



PLANNING COMMITTEE

MINUTES

29 FEBRUARY 2024



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**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY
COUNCIL HELD 29 FEBRUARY 2024 IN ST KILDA TOWN HALL AND
VIRTUAL VIA TEAMS**

The meeting opened at 6:30pm.

IN ATTENDANCE

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

Brian Tee, General Manager City Growth and Development, Larry Parsons, Interim Manager City Development, Scott Parkinson, Coordinator Statutory Planning Gateway Ward, 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 Martin/Baxter

That Council approves the request to attend by electronic means received by Councillors Clark, Nyaguy and Pearl.

A vote was taken and the MOTION was CARRIED.

1. APOLOGIES

Mayor Cunsolo was not present for the meeting due to an approved leave of absence from 22 February to 8 March 2024.

2. CONFIRMATION OF MINUTES

MOVED Crs Bond/Martin

That the minutes of the Planning Committee of the Port Phillip City Council held on 14 December 2023 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

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Councillor Nyaguy was absent from the meeting from 6:55pm and joined the meeting in person at 7:19pm.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

The 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 78, 80-94 Cecil Street, 119-125 Market Street, 3-5, 7 Northumberland Street and 146-164, 166, 168, 170 York Street, South Melbourne.

Jan Talacko

Samuel Hurst

Beti Jay

John Kiriakidis

Blair Parkinson

Jamie Govenlock

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

6.1 78, 80-94 Cecil Street, 119-125 Market Street, 3-5, 7 Northumberland Street and 146-164, 166, 168, 170 York Street, South Melbourne.

6.2 Statutory Planning Delegated Decisions Report 14 December 2023 to January 2024 (inclusive).



6.1 78, 80-94 Cecil Street, 119-125 Market Street, 3-5, 7 Northumberland Street and 146-164, 166, 168, 170 York Street, South Melbourne

Purpose

- 1.1 To determine an application to amend planning permit 303/2018 which seeks to modify the planning approval to incorporate a supermarket and commercial car park, a redesigned building including additional levels and floorspace with a new form and design and add the properties at 78 Cecil Street and 166-170 York Street.

MOVED Crs Martin/Crawford

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Amend a Permit be issued for the construction of a multi storey building comprising office, shops and food and drinks premises (as of right uses), building and works in association with a Design and Development Overlay and reduction in car parking at 80 - 94 Cecil Street, 3 - 5 Northumberland Street, 7 Northumberland Street 119 - 125 Market Street and 146 - 164 York Street, South Melbourne.

Amended Permit Preamble

The Permit Preamble to be amended to be (with new changes shown in **bold**):

Demolish a building and construct or carry out works in a Heritage Overlay, use of a Commercial car park, construction of a multi storey building comprising office, supermarket, shops and food and drinks premises (as of right uses), buildings and works in association with a Design and Development Overlay and reduction in car parking. generally, in accordance with the endorsed plans and subject to the following conditions.

Add the properties at **78 Cecil Street and 166-170 York Street** to the permit address.

Amended Conditions

The conditions to be (with changes shown to be deleted as ~~strikethrough~~ and new conditions shown in **bold**)

Amended Plans Required

- 1 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 plans submitted with the application, identified as the plans drawn by ~~Hassell dated 29 June 2018 and received by Council on 03 August 2018~~ **Woods Bagot dated 11/08/23 and Council date stamped 16/08/2023** but modified to show:
 - a) ~~The changes made in the Revised Plans prepared by Hassell Architects dated 9 October 2018 and received by Council on 10 October 2018.~~
Deleted

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- b) ~~The location of the fob sensor / reader point with swept path diagram demonstrating the largest vehicle accessing the site have suitable clearance from the fob reader. Deleted.~~
- c) ~~Details of the car park security gate which must be a minimum 6m from the site boundary. Deleted.~~
- d) Amended ground clearance diagrams for ingress and egress demonstrating a vehicle proposed at various locations between ramp transitions. The ground clearance diagram for ingress must demonstrate that a B99 vehicle would not scrape the ground level of basement 1.
- e) The position and annotated size and water reuse of the rain water tanks and the fire test water tank.
- f) Annotations added for any Electric Vehicles (EV) charging infrastructure including bicycle spaces.
- g) Provide details and annotations that windows and glazed doors are to be double-glazed with details provided of the sash operation of windows.
- h) Indicate the location of condenser units and external hot water systems on the drawings.
- i) Annotate the provision of taps and floor waste gullies to all balconies and courtyards.
- j) The location of all external plant equipment (including air conditioning, heating units, hotwater systems, etc.) on the relevant elevation plans with accurate dimensions.
- k) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels.
- l) The proposed location of Urban Art.
- m) Any changes in accordance with the recommendations of the Sustainable Management Plan at condition 7.
- n) Any changes in accordance with the Landscape Plan at condition 12
- o) The changes, particularly the redesigned loading bay arrangement to the Supermarket on Northumberland Street, that are shown in the Revised Plans prepared by Woods Bagot Plan no's TP1207, TP1208, TP1209, TP1210, TP1211, TP1212, and TP1213 dated 13/12/2023 and council date received 2/01/2024.**
- p) Detailed architectural drawings of the façade details, lighting and the tower cantilever over the heritage hotel building at 78 Cecil Street.**
- q) Details of the awning design over the footpath to ensure adequate weather protection would be provided for pedestrians.**
- r) Details of the back of house services for the small ground floor tenancies.**
- s) Details of the integrated signage for the development.**
- t) Measured drawings of the retained sections of the façade of the Southern Cross Hotel building at 78 Cecil Street.**

~~Right of Way (RoW) at rear of site~~



- 2 ~~Before the development starts (other than demolition or works to remediate contaminated land) the applicant must provide evidence in writing to the satisfaction of the Responsible Authority that an agreement has been reached to purchase from Council the part of the Right of Way incorporated in the development and proposed to be built over. Should the purchase not proceed, the development would need to be revised to the satisfaction of the Responsible Authority.~~ **Deleted**

Northumberland Street Public Realm Upgrade

- 3 Before the development starts, or by such later date as approved in writing by the Responsible Authority, a Northumberland Street Public Realm Plan is to be prepared and approved to the satisfaction of the Responsible Authority. When approved, the Northumberland Street Public Realm Plan will be endorsed and will form part of this permit. The Public Realm works are to be designed in conjunction with Council's Planning and Open Space departments and are to be generally in accordance with the City of Port Phillip's Activating Laneway Strategy 2011, Design and Technical Standards and associated guidelines in relation to landscape design, planting species, materials and finishes and should include, but not be limited to:
- Trees interspersed along the length of the street in appropriate locations.
 - New footpath paving, kerb and channel on both sides of the street
 - Replacement and refinishing of the road surface
 - Additional lighting to improve safety and surveillance for pedestrians
 - Investigation of the removal or relocation of the loading bay to facilitate improved access to the street and car park entry for the subject site
 - Appropriate and safe footpath widths
 - Minimal loss of on street car parking
 - Pedestrian priority treatments provided at the intersections of York and Market Streets

All works shown in the approved Northumberland Street Public Realm Plan must be completed within 6 months of the date of completion of the development.

Section 173 Agreement

- 4 Before the development starts (other than demolition or works to remediate contaminated land), the owner 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 owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and 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:
- Any costs associated with the Northumberland Street upgrade **and Public Realm Plan** must be paid for by the owner



- b) Tree species must be approved by Council's arborist and must not unreasonably interfere with the operation of Northumberland Street
- c) Trees must be maintained by the owner for a period of 12 months. Any diseased or damaged trees must be removed and replaced at the cost of the owner to the satisfaction of the Responsible Authority.
- d) Road surface to be asphalt to the satisfaction of 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.

No Alterations

- 5 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 Change to External Finishes

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

Sustainable Management Plan

- 7 Before the plans required by Condition 1 of this permit are endorsed a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the SMP prepared by Arup dated 11/04/2018 submitted with the application **Arup dated 11 August 2023, submitted for the amendment application, but modified to provide details of stormwater treatment.**

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.

Water Sensitive Urban Design

- 8 Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

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

Walls on or Facing the Boundary

- 9 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.

Urban Art Plan

- 10 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

- 11 Concurrent with the endorsement of plans, a Waste Management Plan 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 **amendment** application prepared by Arup ~~dated 27 July 2018~~ **MGA, dated 8 August 2023, but modified to show the following:**
 - a) **The 660 litre bins proposed for organic waste to be replaced by bins that have a maximum size of 240 litres.**
 - b) **Consideration of the provision of a commercial dehydrator or similar equipment for organic waste.**
 - c) **Details of the responsible party/role for the management of waste rooms and equipment including the cleaning and removal of any hard waste/E-waste material from the development.**
 - d) **Collection times detailed in the WMP.**

Landscape Plan

- 12 Before the development starts (other than demolition or works to remediate contaminated land), an amended 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 incorporate:
 - a) Details of landscaping to the communal terrace area
 - b) survey plan, including botanical names, of all existing vegetation/trees to be retained
 - c) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary
 - 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) Soil depths and irrigation
 - g) Landscaping and planting within all open space areas of the site



- h) Water sensitive urban design

All species selected must be to the satisfaction of the Responsible Authority

Completion of Landscaping

- 13 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

- 14 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.

Arborist Report

- 15 Before the development starts, a report and plan by a suitably qualified Arborist to comply with AS 4970 - 2009 Tree protection on development sites setting out how the existing street trees along Cecil Street and York Street will be protected during construction, must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved the report and plan will be endorsed and form part of the permit. The tree protection measures outlined in the report must be complied with to the satisfaction of the Responsible Authority.

Ongoing Involvement of Architect

- 16 The owner of the land must retain ~~Hassell Architects~~ **Woods Bagot** 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 unless with the prior written approval of the Responsible Authority.

Preliminary Environmental Assessment

- 17 Before the development commences, excluding remediation works necessary to facilitate the testing, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. This PEA must be submitted to and be approved by the Responsible Authority prior to the commencement of the development. The PEA should include:
 - a) Details of the nature of the land uses previously occupying the site and the activities associated with these land uses, including the filling of the site. This should include details of how long the uses occupied the site.
 - b) A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the development (excluding demolition), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended uses. This CEA must be carried out by a suitably qualified environmental professional or a person who is acceptable to the



Responsible Authority. This CEA must be submitted to and be approved by the Responsible Authority prior to the commencement of the development.

Where a CEA is provided, all the conditions of the assessment must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign-off must be in accordance with any requirements in the Statement of conditions regarding verification of required works.

Piping, Ducting Service Units

- 18 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.

No Equipment and Services

- 19 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.

Car and Bicycle Parking

- 20 Before the use or occupation of the development starts, the internal 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 to indicate each car 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.

Car Parking Allocation

- 21 The following car parking allocation for this development must not be altered without the written consent of the Responsible Authority:
- ~~Not less than 1.79 car spaces per 100sqm of net leasable floor area for the offices.~~
 - ~~Not less than 4 car spaces for employees of the retail and food and drinks tenancies~~
 - 138 public car park spaces.**
 - 189 private car parking spaces.**



All of the spaces must be independently accessible and none of the private spaces are permitted to be leased to anyone not working on the premises.

Parking and loading areas must be available

- 22 Car and bicycle parking and loading areas and access lanes must be kept available for those purposes at all times and must not be used for any other purpose such as storage.

Car Parking for Disabled Persons

- 23 Before the occupation of the development allowed by this permit, a minimum of 3 car spaces must be provided for the exclusive use of disabled persons. The car spaces 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 consistent with Australian Standards to the satisfaction of the Responsible Authority.

Car Parking – Free of Charge

- ~~24 The areas set aside for car parking, shown on the endorsed plans, must be made available for use free of charge to employees and visitors at all times when the use is in operation and must not be used for any other purpose to the satisfaction of the Responsible Authority.~~
- 24 **The Public car parking spaces on Basement Level B2 must be made available to be used by customers of the supermarket for 2 hours free parking.**

Loading and Unloading

- 25 The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bays, 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.

Green Transport Plan

- 26 Before ~~the development starts (other than demolition or works to remediate contaminated land)~~, **occupation**, 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 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:
- Tram train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc)
 - 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.

Vehicle Crossings

- 27 Prior to the occupation of the building approved under this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to provide pedestrian priority, to the satisfaction of the Responsible Authority. The following requirements also apply to the satisfaction of the Responsible Authority:
- a) Standard vehicular crossings must be constructed and/or widened at right angles to the road to suit the proposed driveways incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match the existing laneway or kerb and guttering (as appropriate)
 - b) Any redundant crossing (or part thereof) must be removed and the footpath and kerb reconstructed incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate) to specifications to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority. Any new car space(s) created along the street frontage of the site as a result of the removal of the crossing must be line marked to the satisfaction of the responsible authority. Any surplus bluestone pitchers must be returned to Council's depot, at cost to the applicant or owner.
 - c) Any proposed vehicular crossing must have satisfactory clearance of any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.

Applicant to Pay for Reinstatement of Footpaths/Crossings

- 28 Prior to the completion 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 (including signage and line marking) 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.



Consolidation

- 29 Before the development starts (other than demolition or works to remediate contaminated land), the land referred to in the following certificate of titles:
- ~~CP153063 (Volume 09464 Folio 452) - 146 - 164 York Street~~
 - ~~CP158308 (Volume 09582 Folio 865) - 84 - 92 Cecil Street~~
 - ~~Lot 1 TP706756 (Volume 03649 Folio 612) - 80 - 84 Cecil Street~~
 - ~~Lot CM PS323067 (Volume 11014 Folio 704) - 119 - 125 Market Street~~
 - ~~Lot 1 PS323067 (Volume 10128 Folio 348) - 1/119 Market Street~~
 - ~~Lot 2 PS323067 (Volume 10128 Folio 349) - 2/119 Market Street~~
 - ~~Lot 1 TP017767 (Volume 11474 Folio 325) - 80-94 Cecil Street~~
 - ~~Lot 1 TP323468 (Volume 08229 Folio 687) - Lot 1, 7 Northumberland Street~~
 - ~~Lot 1 TP008007 (Volume 10303 Folio 961) - 7 Northumberland Street~~
 - ~~Lots 1 and 2 TP801612 (Volume 11112 Folio 209) - 5 Northumberland Street~~
 - ~~Lots 1, 2 and 3 TP846969 (Volume 00510 Folio 972) - 3 Northumberland Street~~

All the titles within the planning unit must be consolidated under the Subdivision Act 1988 or otherwise re-subdivided.

Construction Over Easement

- 30 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.

~~Regulation of Deliveries and Rubbish Collection~~

- 31 ~~Without the further written consent of the Responsible Authority deliveries to and from the site, including rubbish collection, must only take place between:~~
- a) ~~Rubbish collection from 7am to 8pm Monday to Saturday and 10am to 8pm public holidays and Sundays.~~
 - b) ~~Deliveries to the site, once the use commences must occur via the Northumberland Street loading bay Deleted.~~

SEPP N1 Noise Limits for Commercial, Industrial and Trade Premises

- 32 ~~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.~~

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 Division 1 and 4 of Part 5.3 - Noise, of the Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.



Storage of Goods

- 33 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.

Lighting

- 34 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.

Satisfactory Continuation

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

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 four (4) 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

Public Realm Works Plan

- 36 **Before the development starts (other than demolition, works to remediate contaminated land and excavation, or by such later date as approved in writing by the Responsible Authority, A Public Realm Plan is to be prepared and approved to the satisfaction of the Responsible Authority.**

When approved, the Public Realm Plan will be endorsed and will form part of this permit. The Public Realm Plan must show the public realm plan depicted on the submitted ground floor plan (A-TP1210, Revision H) but be modified to show the following:

- a) **Provide details of infill tree planting, planting areas and rain gardens with additional landscaping to be provided from that shown on the ground floor plan. New planting species to be confirmed by Council.**
- b) **Details of the garden bed with design to be simplified and consolidated.**
- c) **The removal of the pergola structures along the York Street and Cecil Street frontages.**
- d) **Details of the proposed new/upgraded public lighting, including a lighting design to demonstrate that all proposed lighting arrangement complies with relevant Australian Standards.**



- e) **Undergrounding of powerlines including all frontages and north eastern and south eastern corners of Northumberland Street.**
- f) **Details of the visitor bike and micro mobility parking around the site perimeter at convenient locations, coordinated with building entries and circulation requirements.**
- g) **Details of all paving and footpath treatments including details of the treatment of level changes. Pedestrian access must comply with the Disability Discrimination Act 1982. Materials and details must be to Council standards.**

Supermarket windows to remain clear of all obstructions

- 37 **All Supermarket windows to remain clear and unobstructed by advertising or any other coverings.**

Demolition Method Statement

- 38 **Before endorsement of plans, 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' 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 at 78 Cecil Street.**
- 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.

Colour Scheme for Southern Cross Hotel Building

- 39 **Before the development including demolition is commenced the following information, prepared by a suitably qualified consultant must be submitted to the satisfaction of the responsible authority:**

- **An authentic colour scheme for the Southern Cross Hotel based on historic and/or physical evidence.**
 - **A schedule of conservation works for the Southern Cross Hotel facade**
- Implementation Report for Environmentally Sustainable Design**

- 40 **Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by 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.**



Loading and Waste Collection Management Plan

41 **Before the development starts (other than demolition or works to remediate contaminated land), a Loading and Waste Collection Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include the following matters:**

- **Details of deliveries and waste collection frequency per week. Deliveries and waste collection for the Supermarket must not occur during operating hours of the South Melbourne Market.**
- **Distinct footpath pavement material to clearly identify pedestrians as priority.**
- **Provision of pedestrian warning lights and cautionary signage at entries.**
- **A spotter to be onsite to guide trucks reversing into the loading bay**

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

Recommendation B

3.3 Authorise the Manager City Development to Instruct Council's Statutory Planners and/or Councils solicitors on any VCAT application for review should one be lodged.

AMENDMENT

Moved Crs Bond/Nyaguy

That the following changes be made to condition 41 of the recommendation, as indicated in strikeout:

41 **Before the development starts (other than demolition or works to remediate contaminated land), a Loading and Waste Collection Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include the following matters:**

- ~~Details of deliveries and waste collection frequency per week. Deliveries and waste collection for the Supermarket must not occur during operating hours of the South Melbourne Market.~~

A vote was taken and the AMENDMENT was LOST.

The SUBSTANTIVE MOTION was PUT.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

6.2 **Statutory Planning Delegated Decisions Report 14 December 2023 to January 2024 (Inclusive)**

Purpose

1.1 To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under the Local Government Action 2020 and Section

MINUTES - PLANNING COMMITTEE MEETING - 29 FEBRUARY 2024



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 Baxter/Nyaguy

That Council:

- 3.1 Receives and notes the December 2023 and January 2024 (attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 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.
- 3.2 Notes that no decisions were made by the Manager City Development under delegation from the Chief Executive Officer during the period 15 December 2023 to 29 February 2024, as resolved by Council at its Planning Committee Meeting of 14 December 2023.

A vote was taken and the MOTION was CARRIED unanimously.

7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

ACKNOWLEDGEMENT OF DEPARTING INTERIM MANAGER CITY DEVELOPMENT

The Chair, Deputy Mayor Louise Crawford, acknowledged outgoing interim Manager City Development Larry Parsons. The Chair thanked Larry for stepping into the role temporarily and wished them well for their future endeavors.

As there was no further business the meeting closed at 7.42pm.

Confirmed: 28 March 2024

Chairperson _____