellence' dated 5 March 2021 that commits to at least a 70% BESS score for the development but modified to be consistent with items specified in condition 1 of this permit. In addition, the following shall be incorporated in the updated SMP:

- a) Confirm that all dwellings would achieve NatHERS cooling loads not exceeding 30 MJ/M² per annum.
- b) For residential windows within the podium level, the usage of windows with visible light transmissions (VLTs) exceeding 50%.

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

28 Incorporation and Maintenance of Sustainable 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 and Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.



The ESD initiatives of the endorsed Water Sensitive Urban Design Report and Sustainability Management Plan must be fully implemented and maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

29 ESD Implementation Report

Prior to the occupation of any building approved under this permit, a report (or reports) from the author of the Sustainability Management Plan (SMP), approved under this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority and must confirm all measures specified in the approved SMP and WSUD report have been implemented in accordance with the approved plans.

30 Confirmation of Green Power

Prior to the issue of a Statement of Compliance, electrical plans must be submitted to the responsible authority showing that the whole development will be serviced by an embedded network. Within one month of the first owners' corporation meeting required under the Owners Corporations Act 2006, a copy of the executed contract with the Embedded Network Operation, confirming that all electricity supplied to the entire development will be 100% accredited Green Power (or equivalent 100% renewable energy generation), must be submitted to Council.

31 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

32 Waste Management Plan

Concurrent with the endorsement of plans under condition 1 of this permit, an updated Waste Management Plan must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The plan must be in general accordance with the WMP submitted with the application but updated to reflect the plans required by condition 1. When approved the WMP will be endorsed and form part of the permit.

33 Acoustic Report and Mitigation Measures

Concurrent with the endorsement of plans under condition 1 of this permit, an updated Acoustic Report prepared by a suitably qualified person must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Report must be generally in accordance with the submitted Acoustic Assessment prepared by Acoustic Logic (Rev: 3, 22/10/2020) but updated to include:

- a) Confirmation that the Port was audible during measurements, or if the measured noise levels are inclusive of Port noise and what noise level the Port was generating;



- b) Confirmation of how it was established that the Port was in full operation. Alternatively, provide long term continuous monitoring (at least 7-days) to reasonably sample and establish the variability of Port operation;
 - c) Appropriate mitigation measures based on surrounding noise sources, including the Port (in full operation) and the adjacent tram/light rail, to confirm that all dwellings will achieve internal noise levels not exceeding 30dBA in any bedrooms and 40 dBA in living areas;
 - d) Appropriate mitigation measures to ensure the use of the gym will not unreasonably impact the above/surrounding dwellings in terms of noise and vibration.
- When approved, the Report will be endorsed and will then form part of this permit and the development must incorporate the mitigation measures listed.

34 Internal Noise Levels to Dwellings

All dwellings must achieve internal noise levels not exceeding 30dBA in any bedrooms and 40 dBA in living areas, to the satisfaction of the Responsible Authority.

35 Environmental Audit Overlay

Before the commencement of construction or carrying out of buildings and works pursuant to this permit, or any works associated with a sensitive use, either:

- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the Responsible Authority;
- b) A Statement of Environmental Audit for the land must be issued in accordance with Section 53Z of the Environment Protection Act 1970 that the environmental conditions of the land are suitable for the use and/or development that are the subject of this permit and this statement must be provided to the Responsible Authority.

36 Compliance with Statement of Environmental Audit

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

37 Remediation Works Plan

Before any remediation works are undertaken in association with the environmental audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any



proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

38 Removal of Easement

Before the commencement of construction or carrying out of buildings and works pursuant to this permit, easement E7 (located centrally within the Site, between Lots 2 and 3) registered on the titles of the Subject Land shall be removed from the respective titles.

39 Construction Over Easement

No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.

40 Section 173 Agreement – Use of the Meeting Room

Prior to the occupation of any dwelling/building approved under this permit, the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant 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 enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land pursuant to Section 181 of the Section 173 of the Planning and Environment Act 1987, and must provide for the following:

- a) That the ground floor meeting room be made available for the use of local residents (including residents outside of the development) by means of a booking system; the meeting room is to be available to residents for the lifetime of the development. The meeting room must be available for booking on all days between the hours of 8am to 10pm, unless otherwise agreed by the Responsible Authority.

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987. A dealing number must be provided to the Responsible Authority.

41 Department of Transport Conditions – Additional Plans

Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, amended plans must be submitted to and approved by the Head, Transport for Victoria. 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 but modified to show:

- a) New/updated bus stop and all associated infrastructure in an agreed location on Beach Street outside the development site;
- b) A new shelter and barrier kerb as required;
- c) The inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop (if required);
- d) The bus stop clear of any street furniture and obstacles; and
- e) A design compliant with the Disability Discrimination Act 1992 (Cth).



42 Department of Transport Conditions – Public Transport (Bus Stop Works)

If the existing bus stop on Beach Street cannot be used during the demolition and construction of the development a temporary bus stop must be provided in an alternative location at no cost and to the satisfaction of the Head, Transport for Victoria.

43 Department of Transport Conditions – Public Transport (Bus Stop Works)

Any request for written consent to disrupt bus operations or a temporary bus stop on Beach Street during the demolition and construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption / temporary bus stop relocation and must detail measures that will occur to mitigate the impact of the planned disruption or temporary bus stop.

44 Department of Transport Conditions – Prior to Occupation

Prior to the occupation of the development, all works outlined on the endorsed plans for the relocated bus stop must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria. Any temporary bus stop (if required) must be removed and the site reinstated to the satisfaction of the Head, Transport for Victoria.

45 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.
- c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- a. before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- b. within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires

Permit Notes:

• **No Resident or Visitor Parking Permits**

The owners and occupiers of the new dwellings allowed by this permit will not be eligible for Council resident or visitor parking permits.

• **Boundary Fences**

1. This permit has been assessed only against the relevant planning controls relating to fencing in the Port Phillip Planning Scheme. Property owners rights and responsibilities for fences on a common boundary are prescribed by the provisions of the *Fence Act 1968* (refer particularly to Part 3 Procedures; Division 1, Sections 11 to 22).
2. A fence exceeding two metres in height may require a Building Permit. Please contact the relevant Building Surveyor.

• **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.

- **Other Approvals May be Required**

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

- **Heritage Victoria Approval Required**

Prior to the commencement of any buildings or works allowed by this Planning Permit, the proposed buildings and works must also be approved in writing by Heritage Victoria.

- **Noise**

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary
- b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

RECOMMENDATION PART B

That Council accepts that the car parking provision for the restricted recreation facility (gymnasium) is to its satisfaction.



AMENDMENT

Moved Crs Cunsolo/Martin

That condition 3.4 1(q) of the recommendation be amended as follows:

- q)** Details that demonstrate that architectural features, such as building services, that exceed the maximum building height, do not exceed the height by more than 4 metres and do not exceed 10% of the gross floor area of the top building level; and, any associated reduction in roof top services. **Furthermore, rooftop services to be sited and designed so as not to cast shadows to the bicycle paths along Waterfront Place at the June Solstice, between the hours of 12 midday and 3pm, and are not to be visible from Beach Street.**

A vote was taken and the AMENDMENT was CARRIED.

The AMENDMENT became the SUBSTANTIVE MOTION.

AMENDMENT

Moved Crs Cunsolo/Crawford

That the following condition be added to part 3.4 1 of the recommendation:

- (z)(dd)** The reduction in the built form of the development above the podium, so as not to cast shadows onto the bicycle paths along Waterfront Place, between the hours of 12 midday to 3pm at the June solstice.

A vote was taken and the AMENDMENT was CARRIED.

Cr Cunsolo called for a DIVISION.

FOR: Crs Copsey, Crawford, Sirakoff, Cunsolo and Martin

AGAINST: Crs Bond, Baxter, Pearl and Clark

The AMENDMENT was CARRIED.

The AMENDMENT became the SUBSTANTIVE MOTION.

The SUBSTANTIVE MOTION was PUT.

A vote was taken and the MOTION was CARRIED unanimously.



6.2 305 & 307 - 309 Clarendon Street, South Melbourne

Purpose

- 1.1 To determine an application (776/2018/A) to amend an existing planning permit, which includes adding a further level (from six to seven storeys) to the approved rear addition, a new pergola at level 3, new plant area and to modify the ground floor access along Bank Street (demolition of an existing column and retention of the ironwork).

MOVED Crs Pearl/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 an Amended Planning Permit
- 3.2 That a Notice of Decision to Grant an Amended Planning Permit be issued for the partial demolition and buildings and works to construct alterations and additions to the existing buildings, including a six (6) storey rear addition with basement, for offices and food and drink premises; and a reduction of the standard car parking requirement at 305, 307 and 309 Clarendon Street, South Melbourne with the following changes.

The following changes to be shown as ~~struck out~~ for deleted words and any additions to the existing permit are in **bold**. All conditions that have already been discharged will be underlined and at the end of each condition will have the word '**DELETED**'.

Permit Preamble (Existing)

The Permit Preamble to be amended to change the height of the building from six storeys to seven storeys.

The preamble to be amended to read:

Partial demolition and buildings and works to construct alterations and additions to the existing buildings, including a ~~six (6)~~ **seven (7)** storey rear addition with basement, for offices and food and drink premises; and, a reduction of the standard car parking requirement

- 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 **advertised plans received by Council on 2 February 2021** plans, but modified to show:

- a) A redesigned disabled access arrangement along the northern side of the 307 – 309 Clarendon Street building (Bank Street) with the retention (or removal and reinstatement) of the existing iron and bluestone fence. The long section of fence and the pillar to the left must be retained (or removed and reinstated but may be modified to comply with DDA requirements) but the short section of fence and the pillar to the right and may be demolished. **DELETED**



- b) A 1:50 plan showing the reinstatement of the section of side wall where the ATM previously once was. **DELETED**
- c) The removal of the awning/canopy along the Bank Street frontage. **DELETED**
- d) Any Electric Vehicles charging infrastructure annotated. **DELETED**
- e) Any tank position of fire test water tank annotated along with indications of size and water reuse. **DELETED**
- f) The provision of taps and floor waste gullies to all balconies and courtyards. **DELETED**
- g) Details of the model of the car stacker, with details showing appropriate vertical clearance would be provided within the car park area. **DELETED**
- h) Swept path diagrams (which show the location of any columns to the stackers) to demonstrate clear platform width and structural components of each stacker. **DELETED**
- i) Details of the proposed crossover to Bank Place (if a crossover is required). **DELETED**
- j) The location of all external plant equipment (including air conditioning, heating units, hotwater systems, etc.) on the relevant elevation plans and roof plan with accurate dimensions. **DELETED**
- k) The proposed location of Urban Art. **DELETED**
- l) Any changes required by condition 4 (Sustainable Management Plan) **DELETED**
- m) Any changes required by condition 8 (Waste Management Plan) **DELETED**
- n) **A notation on the plans confirming the bluestone plinth to be removed and reinstated and the notation to include the following details:**
 - I. **The plinth to stay and visually remain from the street face frontage, but internally (on the inside facing the building) to be cut back to allow for the width required for DDA access.**
 - II. **The protruding bluestones into the pathway to be removed (including the steel, curved prop that supports the fence and sits on this bluestone), plus the plinth reduced in depth by approx. 50% to provide the required path width.**
 - III. **Re-attach the fence to the plinth, but in a different way to anchor it and remove the current supporting struts protruding into the pathway to allow DDA access.**

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 submitted with the application (prepared by Ark Resources dated 19 September 2018) but updated to address the following:

- Provide a preliminary Section J energy rating assessment that shows how best practice energy efficiency in building fabric, and base building will be achieved.
- State water reuse storage capacity as a percentage of total fire test water, and state water reuse

5 Demolition Method Statement

Before the works permitted by this permit start, including any demolition works, a fully detailed 'demolition method statement' must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the permit. The 'demolition method statement' may be written in stages to address 307 - 309 Clarendon Street separately to 305 Clarendon Street and must:

- a) Fully describe and clearly demonstrate the methods of dismantling of the heritage fabric, restoration and repair and the subsequent reconstruction of the building.
- b) Include reference to the staging of demolition and reconstruction works on the site.
- c) Detail the necessary protection works required during the demolition works to protect those parts of the building to be retained.

Once approved by the Responsible Authority, all buildings and works must be in accordance with the demolition method statement.

6 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.

7 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 0.5% 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.

8 Waste Management Plan

Concurrent with the endorsement of plans, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by prepared by Ratio Dated but modified to show:



- Section 5.2 of the WMP amended to specify that waste collection would not be collected between 6.00am and 9.00am or 4.00pm to 6.00pm weekdays.

9 Vehicle Crossings

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

10 Provision of Bike Racks on the Pavement

Before the use commences circular stainless steel bike racks must be installed at the cost of the applicant/owner on the adjacent public footpath in a location to the satisfaction of the Responsible Authority. Once the racks have been installed they will become a Council asset and the developer will have no further ongoing obligations or responsibilities regarding the racks.

11 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.

12 No Equipment and Services

No equipment, services and/or exhausts other than those shown on the endorsed plan must be erected on external walls or above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

13 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 Green Travel Plan should be generally in accordance with the Green Travel Plan submitted with the application (Prepared by Ratio dated 13 September 2018). The plan must include but not be limited to:

- a) Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- b) Bicycle parking areas to be installed in well secured and prominent locations;
- c) Install signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths.
- d) Ensure that access to the on-site parking is restricted and controlled.
- e) Establishment of a car-pooling database for employees of the development.



- f) Specific targets to guide the plans ongoing implementation;
- g) Identify persons responsible for the implementation of actions;
- h) Estimate timescales and costs for each action;
- i) Include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

14 Regulation of Deliveries and Rubbish Collection

Without the further written consent of the Responsible Authority deliveries to and from the site, including rubbish collection, must not take place between 6.00am and 9.00am in the morning or between 4.00pm and 6.00pm in the afternoon.

15 SEPP N1

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 State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

16 Storage of Goods

Without the further written consent of the Responsible Authority no goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.

17 Lighting

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

18 Satisfactory Continuation

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

19 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

Cr Cunsolo called for a DIVISION.

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

AGAINST: Cr Cunsolo

The MOTION was CARRIED.



6.3 Statutory Planning Delegated Decisions - March, April & May 2021

Purpose

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/Bond

That Council:

- 2.1 Receives and notes the March, April and May 2021 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.

As there was no further business the meeting closed at 8:29pm.

Confirmed: 29 July 2021

Chairperson _____