



PLANNING COMMITTEE

MINUTES

23 APRIL 2025



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MINUTES - PLANNING COMMITTEE MEETING 23 APRIL 2025



MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY COUNCIL HELD 23 APRIL 2025 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS

The meeting opened at 6:33pm.

IN ATTENDANCE

Cr Crawford (Chairperson), Cr Buckingham, Cr Cunsolo, Cr Halliday, Cr Hardy, Cr Jay (online), Cr Makin, Cr Mears, Cr Thomann.

Paul Wood, Manager City Development, Robyn Borley, Director Governance and Performance, Darren Camilleri, Planning Coordinator Canal Ward, Samuel Laing, Principal Planner, James McInnes, Acting Coordinator Statutory Planning Lake Ward, Patricia Stewart, Planning Lead - Fishermans Bend, Emily Williams, Senior Council Business Advisor, Carly Eyckens, Team Leader Councillor and Executive Support.

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.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

Moved Crs Makin/Buckingham

That the minutes of the Planning Committee of the Port Phillip City Council held on 26 February 2025 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Cunsolo declared a material conflict of interest in relation to item 6.2 *63 Bay Street, Port Melbourne* due to their parent in laws owning and residing at a property within close proximity to the application being considered.



4. PUBLIC QUESTION TIME AND SUBMISSIONS

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

Planning Committee Report Submissions:

Item 6.1 106 Barkly Street, St Kilda - 757/2018

- Jacinta Lane
- Sarah Thomas (Applicant)
- Jack Haber

Item 6.2 63 Bay Street, Port Melbourne - 1324/2006/D

- Ray Kelleher
- Sophie Jordan (Applicant)
- Rosaleen Walsh
- Tim Walsh
- Leanne Legudi
- Alice Bright

Item 6.3 31 Tribe Street, South Melbourne - PDPL/00565/2024

- Brian Borowsky
- Sean Armistead
- Ezra Bix
- Libby Langford

Item 6.5 51-59 Thistlethwaite Street and 476-484 City Road, South Melbourne - 39/2015/D

- Tim Ryder (Applicant)

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 106 Barkly Street, St Kilda - 757/2018
- 6.2 63 Bay Street, Port Melbourne - 1324/2006/D
- 6.3 31 Tribe Street, South Melbourne - PDPL/00565/2024
- 6.4 49a Pakington Street, St Kilda - PDPL/00073/2025
- 6.5 51-59 Thistlethwaite Street and 476-484 City Road, South Melbourne - 39/2015/D

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6.1 106 Barkly Street, St Kilda - 757/2018

PURPOSE

- 1.1 To consider and determine Planning Application 757/2018 for the construction of a six-storey mixed-use building comprising commercial space at ground floor, and 24 dwellings at levels 1 to 5 in a Commercial 1 Zone, Transport Zone 2, and Special Building Overlay.

Moved Crs Thomann/Halliday

- 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 for Application No. 757/2018 at 106 Barkly Street, St Kilda.
- 3.2 That a Notice of Decision to Grant a Permit be issued subject to the following permissions:

Planning scheme clause	Matter for which the permit has been granted
Clause 34.01-1	Use of the land as accommodation (where the Section 1 condition is not met)
Clause 34.01-4	Construct a building or construct or carry out works
Clause 36.04-2	Construct a building or construct or carry out works for any use in Section 2 of Clause 36.04-1
Clause 44.05-2	Construct a building or construct or carry out works
Clause 52.06-3	Reduce (including to zero) the number of car parking spaces required under Clause 52.06-5

- 3.3 That the decision be issued subject to the following conditions:

Amended plans

1. Before the use and development starts, amended plans and documents 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 must be generally in accordance with the advertised plans identified as TP14, TP21, TP23 & TP25 (Revision B – dated 18 March 2024), and TP15 to TP20 (inclusive) & TP22 (Revision A – 18 March 2024), prepared by DC Group Newline Design, but further modified to show:
 - a) Any changes as a result of the Landscape Plan required by Condition 3 of this permit;
 - b) A Landscape Management Plan in accordance with Condition 4 of this permit;
 - c) A Waste Management Plan in accordance with Condition 6 of this permit;
 - d) A Sustainable Management Plan and Water Sensitive Urban Design response in accordance with Condition 8 of this permit;

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- e) Removal of gas notations in accordance with Condition 19 of this permit;
- f) The glazing panel at the western edge of the balcony to Apartment 1 at Level 5 no less than 1.7 metres in height, and no more than 25 percent visually transparent;
- g) A notation detailing minimum storage volume within each apartment, and total minimum storage volumes allocated to each apartment to be in accordance with the requirements of Standard D21 of Clause 58.05-4 of the Port Phillip Planning Scheme;
- h) Either:
 - i. A swept path assessment, prepared by a suitably qualified person, demonstrating that a B85 design vehicle can achieve front-in access and reverse-out egress with no more than the maximum number of vehicle movements permitted by Australian Standard AS2890.1 for all car parking spaces which are accessed from Mirka Lane where it adjoins the south of the site, or alternatively;
 - ii. those car parking spaces designed with minimum dimensions in accordance with Design standard 2 of Clause 52.06-9 of the Port Phillip Planning Scheme;
- i) Either:
 - i. A vehicle scrape analysis, prepared by a suitably qualified person, demonstrating that a B85 design vehicle can achieve access to all car parking spaces without scraping or bottoming out, or alternatively;
 - ii. all vehicle accessways designed with summit and sag grade changes in accordance with Design standard 3 of Clause 52.06-9 of the Port Phillip Planning Scheme.
- j) Car parking spaces and aisle widths fully dimensioned;
- k) All common corridors with a minimum width of 1.2 metres, and common doorways with a minimum width of 850mm;
- l) A notation detailing operation of all garage doors will be contained wholly within the boundaries of the site;
- m) A corner splay area at ground floor extending 2 metres along the Barkly Street frontage from the edge of Mirka Lane, and 2.5 metres along the southern boundary from the south-western corner of the site;
- n) Bicycle spaces dimensioned in accordance Clause 52.34-6 of the Port Phillip Planning Scheme.

Layout not altered

- 2. The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.

Landscape plan

- 3. Before the development starts, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified



or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show how the landscaping design meets the canopy cover, deep soil, and tree type requirements of Standard D10 of Clause 58.03-5, or indicate how an alternate solution provides a suitable outcome, through submission of the following:

- a) A site plan that indicates the required amount of canopy cover, number of canopy trees, and volume of planter soil;
- b) A development summary table that includes:
 - i. The site area;
 - ii. The required number of canopy trees and their size in diameter, and the total amount of canopy cover provided for the site;
 - iii. The required volume of planter soil, and the total amount provided for the site.
- c) 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 throughout landscaped areas;
- d) Landscaping and planting within all planter boxes, including provision trees within the Level 5 communal area for the purpose of providing shade to that area;
- e) Details for use of plant species which do not require watering after an initial establishment period in accordance with 'BESS Credit 3.1 – Water Efficient Landscaping' nominated in the Sustainable Management Plan required by Condition 8 of this permit,

OR

Details of irrigation systems or alternative watering methods for all landscape areas, including irrigation sources, supply, and connection points, and the 'Water Efficient Landscaping' credit removed from the Sustainable Management Plan.

Landscape Management Plan

- 4. Before the development starts, a Landscape Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The Landscape Management Plan must be prepared by a person suitably qualified or experienced in landscape management and must be consistent with the landscape plan required by Condition 3 of this permit. The Landscape Management Plan must include:
 - a) If irrigation systems are proposed in accordance with Condition 3(e), details of a maintenance program for the irrigation systems including flushing, checking systems integrity, monitoring sensors, and calibration settings;
 - b) The allocation of responsibility to the owners corporation for the ongoing maintenance of the irrigation systems (if required) and maintenance of all landscaping unless otherwise to the satisfaction of the Responsible Authority, including specific measures relating to:
 - i. maintenance of any proposed on-structure landscaping; and



- ii. obligations on the owners corporation to ensure consistent maintenance and matching themes for the landscaping into the future.
- c) Notes and diagrams detailing the maintenance of all proposed trees, shrubs, and climbers.
- d) Protocols for gaining access for maintenance purposes to privately owned land where required.

Completion of landscaping

- 5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Waste Management Plan

- 6. Before the development starts, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must be generally in accordance with the WMP dated 8 November 2023 and prepared by TTM, but further modified to show:
 - a) Any changes as a result of the amendments required by Condition 1 of this permit.
- 7. The provisions, recommendations and requirements of the endorsed WMP must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Sustainable Management Plan

- 8. Before the development starts, an amended Sustainable Management Plan (SMP) and Water Sensitive Urban Design (WSUD) response to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SMP and WSUD will be endorsed and will then form part of the permit. The amended SMP and WSUD must be generally in accordance with the SMP and WSUD submitted with the application identified as Sustainable Management Plan & Water Sensitive Urban Design Response, dated 28 March 2024, and prepared by Ark Resources, but further modified to show the following details:
 - a) Any changes as a result of the amendments required by Condition 1 of this permit.

Where alternative environmentally sustainable design (ESD) measures 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 in association with the development.

- 9. Before the development is occupied, an as-built report for the ESD measures to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must confirm and provide supporting evidence that all ESD initiatives in the endorsed SMP and WSUD response



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.

Car parking layout and access

10. Before the use and development starts, the areas set aside for parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:
 - a) constructed
 - b) properly formed to such levels that they can be used in accordance with the plans
 - c) surfaced with an all-weather-seal coat
 - d) drained
 - e) line marked to indicate each car space and all access lanesto the satisfaction of the responsible authority.

At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

Allocation of car parking spaces

11. No fewer than 14 car parking spaces must be provided on the land, with one car space provided to each two-bedroom apartment, and two car spaces to each three-bedroom apartment. The car spaces provided to each three-bedroom apartment must be within the car stacker system, with each of those car spaces only being provided in tandem with the other space provided to the same apartment.

Provision of car stackers and ongoing maintenance

12. Before the building is occupied, a Car Stacker System Management Plan (CSSMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CSSMP must show:
 - a) Allocation of car stacker spaces according to vehicle size and type;
 - b) Ongoing maintenance of the car stacker system;
 - c) Instruction to owners and occupiers about the operation of the car stacker system, including the requirement to maintain car stacker platform clearances for pedestrian access through the door between the storage room and bin area;
 - d) Communicating to prospective residents about the availability of car stacker spaces and sizes;
13. The provisions, recommendations and requirements of the endorsed CSSMP must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.



Urban Art Plan

14. Before the building is occupied, an Urban Art Plan (UAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The UAP must be in accordance with the 'City of Port Phillip Urban Art Strategy 2002' and must detail the value of the urban art to the Barkly Street elevation is at least 0.5% of the estimated cost of development, or otherwise as agreeing in writing by 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.

Screening of windows and balconies

15. Before the building is occupied, all screening shown on the endorsed plans must be installed in accordance with the endorsed plans. The screening measures shown on the endorsed plans are not to be altered or removed except with the prior written consent of the Responsible Authority,

Directional signage

16. Before the building is occupied, bicycle signage that directs cyclists to the bicycle parking area must be provided to the satisfaction of the Responsible Authority. The signage should be in accordance with the design requirements of Clause 52.34-7 of the Port Phillip Planning Scheme.

Plant and equipment

17. No plant, equipment, services, or substations other than those shown on the endorsed plans are permitted except with the prior written consent of the Responsible Authority.

Due care during construction

18. The developer must show due care in the development of the land approved by this permit so as to ensure that no damage is incurred to any adjoining buildings or property.

Gas connection not permitted

19. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Vehicle Crossings

20. Before the building is occupied, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority.

Melbourne Water

21. Prior to the endorsement of plans, amended plans must be submitted to and approved by Melbourne Water. The plans must be generally in accordance with the revised set date stamped 1/7/2023, but modified to show:

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- a) The finished floor level of the car parking spaces occupied by the two easternmost spaces to be set no lower than 4.49m AHD which is 300mm above the applicable flood level.
- 22. The Finished Floor Level of the ground floor is to be set no lower than 4.49m AHD which is 300mm above the applicable flood level.
- 23. All car parking spaces and car stackers are to be set no lower than 4.49m AHD which is 300mm above the applicable flood level.

Permit expiry

- 24. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within 2 years of the issued date of this permit.
 - b) The development is not completed within 4 years of the issued date of this permit.
 - c) The use does not start within 2 years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

A vote was taken and the MOTION was CARRIED.

Cr Halliday called for a DIVISION.

FOR: Crs Jay, Makin, Mears, Halliday, Crawford, Thomann, Buckingham and Cunsolo

AGAINST: Cr Hardy

The MOTION was CARRIED.

6.2 63 Bay Street, Port Melbourne - 1324/2006/D

PURPOSE

- 1.1 To consider and determine an application to amend a planning permit for the change of use from restaurant to bar, change in category of liquor license from restaurant and café license to on-premises license, increase maximum patrons from 52 to 100, to allow amplified music, and extension in hours of operation.

Councillor Cunsolo declared a material conflict of interest in relation to this item due to their parents in law owning and residing within close proximity of the application and left the meeting at 7:33pm.

The following question was taken on notice during discussion of the item:

Councillor Halliday: Has there been a specific number of planning complaints that we have received?

Darren Camilleri, Planning Coordinator Canal Ward took the question on notice.

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Moved Crs Makin/Halliday

Councillor Makin moved an alternate motion to the officers recommendation to amend Changes to conditions 2, 10 and 14(c)(ii) to address hours of operation, patron numbers and register of patrons required by the patron management plan.

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant an Amended Permit.
- 3.2 That a Notice of Decision to Grant an Amended Permit be issued for the following permissions:

In accordance with the endorsed plans:	
Planning Scheme Clause No	Description of what is allowed
Clause 32.04-2	Use of the land as a food and drink premises (bar) where the leasable floor area is greater than 150 square metres.
Clause 32.04-10	To construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2
Clause 52.06-3	Reduce (including to zero) the number of car parking spaces required under Clause 52.06-5 for a bar.
Clause 52.27	Use land to sell or consume liquor

- 3.3 That the decision be issued subject to the following conditions (**amended conditions are bolded**):
 1. **Before the use of land as a bar 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 but modified to show:**
 - a) **A weather screen located at the outdoor patron area, with a notation that it has a surface mass of no less than 0.5kg/m² and be made of at least 0.5mm thick PVC or equivalent as per the recommendations of the acoustic letter provided by Renzo Tonin & Associates and dated 21 March 2025.**
 - b) **An area provided on the floor plan showing “Live Music Area” as per the recommendations of the Acoustic Report prepared by Renzo Tonin & Associates and dated 24 March 2025.**
 2. The **bar** may operate only between the following hours:
 - **7:00am – 11:00pm, Sunday to Thursday**
 - **7:00am – 12:00am, (the next day) Friday to Saturday**

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- **The outdoor footpath trading area must not be used later than 10:00pm Sunday to Thursday and 11:00pm Friday to Saturday**
- 3. The layout of the use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. No dancing is permitted on the premises.
- 5. Bottles must be bagged during operation times and must not be emptied into the external refuse bins after 10pm or before 8am Monday to Saturday or after 10 pm or before 10am on Sunday, except with further written consent of the Responsible Authority.
- 6. Deliveries to and from the site, including commercial rubbish collection, must only take place between:
 - 7.00am and 10pm, Monday to Sunday
 - 10am and 10pm, Sunday
- 7. **At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (or as amended and in force at the time) as measured in accordance with the Noise Protocol to the satisfaction of the Responsible Authority.**

Noise Protocol means Publication 1826 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website (or as amended and in force at the time).
- 8. No goods are permitted to be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
- 9. The amenity of the area must not be detrimentally affected by the development through the:
 - a) Transport of materials, goods or commodities to or from the land
 - b) Appearance of any building, works or materials
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) Change to television and/or radio reception
 - f) In any other way
- 10. Without the further written consent of the Responsible Authority no more than **85 patrons may occupy the bar premises in total, and no more than 18 patrons may occupy the outdoor footpath trading area at any one time.**
- 11. **Live music must only be played on the area identified as “Live Music Area” on the endorsed plan.**
- 12. **The playing of live music at the premises to comply with the following requirements:**



- Amplified live music must not be played after 10 pm Sundays and 11pm on other days.
 - Amplified live music must be maintained at L90 dB(C) at 2 metres from the speaker.
 - No acoustic drums.
 - All doors and windows to areas where playing amplified music must be closed apart for access and egress.
 - Music other than amplified live /DJ music must be maintained at 'background level' as defined by Clause S. 9A of the Liquor Control Reform Act 1998. This is music at '*a level that enables patrons to conduct a conversation at a distance of 600mm without having to raise their voices to a substantial degree*'.
 - No music is to be played outdoors at any time.
13. Amplified music (including background music) is not permitted to be played other than through a Limiting Device installed and operating to ensure compliance with the Environmental Protection Regulations 2021 and EPA Noise Protocol to the satisfaction of the Responsible Authority.

Noise Protocol means Publication 1826 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website or as amended and in force at the time.

Before the use commences, a suitably qualified Acoustic Consultant must install and calibrate a Limiting Device (the 'Device') and confirm through submission of a report to the satisfaction of the responsible authority that it is operating and has each of the following characteristics which are operating:

- a) The Device limits internal noise levels so as to ensure compliance with the music noise limits according to the EPA Noise Protocol;
- b) The Device includes a microphone incorporated into its own tamper-proof enclosure;
- c) The Device controls are in a locked case or is password protected so that is not accessible by personnel other than a qualified acoustic consultant or technician nominated by the permit holder of the land and notified to the Responsible Authority;
- d) The Device is installed to control all amplification equipment and associated loudspeakers;
- e) the Device monitors noise levels at octave band frequencies between 63Hz and 4kHz or C-weighting
- f) The Device must be able to automatically store records of logged noise levels in 15 minute intervals;
- g) The Device must be re-calibrated as necessary to maintain Noise Protocol compliance, and when any changes are made to the Device sensor position or the venue changes operating



conditions, building works, sound system configuration or anything else that may necessitate re-calibration of the Device.

- 14. Before the use of the land as a bar commences, a patron management plan must be submitted to and endorsed by the responsible authority. The patron management plan must:**
- a. be prepared to the satisfaction of the responsible authority**
 - b. be submitted to the responsible authority in electronic form**
 - c. include the following details:**
 - i. staffing and other measures which are designed to ensure the orderly arrival and departure of patrons including security to be employed at the premises on a Friday and Saturday night**
 - ii. The keeping of a register recording the number of patrons on the premises each hour between 9.00pm and closing time.**
 - iii. signage to be used to encourage responsible off-site patron behaviour**
 - iv. the training of staff in the management of patron behaviour**
 - v. staff communication arrangements**
 - vi. complaint handling process to effectively manage any complaints received. This must include a Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant**
 - vii. Liaison with Victoria Police, the City of Port Phillip and local residents.**
 - viii. A telephone number provided for residents to contact the premises and linked to the complaints register;**
- 15. At the written request of the Responsible Authority, the owner/occupier must submit an acoustic report prepared by a suitably qualified Acoustic Engineer to address amenity impacts to nearby residents. The report must demonstrate how the proposal complies with relevant noise legislation and Noise related conditions of this Permit. Where non-compliance is identified recommendations must be made to achieve compliance. Any recommendations must be implemented within a timeframe specified by the Responsible Authority.**
- 16. A food offering must always be available to patrons whilst the bar is open.**
- 17. Tables and seats must be provided in accordance with the endorsed plan.**
- 18. This permit will expire if one of the following circumstances applies:**
- a) The use is not started within two (2) years of the date of this permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

A vote was taken and the MOTION was CARRIED

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Cr Halliday called for a DIVISION.

FOR: Crs Jay, Makin, Mears, Halliday, Crawford and Buckingham

AGAINST: Crs Hardy and Thomann

A vote was taken and the MOTION was CARRIED.

Councillor Cunsolo returned to the Meeting at 8:30pm.

6.3 31 Tribe Street, South Melbourne - PDPL/00565/2024

PURPOSE

- 1.1 To consider and determine a planning application PDPL/00565/2024 for the full-demolition of the existing dwelling and construction of a new double-storey dwelling and garage with studio above on a site greater than 300sqm in the Heritage Overlay.

Moved Crs Makin/Halliday

Councillor Makin moved an alternate motion to the officers recommendation with an addition of condition 1(b) to provide a set back of the building to assist with integration into the heritage streetscape.

- 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 for application PDPL/00565/2024 at 31 Tribe Street, South Melbourne.
- 3.2 That the Notice of Decision be issued subject to the following permissions:

Planning Scheme Clause No:	Description of what is allowed
Clause 43.01-1	Demolish or remove a building
Clause 43.01-1	Construct a building or construct or carry out works

- 3.3 That the decision be issued subject to the following conditions:

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 but modified to show:
- Any change resulting from WSUD condition 7.
 - The first floor setback no less than 1 metre from the southern boundary

No alterations

2. The extent of demolition 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.

Walls on or facing the boundary

4. Before the development is occupied, 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

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

Vehicle crossing

6. Before the development is occupied, all 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.

Water sensitive urban design

7. Concurrent with the endorsed of plans under condition 1 of the planning permit, a Water Sensitive Urban Design (Stormwater Management) Report must be submitted to the Responsible Authority in electronic format. When approved, the Water Sensitive Urban Design Report will be endorsed and will then form part of this permit. 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, 1999) or its updated equivalent. This must include:

- Design details of the water sensitive urban design stormwater treatments to be used, including cross-sections and connection to legal point of discharge.
- A STORM report with a score of 100 per cent (%) or greater (or MUSIC modelling for large scale developments).
- A plan showing all stormwater catchment areas, permeable and impermeable areas in square metres.



- A plan illustrating the location of the nominated water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas, with connection notations.
- Details of how the water sensitive urban design stormwater treatment measures will be maintained on an on-going basis. This must be demonstrated by providing a maintenance manual including the following information:
 - i. A full list of maintenance tasks.
 - ii. The required frequency of each maintenance task (monthly, annually etc.).
 - iii. Person responsible for each maintenance task.

Incorporation of water sensitive urban design measures

8. Before the development is occupied, 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

9. 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.

No reticulated gas

10. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the Port Phillip Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Time for starting and completing the development

11. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

A vote was taken and the MOTION was LOST

Cr Halliday called for a DIVISION.

FOR: Crs Makin, Halliday, Crawford and Cunsolo

AGAINST: Crs Jay, Hardy, Mears, Thomann and Buckingham

The MOTION was LOST.

FORESHADOWED MOTION

*As the previous motion failed, Councillor Thomann foreshadowed an alternate motion to include an addition of condition 1(b) to provide a set back no less than **2 metres** of the building to assist with integration into the heritage streetscape.*

Moved Crs Thomann/Makin

- 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 for application PDPL/00565/2024 at 31 Tribe Street, South Melbourne.
- 3.2 That the Notice of Decision be issued subject to the following permissions:

Planning Scheme Clause No:	Description of what is allowed
Clause 43.01-1	Demolish or remove a building
Clause 43.01-1	Construct a building or construct or carry out works

- 3.3 That the decision be issued subject to the following conditions:

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 but modified to show:
 - a) Any change resulting from WSUD condition 7.
 - b) The first floor setback no less than 2 metres from the southern boundary

No alterations

2. The extent of demolition 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.



Walls on or facing the boundary

4. Before the development is occupied, 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

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

Vehicle crossing

6. Before the development is occupied, all 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.

Water sensitive urban design

7. Concurrent with the endorsed of plans under condition 1 of the planning permit, a Water Sensitive Urban Design (Stormwater Management) Report must be submitted to the Responsible Authority in electronic format. When approved, the Water Sensitive Urban Design Report will be endorsed and will then form part of this permit. 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, 1999) or its updated equivalent. This must include:

- Design details of the water sensitive urban design stormwater treatments to be used, including cross-sections and connection to legal point of discharge.
- A STORM report with a score of 100 per cent (%) or greater (or MUSIC modelling for large scale developments).
- A plan showing all stormwater catchment areas, permeable and impermeable areas in square metres.
- A plan illustrating the location of the nominated water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas, with connection notations.
- Details of how the water sensitive urban design stormwater treatment measures will be maintained on an on-going basis. This must be



demonstrated by providing a maintenance manual including the following information:

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

Incorporation of water sensitive urban design measures

8. Before the development is occupied, 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

9. 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.

No reticulated gas

10. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the Port Phillip Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Time for starting and completing the development

11. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

A vote was taken and the MOTION was CARRIED.

Cr Makin called for a DIVISION.

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FOR: Crs Jay, Hardy, Makin, Mears, Halliday, Thomann, Buckingham and Cunsolo

AGAINST: Cr Crawford

The MOTION was CARRIED.

The mayor adjourned the meeting for a break at 8:48pm.

The meeting resumed at 8:56pm.

6.4 49A Pakington Street, St Kilda - PDPL/00073/2025

PURPOSE

- 1.1 To determine a planning application involving full demolition of a significant graded dwelling and associated outbuildings and structures on land subject to a Heritage Overlay.

MOVED CRS BUCKINGHAM/HALLIDAY

- 3.1 That a Planning Permit be issued for the land at 49 Pakington Street St Kilda with the following permissions:
 - Clause 43.01-1 – Demolish or remove a building in a Heritage Overlay
- 3.2 That the decision be issued subject to the following conditions:

No alterations

1. The extent of demolition 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

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

Heritage Interpretation Strategy

3. Before the demolition starts, a Heritage Interpretation Strategy (HIS) must be submitted to and approved to the satisfaction of the Responsible Authority. When approved, the HIS will form part of this permit. The HIS must be prepared by a suitably qualified heritage expert to identify how the history (Indigenous and post-contact) and significance of the heritage place will be incorporated into the planning and design of the Pakington Street Reserve

Permit expiry

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

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In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

A vote was taken and the MOTION was CARRIED unanimously.

6.5 51-59 Thistlethwaite Street and 476-484 City Road, South Melbourne - 39/2015/D

PURPOSE

- 1.1 To consider and determine an application to amend a permit “to demolish existing buildings, construct a mixed use 4, 6 and 8 level development plus basement, use the land for dwellings and alter access to a Road Zone Category 1” at a site in the Fishermans Bend Urban Renewal Area (**FBURA**).

Moved Crs Halliday/Makin

- 3.1 That an Amended Permit be issued for the demolition of the existing buildings construction of two, mixed use, multi-storey buildings, use the land for accommodation (dwellings and residential hotel) and retail premises (other than hotel, shop and tavern) over two stages, and alter access to a road in a Transport Zone 2 at 51-59 Thistlethwaite Street and 476, 478, 480 and 486 City Road, South Melbourne.
- 3.2 That the decision be issued as follows:
 - 1 Condition 1 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:
 - 1 Amended plans required
Before the development of **Stage 2** 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 ~~received by Council on 22 May 2018~~ **identified as ‘Materiality’, prepared by Rothelowman and date stamped as being received by Council on 25 March 2024 and drawing numbers TP00.02 (Revision D), TP01.01-TP01.08 (all Revision E), TP01.09 (Revision D), TP02.01-TP02.04 (all Revision D), and TP03.01-TP03.03 (all Revision D), all prepared by Rothelowman and dated 3 December 2024 (Revisions D and E),** but modified to show:
 - a) The “commercial” spaces annotation amended to state “Retail premises (other than a Supermarket, Adult sex bookshop, Hotel or Tavern) or Offices”.
 - b) The grey face brick (BR01) (not the white glazed brick) replaced with red brick.
 - c) The steel reveals (frames, feature fins, louvres and canopies) (AL02) replaced with a darker colour (such as charcoal/ monument).

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- d) The light grey and pale yellow aluminium composite panels (AC01) replaced with darker panelling.
- e) The proposed stair and ramp adjacent to the lobby to the Stage 1 building located within the building line to provide a defined hard edge to the street.
- f) An accessible space in the Stage 2 building, if required under the relevant regulations.
- g) The roller doors to the waste rooms annotated on the plans.
- h) Annotate the intended use/ function of the “indoor amenities” areas.
- i) Remove all inconsistencies between the Finishes Schedule and the plans.
- j) Indicate the proposed finishes to balconies and soffits.
- k) One motor-cycle or scooter space.
- l) Separate residential and commercial bin rooms.
- m) Hard waste storage areas.
- n) The finished floor level of the substation/s being a minimum of 2.599 m to AHD.
- o) The height for installation of any electrical/ gas points or switches being a minimum of 0.6 m above the flood level (which is 2.449 m to AHD).
- p) A minimum of ~~490~~ **98** Bicycle parking spaces for residents **in Stage 1 of the development.**
- q) A minimum of ~~34~~ **24** bicycle parking spaces for visitors, including some on Thistlethwaite Street, some on or near City Road and some along the internal laneway/s.
- r) At least 20% of the bicycle parking spaces provided being horizontal.
- s) Improved access from Thistlethwaite Street and/or City Road (via the internal laneway) into the bicycle storage area of Stage one.
- t) ~~Direct access from City Road into the bicycle storage area of stage two.~~
Deleted.
- u) Provision of one communal roof terrace and one green roof area for each stage.
- v) ~~Provision of other initiatives outlined by Council’s ESD Advisor, so that the net sustainable design and water sensitive urban design outcome addresses Council’s requirements.~~ **Deleted.**
- w) Any changes required to meet the requirements of the Sustainable Management Plan (condition 2).
- x) Any changes required to meet the requirements of the Water Sensitive Urban Design response (condition 4).
- y) **A notation added to the South Elevation and schedule of external materials and finishes specifying that all materials and finishes used on the south elevation of the Stage 2 building facing City Road must have a perpendicular reflectivity of less than 15 per cent, measured at 90 degrees to the facade surface.**



- z) The minimum side and rear setbacks (including any architectural features) of the Stage 2 building where not within 300 millimetres of a side or rear boundary increased to at least the 'minimum setback' specified in Table 5 of the Design and Development Overlay (Schedule 30) of the *Port Phillip Planning Scheme* or to at least the setback of the approved building envelope as shown on the endorsed plans (identified as the plans prepared by Bruce Henderson Architects and dated 10 May 2019 (Revision L3) or 22 October 2019 (Revision M)), whichever is the lesser. The increased setbacks must not compromise the architectural quality of the Stage 2 building, including but not limited to the visual depth provided by architectural features.
 - aa) A notation that the ground floor cafe furniture, adjacent to the food and drink premises, is not fixed in place.
 - bb) The tree planters along City Road deleted.
 - cc) The southernmost bay of bicycle parking spaces within the pedestrian laneway, closest to City Road, relocated further into the site as to not impede pedestrian movements near the junction between the laneway and City Road.
 - dd) Details of the amenities/facilities provided in the communal areas at Levels 2 and 6.
 - ee) Dimensions confirming that the entry to the loading dock of the Stage 2 building can accommodate a small rigid vehicle as defined in Australian Standard AS 2890.2.
 - ff) Dimensions confirming that each bicycle space provided in Stage 2 of the development meets the requirements of Clause 52.34-6 (Design of bicycle spaces) of the *Port Phillip Planning Scheme*.
 - gg) Bicycle signage for Stage 2 of the development in accordance with Clause 52.34-7 (Bicycle signage) of the *Port Phillip Planning Scheme*.
 - hh) Any changes required by the Wind Climate Assessment Report required by Condition 23 for the Stage 2 building.
 - ii) Any changes required by the Amended Waste Management Plan required by Condition 47.
 - jj) Any changes required to achieve the ratings required by Condition 49.
 - kk) The rainwater tank required for the Stage 2 building by Condition 53.
 - ll) Openable windows within the street wall to City Road and laneway.
- 2 Condition 2 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:
- 2 Sustainable Management Plan
- Before the development **of Stage 1** starts (other than demolition or works to remediate contaminated land), a Sustainable Management Plan **for the**



Stage 1 building that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. Upon approval the Plan will be endorsed as part of the planning permit and the ~~project~~ **Stage 1 building** must incorporate ~~the~~ **all relevant** sustainable design initiatives listed.

- 3 Condition 3 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

3 Incorporation of Sustainable Design initiatives

Prior to the occupation of the ~~Stage 1 building(s) allowed by this permit~~, the ~~project~~ **Stage 1 building** must incorporate ~~the~~ **all relevant** sustainable design initiatives listed in the endorsed Sustainable Management Plan.

- 4 Condition 4 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

4 Water Sensitive Urban Design Response

Before the development **of Stage 1** starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Response must be submitted to and approved by the Responsible Authority. The Response must:

- a) Set out proposed stormwater treatment measures for the development and how they would meet the relevant Policy objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Planning Scheme;
- b) Include justification for how the development meets the objectives of Clause 22.12 if the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) are not met.

Upon approval the Response will be endorsed as part of the planning permit and the ~~project~~ **Stage 1 building** must incorporate ~~the~~ **all relevant** Water Sensitive Design initiatives listed.

- 5 Condition 5 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

5 Incorporation of Water Sensitive Urban Design initiatives

Prior to the occupation of the ~~Stage 1 building(s) allowed by this permit~~, the ~~project~~ **Stage 1 building** must incorporate ~~the~~ **all relevant** water sensitive design initiatives listed in the endorsed Water Sensitive Urban Design Response.

- 6 Condition 6 of the existing permit be amended by inserting the words in bold as follows:

6 Landscape Plan

Prior to the commencement of **Stage 1 of** the development hereby permitted, a landscape plan and schedule must be submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of the permit. Landscaping **for the Stage 1**



building in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the **Stage 1** building hereby permitted, and thereafter maintained (including replacement of any dead, diseased or damaged plants) to the satisfaction of the Responsible Authority.

- 7 Condition 7 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

7 Noise Attenuation for Apartments

Before ~~the~~ **each** building allowed by this permit is occupied, the applicant/owner must ensure that external noise intrusion into apartment bedroom and living areas **or hotel room** (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS 2107:2000 (Acoustics - Recommended design sound levels and reverberation times for building interiors) shall comply with the following:

- a) Between 10pm and 7am in bedrooms areas must not exceed LAeq (9 hour) 40dB(A);
- b) Between 7am and 10pm in living rooms must not exceed LAeq (15 hour) 45dB(A).

- 8 Condition 11 of the existing permit be amended by inserting the words in bold as follows:

11 Public Services

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

- 9 Condition 14 of the existing permit be amended by inserting the words in bold as follows:

14 Contaminated Land

Before the development **of Stage 1** starts (other than demolition or works to remediate contaminated land), the Responsible Authority must be provided with:

- a) A certificate of Environmental Audit for the land issued in accordance with Section 53Y of the *Environment Protection Act 1970*; or
- b) A Statement of Environmental Audit for the land issued under Section 53Z of the *Environment Protection Act 1970* confirming that the environmental conditions of the land are suitable for the use and development allowed by this permit.

- 10 Condition 15 of the existing permit be amended by inserting the words in bold as follows:



15 Compliance with Statement of Audit

Where a Statement of Environmental Audit is issued for the land **in Stage 1 of the development**, the buildings and works and the use(s) of the land **in Stage 1 of the development** that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land **in Stage 1 of the development**, before the commencement of the use **in Stage 1 of the development**, and before the issue of a Statement of Compliance under the *Subdivision Act 1988 for the Stage 1 building*, and before the issue of an occupancy permit under the *Building Act 1993 for the Stage 1 building*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the

- 11 Condition 18 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

~~18 Agreement under Section 173 of the Planning and Environment Act 1987
Re: Developer Contribution~~

~~Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:~~

- ~~a) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority;~~
- ~~b) Register the agreement on the title(s) for the land in accordance with Section 181 of the Planning and Environment Act 1987; and~~
- ~~c) Provide the Responsible Authority with the dealing number confirming the registration of the title.~~

~~The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:~~

Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into agreement(s) pursuant to section 173 of the Planning and Environment Act 1987 with the Responsible Authority and make application to the Registrar of Titles to have the agreement(s) registered on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority.

The agreement(s) must:

- a) **Require** ~~the~~ developer to pay a development contribution of:
 - \$15,900 per dwelling
 - \$180 per sqm of gross commercial floor area;

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- \$150 per sqm of gross retail floor area;
~~or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.~~
- b) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
- c) Require registration of the Agreement on the titles to the affected lands as applicable.
- d) ~~Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions~~ **Include a schedule of the types of infrastructure to be delivered using the development contributions in a manner and timeframe determined by the Victorian Planning Authority or its successor.**
- e) ~~Confirm that contributions will be payable to the Metropolitan Planning Authority~~ **Confirm that contributions will be payable to the Victorian Planning Authority or its successor.**
- f) ~~Confirm that the contributions will be used by the Development Agency as stipulated by the Metropolitan Planning Authority to deliver the schedule of types of infrastructure~~ **Confirm that the Victorian Authority Planning or its successor will collect the contributions and direct the contributions in a manner and timeframe determined by the Victorian Planning Authority or its successor to deliver the schedule of types of infrastructure for the Fishermans Bend Urban Renewal Area.**
- g) ~~Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.~~
- h) Require that payment of 10% of the contribution is at the time of issue of the building permit and 90% to be made prior to the issue of a Statement of Compliance in accordance with the *Subdivision Act 1988*.
- i) ~~Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.~~ **Confirm the procedure for refunding monies paid if an approved Development Contribution Plan or Infrastructure Contributions Plan for the area is less than the amount stipulated in the section 173 agreement.**
- j) ~~The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.~~ **Make provision for its removal from the land following completion of the obligations contained in the agreement.**
- k) **Require the owner of the Land to pay all reasonable legal cost and expense of this agreement including preparation, execution and registration on title.**

12 Condition 20 of the existing permit be amended by inserting the words in bold as follows:



20 Walls on or facing the boundary

Before the occupation of **each stage 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.

- 13 Condition 22 of the existing permit be amended by inserting the words in bold as follows:

22 Dual Water Reticulation

Before the occupation of **Stage 1 of** the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.

- 14 Condition 23 of the existing permit be amended by inserting the words in bold as follows:

23 Environmental Wind Assessment

Before the development **of Stage 2 starts, and concurrent with the submission of amended plans as required by Condition 1**, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a Wind Climate Assessment Report to the satisfaction of the Responsible Authority must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owners wind climate experts, referencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.

- 15 Condition 25 of the existing permit be amended by inserting the words in bold as follows:

25 Satisfactory continuation

Once the development **associated with each stage** has started it must be continued and completed to the satisfaction of the Responsible Authority.

- 16 Condition 31 of the existing permit be amended by inserting the words in bold as follows:

31 Mechanical Car Parking Stacker Maintenance and Provision



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

Prior to the occupation of **Stage 1** of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a car stacker system management plan including but not limited to the following:

- a) Allocation of car parking spaces according to vehicle size and type;
- b) Ongoing maintenance of the car stacker system;
- c) Instructions to owners/occupiers about the operation of the car stacker system; and
- d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

- 17 Condition 39 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

39 Waste Management

An adequate waste management arrangement must be provided for the ~~premises~~ **Stage 1 building**, in accordance with Council's *Community Amenity Local Law No. 3*.

Without the further written consent of the Responsible Authority, waste management for the ~~proposal~~ **Stage 1 building** must be in accordance with the endorsed Waste Management Plan **that applies to the Stage 1 building** to the satisfaction of the Responsible Authority.

- 18 Condition 41 of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

41 Laneway Management

The 'stop linemarking and detector loop' arrangement proposed at the exit of ~~each~~ the car park **of the Stage 1 building** in order to assist in managing potential vehicle conflicts within the laneway should be installed to provide only additional warning to drivers of vehicles exiting the carparks as demonstrated in Figure 17 of Ms Charmaine Dunstan's of the Traffix Group evidence statement dated 4 November 2015.

- 19 A new Condition 44 be added as follows:

44 Amended Landscape Plan (Stage 2)

Concurrent with the submission of amended plans in accordance with Condition 1, an amended landscape plan for Stage 2 of the development must be approved and endorsed by the responsible authority. The amended landscape plan must:

- a) Be prepared to the satisfaction of the responsible authority;



- b) Be prepared by a suitably qualified person;
- c) Have plans drawn to scale with dimensions;
- d) Be submitted to the responsible authority in electronic form; and
- e) Be generally in accordance with the landscape plan forming part of the application and identified as drawing numbers TP01-TP04 (all Revision A), prepared by John Patrick Landscape Architects and dated 16 December 2024, but amended to show the following details:
 - i. The green roof area required by Condition 1(u) of this permit (39/2015/D).
 - ii. The planters within the verge on City Road deleted.

20 A new Condition 45 be added as follows:

45 Completing of Landscaping (Stage 2)

Before the use of Stage 2 starts, the landscaping shown on the approved landscape plan for Stage 2 must be carried out and completed to the satisfaction of the responsible authority.

21 A new Condition 46 be added as follows:

46 Landscaping Maintenance (Stage 2)

At all times the landscaping shown on the approved landscape plan for Stage 2 must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

22 A new Condition 47 be added as follows:

47 Amended Waste Management Plan (Stage 2)

Concurrent with the submission of amended plans in accordance with Condition 1, an amended Waste Management Plan for the Stage 2 building to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan forming part of permit application 39/2015/D (identified as Waste Management Plan (Document Reference G33552R-02C(WMP)), prepared by Traffix Group and dated 20 March 2024), but amended to include the following details:

- a) Provision of an electronic waste (e-waste) bin within the waste room;
- b) Provision of a hard waste storage area within the waste room; and
- c) A scaled drawing of the waste room that shows:
 - i. Each waste stream colour-coded;
 - ii. Bin sizes; and
 - iii. The e-waste bin and hard waste storage area as detailed above.

23 A new Condition 48 be added as follows:

48 Implementation of the Waste Management Plan (Stage 2)



The provisions, recommendations and requirements of the endorsed Waste Management Plan (Stage 2) must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

- 24 A new Condition 49 be added as follows:

49 Green Star rating #1

Prior to the commencement of buildings and works associated with Stage 2 of the development, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project (Stage 2 building only) has been registered to seek a minimum 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.

Note. This condition applies to Stage 2 of the development only.

- 25 A new Condition 50 be added as follows:

50 Green Star rating #2

Within 12 months of occupation of the Stage 2 building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the Stage 2 building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent).

Note. This condition applies to Stage 2 of the development only.

- 26 A new Condition 51 be added as follows:

51 Third pipe and rain tank #1

A third pipe must be installed for recycled and rain water to supply all non-potable outlets within Stage 2 of the development for toilet flushing, irrigation and washing machine unless otherwise agreed by the relevant water authority.

Note. This condition applies to Stage 2 of the development only.

- 27 A new Condition 52 be added as follows:

52 Third pipe and rain tank #2

An agreed building connection point must be provided from the third pipe associated with the Stage 2 building, designed to the satisfaction of the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.

Note. This condition applies to Stage 2 of the development only.

- 28 A new Condition 53 be added as follows:

53 Third pipe and rain tank #3

A rainwater tank must be provided in Stage 2 of the development that:

- a) Has a minimum effective volume of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100 per cent of suitable roof rainwater harvesting areas (including podiums);



- b) Is fitted with a first flush device, meter, tank discharge control and water treatment with associated power and telecommunications equipment approved by the relevant water authority.

Note. This condition applies to Stage 2 of the development only.

29 A new Condition 54 be added as follows:

54 Third pipe and rain tank #4

Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or, controlled release.

Note. This condition applies to Stage 2 of the development only.

30 A new Condition 55 be added as follows:

55 Roads and laneways

Before the development of Stage 2 starts, excluding demolition, excavation, piling, site preparation works, works required to undertake an environmental assessment or audit, works to remediate contaminated land (or as otherwise agreed by the Responsible Authority), the owner of the land must:

- a) Enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority (Port Phillip City Council);
- b) Register the Agreement on the Title for the Land in accordance with section 181 of the *Planning and Environment Act 1987*; and
- c) Provide Port Phillip City Council with the dealing number confirming the registration on the Title.

The agreement must be in a form to the reasonable satisfaction of Port Phillip City Council, and the owner must be responsible for the expense of the preparation and registration of the agreement, including Port Phillip City Council's reasonable costs and expense (including legal expenses) incidental to the preparation, registration of the agreement. The agreement must provide the following in relation to the land:

- d) Full construction of the laneway that sits within the title boundaries and along the northeastern and northwestern sides of the Stage 2 building as per the endorsed plans, to the satisfaction of and no cost to Port Phillip City Council before the occupation of the Stage 2 building;
- e) Give rights of public access to the laneway located within the subject land 24 hours, 7 days a week but for the lane to remain at all times in private ownership as part of the subject land;
- f) The owner must, at its cost, maintain the laneway to the same standards as is reasonably required by Port Phillip City Council for the adjoining road(s);
- g) The design and physical treatment of the laneway which sits within the title boundaries including landscaping, street furniture, lighting to AS/NZS 4282:2019 (Control of the obtrusive effects of outdoor lighting) and servicing infrastructure is to be to the satisfaction of Port Phillip City Council.



Note. This condition applies to Stage 2 of the development only.

31 A new Condition 56 be added as follows:

56 Environmental Audit Overlay

Before the development of Stage 2 starts, excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land, or a sensitive use that forms part of Stage 2 of the development commences or before the construction or carrying out of buildings and works in association with a sensitive use that forms part of Stage 2 of the development commences (excluding any works necessary to undertake a required assessment or audit, or works exempted by Clause 45.03-1 of the *Port Phillip Planning Scheme*) or as otherwise agreed by the responsible authority:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use and a copy of this statement must be provided to the responsible authority; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use and a copy of this statement must be provided to the responsible authority.

Note. This condition applies to Stage 2 of the development only.

32 New Conditions 57, 58 and 59 be added as follows:

57 Compliance with Environmental Audit Statement #1

Before the development of Stage 2 starts, excluding demolition, excavation, piling and site preparation works, and works to remediate contaminated land, or a sensitive use that forms part of Stage 2 of the development commences or before the construction or carrying out of buildings and works in association with a sensitive use that forms part of Stage 2 of the development commences (excluding any works necessary to undertake a required assessment or audit, or works exempted by Clause 45.03-1 of the *Port Phillip Planning Scheme*) or as otherwise agreed by the responsible authority (or the certification or issue of a statement of compliance under the *Subdivision Act 1988* for the Stage 2 building) the owner must provide:

- a) An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the site is suitable for the use and development allowed by this Incorporated Document; or
- b) An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the site is suitable for the use and development allowed by this Incorporated Document if the recommendations made in the statement are complied with.

Note. This condition applies to Stage 2 of the development only.

58 Compliance with Environmental Audit Statement #2



All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of Stage 2 of the development. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

Note. This condition applies to Stage 2 of the development only.

59 Compliance with Environmental Audit Statement #3

Where there are recommendations on the environmental audit statement that require significant ongoing maintenance and/or monitoring, the owner of the land in Stage 2 of the development must enter into a section 173 agreement under the *Planning and Environment Act 1987*. The section 173 agreement must be executed on the title of the relevant land (Stage 2 only) prior to the commencement of the use that forms part of Stage 2 of the development and prior to the issue of a statement of compliance under the *Subdivision Act 1988* for the Stage 2 building. The owner must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

Note. This condition applies to Stage 2 of the development only.

- 33 The preamble of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

*To demolish existing buildings, construct a **two**, mixed use ~~4, 6 and 8 level~~, **multi-storey buildings** ~~development plus basement~~, use the land for ~~dwelling~~ **accommodation (dwellings and residential hotel) and retail premises (other than hotel, shop and tavern) over two stages**, and alter access to a ~~Road Zone Category 1~~ **road in a Transport Zone 2**, generally in accordance, with the endorsed plans and subject to the following ~~conditions~~ **permissions**:*

Planning Scheme Clause	Matter for which a permit is required
Clause 36.04-2	<ul style="list-style-type: none"> • Construct a building or construct or carry out works for any use in Section 2 of Clause 36.04-1.
Clause 37.04-1	<ul style="list-style-type: none"> • Use the land for accommodation (dwelling) (exempt from notice and review). • Use the land for accommodation (residential hotel) (exempt from notice and review). • Use the land for retail premises (other than hotel, shop and tavern) (exempt from notice and review).
Clause 37.04-4	<ul style="list-style-type: none"> • Demolish or remove a building or works (exempt from notice and review). • Construct a building or construct or carry out works (exempt from notice and review).

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Clause 43.02-2	<ul style="list-style-type: none"> Construct a building or construct or carry out works (exempt from notice and review).
Clause 44.05-2	<ul style="list-style-type: none"> Construct a building or construct or carry out works (exempt from notice and review).
Clause 52.29-2	<ul style="list-style-type: none"> Create or alter access to a road in a Transport Zone 2 (exempt from notice and review).

- 34 The following table of all previous extensions to the permit and accompanying note included on the permit:

The permit has been extended as follows:

Date of extension	Brief description of the extension	Duration of the extension
22 January 2018	Extension to commencement date for Stage 1	Two years
1 August 2019	Extension to completion date for Stage 1	Two years

- 35 The following added to the table of amendments within the permit:

The permit has been amended as follows:

Date of amendment	Brief description of amendment
[Date of approval] 39/2015/D	<ul style="list-style-type: none"> Modifying the wording of Condition 1 and adding sub-conditions (y) through (ll). Modifying the wording of Conditions 2, 3, 4, 5, 7, 11, 14, 15, 20, 22, 23, 25, 31, 39, and 41 to reflect the development staging and/or to apply to Stage 1 only and/or to respond to the change in use of the Stage 2 building from dwellings to a residential hotel. Modifying the wording of Condition 18. Adding Conditions 44 through 59 as new conditions. Updating the permit preamble to reflect the changes made to the Stage 2 building including its use as a residential hotel and include reference to the approved staging arrangement and all relevant permissions in accordance with the expectations of Myers v Southern Grampians Shire Council. Adding a table of all previous extensions to the permit.

- 36 The following added as a note to the permit:

The plans submitted in accordance with condition 1 must show all buildings and works associated with Stage 1. These buildings and works must be clearly labelled as being part of Stage 1 and must be shown to the same level of detail, including floor plans, elevations, sections, and a material of external materials

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and finishes, as the current set of endorsed plans (identified as drawing numbers TP-1.00 (Revision L3), TP-2.00 (Revision L3), TP-2.01 (Revision M), TP-2.01a (Revision L4), TP-2.02 (Revision L3), TP-2.03 (Revision L3), TP-2.04 (Revision L3), TP-2.05 (Revision L3), TP-2.06 (Revision L3), TP-2.07 (Revision L3), TP-2.08 (Revision M), TP-2.09 (Revision M), TP-3.00 (Revision M), TP-3.01 (Revision M), TP-3.02 (Revision M), TP-4.00 (Revision M), and TP-7.00 (Revision L3), all prepared by Bruce Henderson Architects and dated 10 May 2019 (Revision L3) or 22 October 2019 (Revision M)).

A vote was taken and the MOTION was CARRIED unanimously.

7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 9.03pm.

Confirmed: 28 May 2025

Chairperson _____