



PLANNING COMMITTEE

MINUTES

26 OCTOBER 2023



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY
COUNCIL HELD 26 OCTOBER 2023 IN ST KILDA TOWN HALL AND
VIRTUAL VIA WEBEX**

The meeting opened at 6:31pm.

IN ATTENDANCE

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

Donna D'Alessandro, Manager City Development, Darren Camilleri, Planning Coordinator Canal Ward, Michael Mowbray, Coordinator Statutory Planning Lake Ward, Anita Rozankovic-Stevens, Major Projects & Appeals Advisor, Matthew Schreuder, Principal Planner, Xavier Smerdon, Head of Governance, Rebecca Purvis, Senior Council Business Advisor, Emily Williams, Council Business Advisor.

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

REQUESTS TO ATTEND BY ELECTRONIC MEANS

Moved Crs Pearl/Martin

That the Committee approves the request to attend the meeting electronically received by Councillor Clark.

A vote was taken and the MOTION was CARRIED.

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 24 August 2023 be confirmed.

A vote was taken and the MOTION was CARRIED.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Baxter declared a general conflict of interest in relation to item 6.4 21-25 The Avenue, Balaclava due to living within close proximity of the application being considered.

Councillor Crawford declared a conflict of interest in relation to item 6.2 97 Alma Road, St Kilda due to attending the gym at the address being considered.

Councillor Pearl declared an interest in relation to item 6.1 146-150 Bridport Street, Albert Park as they received a token gift from the one of the objectors who occupies a business in one of the adjacent buildings to the application being considered. Councillor Pearl noted the gift had been declared in line with Council's Gift and Hospitality Policy.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

The submissions were made verbally and can be listened to in full on Council's website:

<http://webcast.portphillip.vic.gov.au/archivephp>

Item 6.1 146-150 Bridport Street, Albert Park

- David Arter
- Sue Michelmore
- David Looker
- John Watts
- Lesleyanne Hawthorne
- Patricia Cash
- Donna Paul
- Jason Barnfather (Applicant)
- Jody Williams
- Charlotte Heine
- Kel Twite

Item 6.2 97 Alma Road, St Kilda

- Lochlan Sinclair (Applicant)
- Paul Little (Applicant)

Item 6.4 21-25 The Avenue, Balaclava

- Lloyd Elliott (representing the Applicant)

5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** Can officers provide an update on the Planning and demolition permit at 1-7 Waterfront Place, Port Melbourne?

Donna D'Alessandro, Manager City Development took the question on notice.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 146-150 Bridport Street, Albert Park (PDPL/00817/2022)
- 6.2 97 Alma Road, St Kilda East (PDPL/00823/2022)
- 6.3 Statutory Planning Delegated Decisions – August & September 2023
- 6.4 21-25 The Avenue, Balaclava (PDPL/01434/2021)



6.1 146-150 Bridport Street, Albert Park (PDPL/00817/2022)

Councillor Pearl noted an interest in relation to this item due to receiving a token gift from the one of the objectors who occupies a business in one of the adjacent buildings to the application being considered. As they did not believe this interest was material, Councillor Pearl remained in the chamber during consideration of the item.

Purpose

- 1.1 To determine Council's position on the proposed amended plans ahead of the Major Case Appeal hearing P357/2023 before the Victorian Civil and Administrative Tribunal (VCAT) listed to be heard over seven days on 8, 9, 10, 13, 14, 15 and 16 November 2023.

MOVED Crs Martin/Nyaguy

- 3.1 That the Responsible Authority advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Notice of decision to grant a permit for the partial demolition and construction of a five-storey building over two (2) basement levels within the Heritage Overlay (Schedule 443) comprising a restaurant (as-of-right); the use of the land for accommodation with a ground floor frontage exceeding 2 metres in width; a reduction in the number of car parking spaces required under clause 52.06-5 and a reduction in the bicycle requirements of clause 52.34 at 146-150 Bridport Street, Albert Park subject to the following conditions:

Amended Plans Required

1. Before the use and/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 and dimensioned. The plans must be generally in accordance with the amended by Cera Stribley Revision C dated September 2023, but modified to show:
 - a) The material for the screening to the balcony associated with dwelling 102.
 - b) The 'non-heritage shopfront to be demolished' annotation on TP.0302 deleted and specific items detailed in accordance with the Schedule of Conservation Works at Condition 5.
 - c) If feasible, having regard to any relevant engineering and authority requirements, the relocation of the fire booster cupboard from shop 150 to the rear of the building and integrated into the fencing along Bevan Street.
 - d) The location of a mailroom.
 - e) 'Food and beverage' notation deleted and replaced with 'restaurant'.
 - f) Shower and changeroom facilities for restaurant employees in accordance with Clause 52.34-5.
 - g) Bicycle signage as required by Clause 52.34-7.
 - h) All columns within each basement to be clearly annotated to comply with AS2890.1.



- i) A notation that new on-street parking area parallel to the Bevan Street title boundary is to be signed posted as 1P and include the same day/time restrictions to match those current parking restrictions in this section of Bevan Street.
- j) All grades, length of grades, and intermediate levels along the internal edge of the main ramp in accordance with AS2890.1.
- k) The western edge of the ramp where it intersects with the footpath offset 1 metre from the western property boundary to achieve a minimum 1 metre x 2.5 metre splay.
- l) Urban Art in accordance with condition 4.
- m) Any changes required by condition 5 Schedule of Conservation Works.
- n) Any changes required by condition 6 Wind Impact Assessment.
- o) Any changes required by condition 7 Waste Management Plan.
- p) Any changes required by condition 8 Sustainable Management Plan.
- q) Any changes required by condition 13 Landscape Plan.

No Alterations - use and development

- 2. 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.

No alterations - external materials

- 3. All external materials, finishes, and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Urban Art

- 4. Before the occupation of the development allowed by 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.

Schedule of Conservation Works

- 5. Prior to the any demolition and endorsement of plans under Condition 1 of this permit, an amended Schedule of Conservation Works based on the report prepared by Bryce Raworth dated 28 August 2023 and the amended plans by Cera Stribley Revision C dated September 2023, must be submitted to and approved by the Responsible Authority. When approved, the Schedule of Conservation Works will be endorsed and will form part of the permit. The report must:

Shop 146



- a) Delete all reference to option B at 4.6.
- b) the proposed treatment of the reconstructed verandah at shop 146;
- c) Specific items to be demolished, salvaged and retained to the shopfront.

Shop 148

- d) Specific items to be demolished, salvaged and retained to the shopfront.

Shop 150

- a) Investigate whether the original tiling to the floor of the ingo is still extant below the concrete of the splayed doorway and if applicable, provide an assessment of its restoration.
- b) Delete reference to 'salvage and retain granite from No 150 shopfront for reuse'.
- c) The proposed entrance treatment to shop 150;
- d) Specific items to be demolished, salvaged and retained to the shopfront.

Reconstruction of verandah and conservation works.

- a) Provide further details of:
 - i. Specific items to be demolished, salvaged and retained to each shop front.
 - ii. like-for-like replacement of the steel verandah battens; and
 - iii. reinstatement of orbs to the parapet.

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

Wind Impact Assessment Report

- 6. Prior to the endorsement of plans under Condition 1 of this permit, a Wind Impact Assessment Report must be submitted to and be approved by the Responsible Authority. The report must model and assess the wind impacts on public land, publicly accessible areas on private land and private open space resulting from the development in accordance with Standard D17 of Clause 58.04-4 – Wind Impacts Objective of the Port Phillip Planning Scheme. The report must be based on the amended plans by by Cera Stribley Revision C dated September 2023. The report must:
 - a) Incorporate all condition 1 built form changes as they relate to external modifications.
 - b) Model the recommendations to achieve compliance with standard D17; and
 - c) Make built form recommendations to achieve compliance with standard D17.

All to the satisfaction of the Responsible Authority.



Waste Management Plan

7. Prior to the endorsement of plans under Condition 1 of this permit, an amended Waste Management Plan based on the report prepared by OneMileGrid, dated 14 September 2022 must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit.

The report must be amended to detail:

- a) Any relevant condition 1 changes and requirements.
- b) Specify the number of floors specified within the development.
- c) Provide a wash down area to each waste room.
- d) The provision of storm water pollution prevention.
- e) The provision of an electronic waste (e-waste) recycling bin / skip.
- f) Include scaled waste management drawings.

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

Sustainable Management Plan (SMP)

8. Prior to the endorsement of plans under Condition 1 of this permit, an amended Sustainable Management Plan (SMP) based on the report prepared by GIW Environmental Solutions, Revision D, dated 8 November 2022 (Revision B) must be submitted to and approved by the Responsible Authority. The report must be amended to:

- a) All condition 1 changes where relevant.
- b) All reports and assessment tools to be published and finalised so as to not be in draft form.

Incorporation of Sustainable Design

9. 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

10. Prior to occupation of the development approved under this permit, an ESD Implementation Report (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the Responsible Authority. The Report must confirm that all ESD initiatives in the endorsed SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The SMP and WSUD initiatives must be maintained throughout the operational life of the development to the Satisfaction of the Responsible Authority.



Incorporation of Water Sensitive Urban Design (WSUD) Initiatives

11. Prior to occupation of the development approved under this permit, the project must fully implement the water sensitive urban design initiatives listed in the SMP to the satisfaction of the Responsible Authority. These initiatives must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

Maintenance manual for Water Sensitive Urban Design (WSUD) Initiatives

12. Before the occupation of the development approved under this permit, 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:
 - a) inspection frequency;
 - b) cleanout procedures; and
 - c) 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 Builder' User's Guide or a Building Maintenance Guide.

Landscape Plan

13. Concurrent with the endorsement of plans under Condition 1 of this permit, amended Landscape Plans based on the Plans prepared by Myles Baldwin Design, Issue A, dated 14 September 2023 must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
 - a) All condition 1 changes.
 - b) Planter dimension, depth and volume notated.
 - c) Details of access to planter boxes and a maintenance schedule.
 - d) Water Efficient Landscaping as claimed in the SDA and BESS report at condition 8.
 - e) Water Sensitive Urban Design treatments as claimed in the SDA and BESS report at condition 8.

All to the satisfaction of the Responsible Authority.

Completion of Landscaping

14. 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

15. The landscaping as shown in 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.

Site Management Water Sensitive Urban Design

16. The developer must ensure that:
- No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site.
 - All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system.
 - 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.
 - No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.
 - 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.

Car Parking and bicycle parking layout

17. 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:
- Constructed;
 - Properly formed to such levels that may be used in accordance with the plans;
 - Surfaced with an all-weather surface or seal coat (as appropriate);
 - Drained and maintained;
 - Line marked, as appropriate, to indicate each car space, visitor space, bicycle space, loading bay and/or access lane; and
 - Clearly marked to show the direction of traffic along access land and driveways.

All to the satisfaction of the Responsible Authority.

On-Site Bicycle Parking

18. Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

Parking and Loading Areas

19. 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.



Vehicle Crossings

20. 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 and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to Pay for Reinstatement

21. Prior to the occupation of the development, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:
 - a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
 - b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
 - c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Street Tree Protection

22. Tree Protection Fencing is to be established around the trees parallel to the Bevan Street boundary.
 - 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) No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ without the prior written consent of the Responsible Authority.

Walls on or facing the boundary

23. Prior to 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.

No Equipment or Services

24. Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.



Piping and ducting

25. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

EPA noise guidelines

26. The roof top plant and services 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.

Ongoing Involvement of the Architect

27. The applicant must retain Cera Stribley (or a suitably qualified firm), 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.

Time for Starting and Completion

28. This permit will expire if one of the following circumstances applies:
- a) The development is not started within four (4) 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.

RECOMMENDATION “PART B”

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

PERMIT NOTES

- The new on-street parking area within Bevan Street as part of the crossover works is to be signed posted as 1P at the same days/times to match the parking restrictions in the street.
- A vehicle crossing permit must be obtained from Council’s City Permits Unit prior to the carrying out of any vehicle crossing works.
- This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.



- Before the development starts (including demolition) an Asset Protection Permit must be obtained from Council's City Permits Unit.
- All construction activities associated with the development must comply with the requirements of Council's Community Amenity Local Law 2023.

AMENDMENT

Moved Crs Sirakoff/Cunsolo

That the following condition be added to part 3.1, 1(a):

A) Deletion of Level 3 (fourth story)

A vote was taken and the AMENDMENT was LOST.

Cr Sirakoff called for a DIVISION.

FOR: Crs Pearl, Sirakoff and Cunsolo

AGAINST: Crs Bond, Baxter, Crawford, Clark, Martin and Nyaguy

A vote was taken and the AMENDMENT was LOST.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

6.2 97 Alma Road, St Kilda East (PDPL/00823/2022)

Councillor Crawford declared a conflict of interest in relation to this item due to attending the gym at the address being considered and left the meeting at 7.53pm.

Purpose

- 1.1 To determine an application for the construction multiple dwellings on a lot and construction of buildings and works for a Section 2 use of the land as a 'food and drink premises' in the General Residential Zone, and the construction of works in a Special Building Overlay, and a reduction in the number of car parking spaces required by Clause 52.06 of the Planning Scheme.

MOVED Crs Baxter/Martin

- a. That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- b. That a Notice of Decision to Grant a Permit be issued for the construction of multiple dwellings on a lot and use and development of the land as a 'food and drink premises' in the General Residential Zone, and the construction of works in a Special Building Overlay, and a reduction in the number of car parking spaces required by Clause 52.06. at 97 Alma Road, St Kilda East.
- c. That the decision be issued as follows:

Amended Plans Required

1. Before the use and 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



plans advertised 31 July 2023 (development plans by *Kersten Thompson Architects Pty Ltd* dated 27 July 2023) but modified to show:

- a) A 1.2m minimum width for the three internal light courts within the apartment building.
- b) Details of all habitable room windows that face the internal light courts within the apartment building (height and width dimensions, extent of clear glazing, screening or obscure glazing). Habitable room windows that face the internal light courts must be increased in size and/or number where practicable.
- c) Details of all the window glazing, screening treatments and staircases along the internal corridors to ensure maximum daylight penetration.
- d) The use of reflective materials and colours for the light court surface treatment to maximise daylight access to habitable rooms.
- e) Details of the treatment of openings for all the internal corridors to ensure appropriate access to natural ventilation and night purge in warmer months.
- f) Details (elevation plan, material, colour) of the gate and pedestrian entry from Raglan Lane.
- g) All upper level balconies with views to adjoining secluded private open space or habitable room windows within a 9m distance are screened and/or obscured in accordance with Standard B22 (Overlooking Objective) of Clause 55.04-6 of the Port Phillip Planning Scheme. This may require provision of additional detailed overlooking diagrams and sections to demonstrate compliance. Screening and/or obscuring information on elevations and floor plans must be consistent.
- h) Wayfinding signage at several strategic locations, including in the area adjacent to the arbour structure on the east side of the site and adjacent to the pedestrian entry via the laneway that enables pedestrians to easily identify access to the Townhouses.
- i) A cantilevered porch over each of the entries for the Townhouses.
- j) Lighting within communal areas.
- k) Alterations to the built form of the apartment building that result in compliance with Standard B21 (Overshadowing Open Space Objective) of Clause 55.04-5 of the Port Phillip Planning Scheme as related to the secluded private open space of 1 Graylings Grove.
- l) Provision of a minimum of 6m³ storage for Townhouses 12-20 within the basement or an alternative location.
- m) A traffic lighting system to manage traffic on the one-way ramp as per the recommendation at Section 8.3 (Single Width Ramp) of Traffic Impact Assessment prepared by Ratio and dated 27/7/2023.
- n) Amended basement ramp to avoid encroachment of the 300mm clearance lines for waste truck collection.
- o) Allocation of a commercial garbage bin of a minimum size of 660 Litres or alteration to the Waste Management Plan to require an increase in the



frequency of commercial garbage collection for the food and drink premises.

- p) The northern bin room door either a roller door or shown to open inwards to ensure ease of transportation of skip bins to and from the collection point.
- q) Deletion of reference to landscaping on road reserve to the east of the site.
- r) All ground floor habitable levels a minimum 500mm above the adjacent natural ground level.
- s) All ground floor non-habitable levels a minimum 350mm above the adjacent natural ground level, excluding the substation which is subject to approval from the power authority
- t) A notation on all external openings down to the basement that these openings must be watertight
- u) 'MS2' mesh fencing along the south and west boundaries.
- v) The mesh fencing along the southern boundary reduced in height to a maximum of 2.0 m.
- w) Any changes or notations to the plans as recommended by the acoustic report required pursuant to Condition 5.
- x) Urban Art in accordance with the requirements of Condition 9.
- y) Any changes to the plans to accord with the amended Sustainability Management Plan required pursuant to Condition 10.
- z) Any changes to the plans to accord with the amended landscape plan required pursuant to Condition 19.

No Alterations (Development)

- 2. 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.

Layout Not to be Altered (Use)

- 3. The layout and description of the food and drink premises as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority unless the Port Phillip Planning Scheme exempts the new use from requiring a permit.

Privacy Screens Must be Installed

- 4. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

Acoustic Report

- 5. Prior to the endorsement of plans under Condition 1 of this permit an acoustic report by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The acoustic report must provide recommendations for appropriate acoustic treatment for the development to protect future occupants from noise from the nearby railway line or any other relevant noise sources.



Amended Waste Management Plan

6. Prior to the endorsement of plans under Condition 1 of this permit, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP submitted with the application by Ratio Consultants dated 28 November 2022 but amended to include nomination of a responsible party to ensure future residents are informed of the Waste Management Plan provisions relating to bin collection, hard waste removal and other waste facilities in the building and to include changes required by Condition 1 in relation to waste management.

Walls on or facing the boundary

7. 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.

No equipment or services

8. Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

Urban Art Plan

9. Prior to the endorsement of plans under Condition 1 of this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to 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 Urban Art plan must be installed prior the issue of any Certificate of Occupancy for the development.

Amended Sustainability Management Plan

10. Prior to plans being endorsed under Condition 1 of this permit, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP by GIW21210 dated 16 March 2023 but modified to show:
 - a) An average of 7 star NatHERS rating with a maximum 48 M/Jm² average heating load for the apartments.
 - b) Availability of access to rainwater tanks
 - c) An updated WSUD Site Layout Plan showing all surface treatments.
 - d) Updated daylight modelling taking into account the requirements of Condition 1 a-e.

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.

Implementation Report for Environmentally Sustainable Design (for all permits with SDA or SMP)

11. Prior to the issue of any Certificate of occupation for the development under this permit, an ESD Implementation Report (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the Responsible Authority. The Report must confirm that all ESD initiatives in the endorsed SDA/SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The ESD and WSUD initiatives must be maintained throughout the operational life of the development to the Satisfaction of the Responsible Authority.

Implementation of Water Sensitive Urban Design Initiatives

12. The initiatives in the endorsed Water Sensitive Urban Design (WSUD) Response must be fully implemented. These initiatives must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

Construction Management Water Sensitive Urban Design

13. 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.

Vehicle Crossings

14. Prior to the issue of any Certificate of Occupation for 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.

Vehicle Crossings – Removal

15. Prior to the issue of any Certificate of Occupation for development allowed by this permit, all disused or redundant vehicle crossings must be removed and the



area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to Pay for Reinstatement

16. Before the issue of any Certificate of Occupation for the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:
 - a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary, including crossover alterations, reinstatement of nature strip and planting of trees within the Alma Road frontage.
 - b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
 - c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Car Parking Space Allocation

17. A minimum of one car parking space must be provided on the land for the food and drink premises to the satisfaction of the Responsible Authority. The car parking space for the food and drink premises must be clearly marked for its use only to the satisfaction of the Responsible Authority.
18. No more than two car parking spaces are to be allocated to one dwelling.

Amended Landscape plan

19. Prior to the endorsement of plans under Condition 1 of this permit, an amended landscape plan must be submitted to the satisfaction of the Responsible Authority. The amended landscape plan must be generally in accordance with the landscape plan by Myles Baldwin Design dated 24 July 2023 but modified to show:
 - a) A reduction in the number of Palm trees in deep soil locations and replacement with a tree species that provides increased shading and diversity of species.
 - b) Provision of street trees within a nature strip along the Alma Road frontage to match existing street trees within the streetscape.
 - c) Deletion of the three Betula Nigra trees adjacent to the south boundaries and replacement with a deciduous tree species of moderate mature height to minimise overshadowing impacts to properties to the south.
 - d) Removal of the part of the garden bed west of Apartment G.04 within the Alma Road frontage to create a straight and direct pedestrian pathway.
 - e) Greater detail of the roof top deck including dimensions to ensure the spatial layout is functional including the provision of an appropriately accessible width between the raised gardens and an appropriate width of the raised gardens/planters.
 - f) Accurate location of trees to be retained, consistent with the Tree Protection Management Plan required by Condition 21.
 - g) Confirmation of level changes between landscape areas and built form.
 - h) Paths and landscaping adjacent to Trees 6-8 as shown on the Arboricultural Report by Tree Response dated 15 March 2023 at or above existing grade.



- i) Deletion of proposed landscaping on the road reserve to the east of the site.

Completion of Landscaping

- 20. The landscaping as shown on the endorsed Landscape Plan, including the provision of a nature strip and street trees within the Alma Road frontage in accordance with Condition 16 must be carried out and completed to the satisfaction of the Responsible Authority before the issue of any Certificate of Occupation for the development or at such later date as is approved by the Responsible Authority in writing.

Landscaping Maintenance

- 21. 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.

Tree Protection Management Plan (TPMP)

- 22. Prior to the endorsement of plans under Condition 1 of this permit, a TPMP must be submitted to the satisfaction of the Responsible Authority. The TPMP must:
 - a) Show the exact location of all trees to be retained. Trees to be retained must be consistent with the recommendations of the Arboricultural Report by Tree Response dated 15 March 2023
 - b) Outline how trees to be retained will be protected
 - c) Outline what works require arborist supervision. This must include where works, including landscaping works encroach within the Tree Protection Zone.
 - d) Outline procedures to ensure contractor compliance
 - e) Require the suitable replacement of Tree 12 (English Elm) should further investigation mean that it cannot be retained.

Tree Protection

- 23. Before the development starts, a tree protection fence must be erected around the all trees nominated for retention to comply with AS 4970 - 2009 Tree protection on development sites to the satisfaction of the Responsible Authority.

Hours of Operation

- 24. Without the further written consent of the Responsible Authority the use of the food and drink premises must operate only between the hours of 6am to 11 pm.

Ongoing Involvement of the Architect

- 25. The applicant must retain Kerstin Thompson Architects 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

Time for Starting and Completion

- 26. 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.
- 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:

- 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.

Councillor Crawford returned to the chamber at 7.56pm.

6.3 Statutory Planning Delegated Decisions -

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 Nyaguy/Martin

That the Committee:

- 3.1 Receives and notes the August and September 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.

6.4 21-25 The Avenue Balaclava (PDPL/01434/2021)

Councillor Baxter declared a general conflict of interest in relation to this item, due to living in close proximity to the application being considered and left the chamber at 7.57pm.

Purpose

- 1.1 To determine an application for the construction of a three-storey apartment building containing 34 dwellings over one basement level of car parking and a front fence exceeding 1.5 metres in height.

MOVED Crs Bond/Crawford



- a. That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- b. That a Notice of Decision to Grant a Permit be issued for “Construction of a three storey apartment building containing dwellings over one basement level of car parking and a front fence exceeding 1.5 metres in height on a lot within the General Residential Zone (GRZ1) and affected by the Special Building Overlay (SBO1) at 21, 23 & 25 The Avenue, Balaclava.
- c. That the decision be issued as follows:

Amended Plans Required

- 1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (prepared by AWA Architects and Interior Design, identified as Drawings TP01 through to TP20, Architect and dated as received on 24 January 2023) but modified to show:
 - a) All changes in accordance with the ‘discussion plans’ prepared by AWA Architects and Interior Design noted as Basement plan, Ground, First Floor Plan noted as plot date 12 July 2023, Second Floor Plan and Roof Plan noted as plot date 10 July 2023, North and South Elevation Plan noted as plot date 12 July 2023, East and West Elevation Plan noted as plot date 11 July 2011 and Section Plan noted as plot date 10 July 2023 but modified to show the changes required by Condition 1b to r below.
 - b) The front setback of the building increased to comply with Clause 55.03-1 Standard B6 (Street Setback Objective)
 - c) All views from new habitable room windows and balconies into existing habitable room windows and secluded private open space to be limited in accordance with Clause 55.04-5 Standard B22 (Overlooking Objective)
 - d) Changes to the built form to ensure compliance with Clause 55.04-5 Standard B21 (Overshadowing Open Space Objective) as it affects the secluded private open space of No. 19 The Avenue.
 - e) The materials schedule amended to change;
 - The dark Grey Colour Render (noted as R2) along the ground and first floor front elevation to brick in a similar colour. The brick finish to wrap around the side elevations for a depth of 1 apartment
 - The light render wall (noted as R1) on the west elevation above the basement entry,
 - The central section of the entry shown as Dark Grey Colour Render (noted as R2) changed to Axon Cladding Dark Colour (noted as Ax dark colour).
 - f) The location and cubic metre capacity of storage to each apartment in compliance with Clause 55.07-10 Standard B44 (Storage Objective)



- g) Additional highlight window provided in Bedrooms 2 of apartments G1, 2, 9 and 10 to provide improved air circulation in accordance with Clause 55.07-15 Standard D49 (Natural Ventilation Objective)
- h) A notation to achieve a minimum 7 – star average energy rating.
- i) The size and location of the solar photovoltaic system.
- j) A notation outlining that there are electrical provisions at the main switchboard that allows owners the option to install a charge point to their car space.
- k) Details of proposed roof materials that are light reflective to reduce heat gain to the building.
- l) A notation stating that a minimum 20% of the concrete will be replaced with a supplementary cementitious material (SCM), 50% recycled aggregate and 50% recycled water.
- m) A notation stating that all fabricated structural steelwork to be supplied by a steel fabricator / contractor accredited to the environmental Sustainability Charter of the Australian Steel Institute and a minimum of 60% of all reinforcing bar and mesh is produced using energy -reducing processes in its manufacture.
- n) Any changes or notation required to accord with the amended Sustainability Management Plan required pursuant to Condition 11 of this permit.
- o) Any changes to the plans to accord with the amended Water Sensitive Urban Design Report required pursuant to Condition 13 of this permit.
- p) Any Changes to the plans to accord with the amended Waste Management Plan required pursuant to Condition 16 of this permit.
- q) Any changes required to comply with the Melbourne Water requirements at Condition 18 through 21 of this permit.

No Alterations

- 2 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.

Satisfactory Continuation and Completion

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

Ongoing involvement of the Architect

- 4 The applicant must retain AWA Architects and Interior Design 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 the construction except with the prior written approval of the Responsible Authority.

Privacy Screening Must Be Installed

- 5 Prior to the issue of any Certificate of Occupation for the development allowed 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.



Walls on or Facing the Boundary

- 6 Prior to the issue of any Certificate of Occupation for 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.

No Equipment or Services

- 7 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.

Vehicle Crossings

- 8 Prior to the issue of any Certificate of Occupation for 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, nature strip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Car and Bicycle Parking layout

- 9 Before the 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, 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;
 - e) Line marked to indicate each car space, bicycle space, loading bay and/or access lane; and
 - f) Clearly marked to show the direction of traffic along access land and driveways.

Completion and maintenance of Landscaping

- 10 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.

Amended Sustainability Management Plan

- 11 Prior to the plans being endorsed under condition 1 of this permit, an amended Sustainability Management Plan (SMP) must be submitted to and be approved



by the Responsible Authority. The SMP must be generally in accordance with the SMP by Eco-city Sustainability Consultants dated May 2022 but modified to be in accordance with all changes required pursuant to Condition 1 of this permit.

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 Assessment will be endorsed and will then form part of this permit and the project must incorporate the sustainable design measures listed.

Incorporation and Maintenance of Sustainable Design Initiatives

- 12 Prior to the issue of any Certificate of Occupation for development allowed by this permit, the provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

Amended Water Sensitive Urban Design Report

- 13 Prior to the plans being endorsed under Condition 1 of this permit, an amended Water Sensitive Urban Design (Stormwater Management) Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the SMP by Eco-city Sustainability Consultants dated May 2022 and must demonstrate how the proposed stormwater devices will be maintained on an on-going basis. This can be demonstrated by providing a maintenance manual including the following information;

- A full list of maintenance tasks,
- The required frequency of each maintenance task (monthly, annually etc.),
- Person responsible for each maintenance task.

When approved, the Report will be endorsed and will form part of this permit.

Incorporation of Water Sensitive Urban Design Measures

- 14 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 must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Water Sensitive Urban Design

- 15 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.

Amended Waste Management Plan

- 16 Prior to the plans being endorsed under Condition 1, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP submitted by One Mile Grid dated 11 April 2022 but modified to include:
- a) The correct numbers of units/bedrooms on pages 6 and 7
 - b) Allocated space for glass recycle bins
 - c) An increased collection frequency for both waste and recycling.
 - d) Allocation of storage space for hard/green waste /e-waste with notes on how residents with bulky items will access the bin room.

When approved the WMP will be endorsed and form part of the permit.

No Damage to Existing Street Trees

- 17 The proposed works must not cause any damage to existing street trees. Root pruning of any street tree must be carried out to the satisfaction of the Responsible Authority prior to the construction/reinstatement of the kerb and channel/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction.

The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

Urban Art

- 18 Prior to the endorsement of plans under Condition 1 of this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to 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 Urban Art plan must be installed prior the issue of any Certificate of Occupancy for the development.

Melbourne Water Conditions

- 19 Finished floor levels of the ground floor must be constructed no lower than 9.34 metres to Australian Height Datum (AHD).
- 20 The basement entrance/ exist must incorporate a flood proof apex and associated bunding constructed no lower than 9.04 metres to AHD.
- 21 The front fence must be 'open style' (50%) of construction or timber paling to allow for the conveyance of overland flow.



- 22 Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water requirements.

Time for Starting and Completion

- 23 This permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) 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.

Councillor Baxter returned to the chamber at 7.59pm.

7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 7.59pm.

Confirmed: 23 November 2023

Chairperson _____