



# PLANNING COMMITTEE

## MINUTES

27 JULY 2023



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 JULY 2023 IN ST KILDA TOWN HALL AND VIRTUAL  
VIA WEBEX**

The meeting opened at 6:30pm.

**IN ATTENDANCE**

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

Brian Tee, General Manager City Growth and Development, Donna D'Alessandro, Manager City Development, Michael Mowbray, Coordinator Statutory Planning Lake Ward, Darren Camilleri, Planning Coordinator Canal Ward, Phillip Beard, Principal Planner, Xavier Smerdon, Head of Governance, Emily Williams, Council Business Advisor, Charmaine Mackrodt, Governance and Council Meetings Officer.

*The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.*

**REQUESTS TO ATTEND BY ELECTRONIC MEANS**

Nil.

**1. APOLOGIES**

Apologies were received from Mayor Cunsolo and Councillor Nyaguy.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Martin/Pearl**

That the minutes of the Planning Committee of the Port Phillip City Council held on 25 May 2023 be confirmed.

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

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



#### 4. PUBLIC QUESTION TIME AND SUBMISSIONS

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

##### Item 6.1 14 Alma Road St Kilda (858/2020)

- Daniel Liam
- Claire Helfer

#### 5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** Can officers provide an update on 1-7 Waterfront Place? Is a permit required from Council to demolish the existing buildings on the site? Is there anything stopping those buildings from being demolished?

*Donna D'Alessandro, Manager City Development advised that a permit was issued last year which includes the demolition of the buildings, but that the conditions were still being worked through. A section 29 is also required to demolish the buildings. The question was taken on notice to provide further details of the permit conditions and to seek timelines from the applicant.*

#### 6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 14 Alma Road, St Kilda (858/2020)
- 6.2 43 Pakington Street, St Kilda (PDPL/00053/2023)
- 6.3 Statutory Planning Delegated Decisions - May & June 2023



## 6.1 14 Alma Road, St Kilda (858/2020)

### Purpose

- 1.1 To determine an application for the construction of a 14 - 17 storey building comprising accommodation (dwellings), retail and food and drinks premises, buildings and works within a Transport Zone 2, and a reduction in car parking requirements.

### MOVED Crs Bond/Sirakoff

- 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 Planning Permit.
- 3.2 That a Notice of Decision to Grant a Planning Permit be issued for the construction of a multi-storey building comprising accommodation (dwellings), retail and food and drinks premises, buildings and works within a Transport Zone 2, and a reduction of car parking from the Planning Scheme provisions.
- 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Deletion of two levels from the taller portion of the building within levels four to seven, reducing height by approximately 6.5m and dwelling numbers by six.
  - (b) Incorporation of solid, masonry elements to the corners of the vertical slots in the corner (south) building on East and South elevations.
  - (c) Greater detail (1:50 elevation drawings) of footpath awning and ground floor windows and entrances by way of materials, colours, dimensions, extent of any reveals and where necessary, fixing detail.
  - (d) Indication of external urban art as per condition 14.
  - (e) Landscaping details for the public realm, including details of footpath and laneways, including levels and finishes demonstrating safe, accessible routes to all entrances, footpaths, colonnades and laneways.
  - (f) Additional landscape details including proposed planting for first floor balconies, vertical facade greenery and rooftop podium, including access and maintenance arrangements.
  - (g) Plans at scale 1:50 showing detail of the horizontal banding on the taller (south) tower element depicting material, colour and the degree to which the banding protrudes beyond the building line.
  - (h) Plans at 1:50 scale detailing the protruding horizontal brick elements on the low/north element by way of brick types, dimensions, orientation (laid horizontally or vertically), colour, extent/angle of protrusion and methods of fixing to the building.
  - (i) An added security door to the service corridor allowing access to the undercroft parking area and laneway.
  - (j) Plans at 1:50 scale clarifying the presence of the white vertical bands adjacent to the gap between the low and high elements of the building.



- (k) A lighter window tint to apartments numbered 02 on each level from levels 1 to 13 and apartments numbered 05 on each level from levels 2 to 13 coupled with depiction of external roll down/operable screening on those same windows.
- (l) Provision of external roll down/operable screening on north facing habitable room windows.
- (m) Depiction of a charity waste bin contained in the residential bin room.
- (n) A notation that the 30kL RWT on the first floor is to be connected to a subsurface drip irrigation system and notation that the protruding brick elements are included in the applicable daylight modelling.
- (o) A notation on the roof plans indicating the 35 solar PV panels would be minimum 14kW's.
- (p) Notations on the plans and in a the modified SMP (Pursuant to Condition 13) that BESS 3.1 Carpark Ventilation (CO2 monitoring) would be achieved satisfactorily.
- (q) Clarification of the natural ventilation of the basement car parks and clarification that they have access to external openings allowing such ventilation.
- (r) Depiction of clotheslines to each private dwelling.
- (s) Notation of the connection to irrigation of collected water to be added to the RWT.
- (t) Provision of organic / food and garden waste disposal incorporated into the level 14 Communal garden space (or Ground Level Bin Rooms).
- (u) Depiction of ground level bin room recycling waste provision as claimed in BESS.
- (v) Depiction of a canopy/awning along the ground floor north and east aspects.

**No Layout Change**

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

**External colours and Finishes**

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

**Equipment and Services Above Roof Level**

- 4. No plant, equipment or services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

**Waste Management**

- 5. An adequate waste management arrangement must be provided for the premises in accordance with Council's Community Amenity Local Law No.3 and all waste collection/management must accord with the Waste Management Plan endorsed under this permit.

**Plant & equipment noise levels**

- 6. Any new/additional air conditioning, refrigeration plant and any other heating plans or similar related to the permitted roof deck must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of the Responsible Authority.

**Incorporation Sustainable Design Initiatives**

- 7. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.



#### **Implementation of Sustainable Design Initiatives**

8. Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, 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 Sustainable Management Plan report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

#### **Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

9. Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

#### **Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)**

10. The developer must ensure that:
  - 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.

#### **Drainage / Engineering**

11. Before the development starts excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, or as otherwise agreed by the Responsible Authority, a stormwater drainage system design incorporating integrated water management design principles, must be submitted to and approved by Port Phillip City Council. The stormwater drainage system design must:
  - a) Include a detailed response to Clause 19.03-3L (Stormwater Management (Water Sensitive Urban Design) of Port Phillip Planning Scheme'
  - b) Incorporate a legal point of discharge (LPD) to the satisfaction of Port Phillip City Council.

#### **Drainage / Engineering**

12. The stormwater drainage system must be constructed in accordance with the design approved under this permit, connected to the existing stormwater drainage system and



completed prior to the occupation of the building to the satisfaction of Port Phillip City Council.

#### **Updated Sustainable Management Plan**

13. Before plans being endorsed under condition 1 of this permit, an updated Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The updated SMP must be generally in accordance with the SMP submitted with the application but modified to include details and amendments as required by conditions 1 k) to v) above.

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

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

#### **Urban Art Plan**

14. 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.

#### **Waste Management Plan**

15. Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application.

#### **Landscape Plan**

16. 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. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Tract) submitted with the application but amended to incorporate:
- a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - b) A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
  - c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
  - d) The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works and be consistent with the architectural plans;
  - e) Details of landscaping along both street frontages
  - f) Details of landscaping on all communal terraces and open communal spaces
  - g) Tree protection measures including for street trees accurately drawn to scale and labelled.
  - h) Any changes as required by Condition 1.



When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

### **Completion of Landscaping**

17. 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.

### **Landscaping Maintenance**

18. 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.

### **Street Tree Protection**

19. Tree Protection Fencing is to be established around the tree protection zone of the St Kilda Road and Alma Road street trees before demolition and maintained until all works on site are complete.
  - a) The fencing is to be a 1.8 metre high temporary fence constructed using chain wire / cyclone mesh panels, with shade cloth attached (if required), held in place with concrete feet/pads. Alternative materials may be used, if approved by the Responsible Authority.
  - b) The fencing is to encompass the entire nature strip with each end beyond the TPZ of each tree as shown in the Tree Protection and Management Plan (drawing).
  - c) No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ, unless approved in the endorsed Tree Protection and Management Plan.

### **Car Parking and Bicycle Parking Layout**

20. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must 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
  - e) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
  - f) Clearly marked to show the direction of traffic along access land and drivewaysAll to the satisfaction of the Responsible Authority.

### **Parking and Loading Areas Must Be Available**

21. 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.

### **Car Parking Allocation**

22. 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) at least 23 car spaces allocated to the one bedroom apartments;
  - b) at least 53 car spaces allocated to the two bedroom apartments,
  - c) not less than two car spaces allocated to the food and drink premises
  - d) not less than one car space allocated to the retail tenancy.
  - e) one of the three food & drink/retail spaces is also to be marked as disabled





parking.

All to the satisfaction of the Responsible Authority.

**Car Parking Stackers Maintenance and Provision**

23. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

**Bicycle end of trip Provision**

24. Bicycle parking spaces and end of trip facilities are to be designed in accordance with Clause 52.34 of the Port Phillip Planning Scheme.

**Disabled Parking**

25. Before the occupation of the development allowed by this permit, a minimum of one (1) car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to the front entrance of the building and must be clearly marked with a sign to indicate that it must only be utilised by disabled persons. The minimum dimensions of the car space must be 3.2 metres wide by 4.9 metres long to the satisfaction of the Responsible Authority.

**Loading/Unloading – Where a Loading Bay is Provided**

26. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.

**Piping, Ducting, Service Units**

27. 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.

**Walls on or facing the boundary**

28. 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.

**Reconstruction of crossovers**

29. Any redundant crossovers are to be reconstructed and made good at the permit holders' expense to Council's minimum standards.

**Department of Transport Conditions**

30. The provision of signage facing motorists exiting the laneway to prohibit right out movements into Alma Road.
31. The provision of Keep Clear line marking across east bound lanes on Alma Road where it intersects with the laneway
32. The canopy located along the St Kilda Road façade at the corner of Alma Road must provide a minimum setback of 0.5m from any part of the traffic signal at this location.

(End DOT conditions)



## **Amenity Impacts**

33. The amenity of the area must not be detrimentally affected by the development through the:
- Transport of materials, goods or commodities to or from the land
  - Appearance of any building, works or materials
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, grit or oil.

## **Mechanical Exhaust**

34. Before the use starts any mechanical exhaust systems related to the food & drink premises must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Responsible Authority.

## **Storage and Disposal of Garbage (Food & Drink Premises)**

35. Provision must be made for the storage and disposal of garbage from the Food and Drink premises to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

## **Noise Emissions**

36. Any air conditioning and refrigeration plant must associated with the food and drink premises must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with Division 1 and 3 of Part 5.3 - Noise, of the Environment Protection Regulations 2021.

## **Internal Noise Protection**

37. Before the building is occupied, the permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must not exceed 35dB(a) with the windows closed; and for all other habitable rooms, levels must not exceed 40dB(A) with windows closed in accordance with relevant Australian Standards for acoustic control (including AS2107-1987 and AS3761 - Road Traffic) to the satisfaction of the Responsible Authority.

## **Time for Starting and Completion**

38. This permit will expire if one of the following circumstances applies:
- The development is not started within three (3) years of the date of this permit.
  - The development is not completed within five (5) years of the date of this permit.
  - The food and drink premises use is not started within three (3) years of the date of this permit

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

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

## **RECOMMENDATION PART B**

That the Planning Committee authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on any VCAT application for review should one be lodged.

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

## **6.2 43 Pakington Street, St Kilda (PDPL/00053/2023)**



### **Purpose**

- 1.1 To consider and determine Planning Permit Application PDPL/00053/2023 for the demolition of a dwelling, fences and outbuildings in the Heritage Overlay (Schedule 7) at 43 Pakington Street, St Kilda.

### **MOVED Crs Crawford/Baxter**

- 3.1 That a Planning Permit be issued for **Demolition of a dwelling, fencing and outbuildings in the Heritage Overlay (Schedule 7) at 43 Pakington Street, St Kilda**
- 3.2 That the decision be issued as follows:

#### **No alterations (demolition)**

1. The demolition of all buildings and fences shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

#### **Satisfactory Continuation and Completion**

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

#### **Heritage interpretation strategy**

3. Before the demolition works commence, a Heritage Interpretation Strategy must be submitted to and approved to the satisfaction of the Responsible Authority. The strategy must identify how the history (Indigenous and post-contact) of the site or the area is to be interpreted through landscape design, signage or retention of some original fabric in any future works.

#### **Retention of Palm Tree**

4. The Cotton Palm tree on site (noted as Tree 1 within Arboricultural Assessment and Report 43 Pakington Street, St Kilda 12 August 2022 Tree Logic Ref. 012420 Julie Roach– Treelogic Pty. Ltd) must be retained unless with the written consent of the Responsible Authority.
5. A Tree Protection Zone (TPZ) around the Cotton Palm tree must be constructed prior to the commencement of demolition in accordance with AS 4970 - 2009 Tree protection on development sites.

#### **Time for starting and completion**

6. This permit will expire if one of the following circumstances applies:
  - a) The demolition is not started within two years of the date of this permit.
  - b) The demolition is not completed within three years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing:
  - before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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



### 6.3 Statutory Planning Delegated Decisions - May & June 2023

#### Purpose

- 1.1 To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

#### **MOVED Crs Pearl/Martin**

That the Committee:

- 3.1 Receives and notes the May and June 2023 (Attachment 1) reports regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

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

## 7. URGENT BUSINESS

Nil.

## 8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 6.53pm.

Confirmed: 24 August 2023

Chairperson \_\_\_\_\_