



**STATUTORY PLANNING
COMMITTEE**

MINUTES

7 FEBRUARY 2008

**MINUTES OF THE STATUTORY PLANNING COMMITTEE OF THE
PORT PHILLIP CITY COUNCIL HELD ON 7 FEBRUARY 2008, IN
AUDITORIUM, ST KILDA TOWN HALL**

The meeting opened at 6.10pm.

The Mayor, Cr Cribbes welcomed the gallery to the Statutory Planning Committee Meeting and outlined how the meeting will be run.

PRESENT

Cr Cribbes (Chairperson), Cr Bolitho, Cr Gross, Cr Klepner, Cr Logan, Cr Sait, David Spokes Chief Executive Officer, Geoff Oulton Executive Director Community Development and Planning, Sally Calder Executive Director Organisation Systems & Support, David Yeouart Executive Director Community Assets & Services, George Borg Manager City Development, Anita Lange Special Projects Manager, Paul Smith Manager Environment & Renewal, Cathy Henderson Manager Governance and Community Relations, Richard Schuster Coordinator Statutory Planning - St Kilda/Albert Park, Katrina Terjung Coordinator Strategic Planning, Rory O'Loughlen St Kilda Edge Project Manager.

In the spirit of Reconciliation, the Chairperson acknowledged the people and elders of the Eastern Kulin Nation, who have traditional connections and responsibilities of the land on which Council meets.

1. APOLOGIES

MOVED Crs Gross / Logan

An apology was received and leave of absence was granted to Cr Ray

A vote was taken and the MOTION was CARRIED.

2. CONFIRMATION OF MINUTES

MOVED Crs Bolitho / Klepner

That the Minutes of the Statutory Planning Committee of the Port Phillip City Council held on 13 December 2007 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. PRESENTATION OF REPORTS

B1 TRIANGLE SITE DEVELOPMENT PLAN

B1 BACKGROUND REPORT ON THE ST KILDA TRIANGLE SITE

Purpose

To consider additional information with regards to The Triangle Site Development Plan.

- Anna Griffiths representing Unchain St Kilda & Esplanade St Kilda presented Council with a Petition totaling 6000 signatories. The Petition stated the following:
*'We the undersigned, urge City of Port Phillip to **REJECT** the revised Development Plan (DP) for the **ST KILDA TRIANGLE**:*
 - *In its revised, but not significantly altered form, the DP falls short of meeting the planning guidelines for the site and addressing community concerns.*
 - *Despite recent changes, the DP will still result in a massive commercial exploitation of crown land (more than 90,000sqm), on a scale not seen previously in St Kilda and never envisaged by the planning guidelines or in any consultations with the community.*
 - *Sweep of panoramic views to the foreshore from the public realm of the Upper Esplanade not retained and protected as required.*
 - *The heritage of the landmark Palais as a stand-alone pavilion severely compromised.*
 - *Retail the dominant activity in an area designated for a cultural and seaside fun precinct.*
 - *A predominance of venues (up to 3900 patrons) catering for drinking, when alcohol-related violence is a major issue for Victorian Communities'.*

Three Independent Advisors to the Council on the St Kilda Triangle process made a verbal submission in relation to this item:

- Jim Holdsworth representing Design and Functionality Panel
- Graham Cunningham representing Commercial and Financial Panel
- Marcus Spiller presenting on the Economic and Community Impact Assessment Panel

The meeting adjourned at 6.35pm.

The meeting resumed at 6.38pm.

The following members of the public made a verbal submission in relation to this item:

- John Spierings
- Peter Holland
- Faith Fitzgerald
- Anna Griffiths
- Paul Coghlan
- David Brand
- Don Gazzard
- Krystyna Kynst

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- Daniela Raulli
- Barbara Tucker
- David Carruthers
- Brenda Forbath
- Janaka Williams
- Viviane Rouquerol
- Patricia Masel
- Serge Thomann
- Adrian Jackson
- Liz Johnstone
- Suzanne Zagroon
- Matt Bracher
- Sue Pennicuik
- Fooi-Ling Khoo
- Craig Yelland
- Ivor Frischknecht
- Terry Logazzo
- Allan Cox
- Wendy Butler
- Tim Isaacson
- Steve McMillan (Applicant)

Cr Bolitho left the meeting at 8.15pm.

Cr Klepner left the meeting at 8.16pm.

Cr Bolitho returned to the meeting at 8.16pm.

Cr Klepner returned to the meeting at 8.20pm.

The Chairperson adjourned the meeting at 8.23pm.

The meeting resumed at 8.36pm.

MOVED Crs Gross/Bolitho (SUBSTANTIVE MOTION)

- 1.1. That the Statutory Planning Committee note that key outcomes envisaged by the Planning Scheme and Urban Design Framework are achieved by the submitted proposal including:
- a) Providing a node for cultural and entertainment uses.
 - b) Providing links between Acland and Fitzroy Streets and the foreshore.
 - c) Improved pedestrian access.
 - d) Preserving and enhancing the Palais including provision of back of house facilities.
 - e) Creating new vistas and landmarks.
 - f) Provision of community uses on the site (including the Linden gallery and William Angliss TAFE College).
 - g) Making Jacka Boulevard a true boulevard.
 - h) Urban design improvements including:
 - Active uses facing Jacka Boulevard.
 - Increased open space and public plazas.
 - Providing a forecourt to the Palais.
 - Removing surface car parking areas.
 - Improved landscaping.
- 1.2. That the Statutory Planning Committee notes that on balance, the submitted Development Plan achieves a high level of compliance with the Planning Scheme and St.Kilda UDF but also notes that further work is required with respect to the following matters in order to make the submitted Development Plan suitable for approval:
- a) Reduction of the “Linden” building to improve view lines.
 - b) Reduced patron numbers for the nightclub/live music venues and the tavern.
 - c) Addition of “best practice” conditions and management plans relating to entertainment venues.
 - d) Introduction of “caps” to the various land uses.
 - e) Reduction of the Tavern capacity.
 - f) Production of a “Public Transport Plan” including best practice taxi rank.
 - g) Deletion of the “billboard”.

- h) Improvement of the ESD credentials of the proposal.
- i) Address family/children use of the site.
- j) Various urban design improvements and
- k) Improvement of general detail.

1.3. That the Statutory Planning Committee, being the Responsible Authority, having caused the application to be exhibited and having received and noted the submissions, authorises the Manager, City Development to approve the St Kilda Triangle Development Plan 31 October 2007 subject to the following changes first being made:

Section 2: Masterplan:

- a) The height and roof form of the “Linden” building revised to improve the view from the Upper Esplanade to the Palais façade and the Luna Park entrance (maximum RL 16.5).
- b) The building east of the toilets deleted and replaced with additional open space.
- c) The “panel reserved for artistic imagery” on the Nolan Building deleted.
- d) A notation that the supergraphic on the Cavell Street elevation (fire wall) is to be further resolved in subsequent planning permit applications.
- e) The ‘laneway’ between the Square and the Upper Esplanade repositioned to align with the Catani Arch and its western end widened.
- f) Removal of any solid upstand to the Yellow Brick Road handrail when viewed from the Upper Esplanade and the Grassy Slopes to maximise the transparency of the balustrade.
- g) The result of an investigation of the lowering of the loading dock so that no part of the Grassy Slopes is above RL 11.00.
- h) The level of the Upper Esplanade footpath raised.
- i) The public viewing level raised by introducing a footpath along the Upper Esplanade within and at the edge of the site and at the height of the ‘Grassy Slopes’ as an alternative promenade and viewpoint to the Upper Esplanade,
- j) The raised planter beds on the Grassy Slopes realigned.
- k) The result of any further actions that may be able to be achieved to improve views during the process of detailed design.
- l) The reduction in the maximum building height of the Nolan building at the rear of the Palais, such that it is similar in height to the Palais.
- m) Visual separation between the Nolan building and the Palais in Cavell Street in order to expose the vaulted roof profile of the Palais.
- n) To increase exposure of the side wall of the Palais facing the site.

- o) Reducing the tapered appearance of the Nolan building facing Jacka Boulevard.
- p) Nominal adjustments to the Green building to account for redistribution of building volume.
- q) Provision of a direct pedestrian route from the Upper Esplanade to the Triangle site car park.
- r) Relocate an amount of floor-space to the proposed building to the rear of the Palais [the Nolan building] subject to any increase in built form of that building achieving the following:
 - The increased built form to the Nolan building sited so that it does not result in any increase in shadow on the Foreshore at 11 am at the winter solstice.
 - The increase in built form to the Nolan building being respectful of the Palais.
 - Offset by optimising improvement to the view lines from the Upper Esplanade to the foreshore.
- s) Maintain the siting and prominence of the Green Building in any subsequent modifications to the Development Plan.

Section 2.1: Building Envelopes

- a) The three dimensional Building Envelope Plans providing increased detail to ensure that future planning permit applications can be easily assessed to ensure compliance with the approved building volumes in the Development Plan.

Section 2.5: Access and Movement:

- a) Reference to Bicycle Parking in accordance with Planning Scheme requirements and reference to likely locations.
- b) The loading bay onto Cavell Street to be fitted with a roller door that can be closed when the dock is not in operation screening it from public view.
- c) A notation that prior to the commencement of substantive works, the Proponent, in co-operation with Council and the relevant transport authorities will prepare a Public Transport Plan specifically with reference to movement of persons from the site between midnight and 7am. Within the Public Transport Plan, the developer will make best endeavors to negotiate the provision of an industry best practice taxi rank.

2.7: Car parking

- a) Adjustment of the car parking provision as a consequence of the change to patron numbers and relevant floor areas based on the agreed car parking rates.

Section 2.8 – Land Use Activities.

- a) With regards to nightclub and other live music and entertainment venues, the Development Plan include specific details of (but not limited to):
- Patron numbers and floor areas, including the tavern reduced to a maximum 900m² internal floor space, the number of nightclubs reduced from 5 to 4 and a total nightclub and live music venue component of the entertainment venues patron capacity of no greater than 3000 patrons.
 - Reference to the use of the buildings for a 650 seat cinema.
- b) The maximum number of restaurant seats and the areas to which restaurants are encouraged to locate, with a reduction of total restaurant floor area from 6,100 m² to 5,300m².
- c) The minimum and maximum floor areas for the various subgroups of “retail” including “supermarket” and the general locations to which the various retail land uses categories will be directed including a reduction in shop floor space to a maximum total of 19,000sq.m.
- d) Floor area, room numbers and patron numbers for the gymnasium, residential hotel, tavern/hotel and Community uses.
- e) Back of house facilities area for the Palais.
- f) A tenpin bowling facility in excess of 950m².
- g) An indoor adventure playground of at least 400m².
- h) A dance studio offering tuition in a variety of classical and contemporary styles.
- i) A music tuition venue offering tuition in a variety of musical instruments.
- j) Reduction of fashion retailing by 900m² to 6,600m².
- k) Areas to be used as office in association with or providing a direct service to a leisure or recreation related activity or other approved use.

Section 2.9: Public Spaces:

- a) Amended to clearly indicate the intent to improve the management of vehicles and pedestrians to the intersection of Cavell St and Upper Esplanade and provide better connectivity between the Palais and Luna Park.
- b) Amended to clearly indicate in plan format the opportunity for disabled and wheeled access through the site.
- c) Embellished to indicate how the open space areas, particularly the urban square and Jacka Boulevard, would allow for varied levels of weather protection prior to the Development Plan being approved.
- d) Embellished to indicate how both the open space areas and some designated internal spaces would provide positive experiences for children and families.
- e) An added section on Public Art.
- f) A notation that developer agrees to work with Council and the local indigenous communities to achieve a meaningful involvement in indigenous culture on the site.
- g) Open space to be not less than 18,000 square metres and opportunities explored to improve comparability between shops and open space during the design phase.

Section 2.10: Landscape Design Treatment.

- a) Amended to reflect the interface with the St Kilda Promenade in terms of materials, finishes and soft landscaping.
- b) Further detail of landscaping in Cavell Street.
- c) A review of the species and/or placement of trees along the footpaths and in the median of Jacka Boulevard, particularly between the Stokehouse and the main entry to the underground car park.

Section 2.11: Ecological Design Principles

- a) Amended to include the agreed enhancements notated in the plan including that Sustainable Design Statements will be lodged with future applications for planning permit.

Section 3.1: Construction Management Plan

- a) Notation in the Development Plan that excavation of the site and site contamination would be the first planning permit application applied for, followed by construction of the basement car park with the development of the land above the car park (the remainder) constituting the third stage of approval and development.
- b) Reference to compliance with Environment Protection Authority Guidelines on the design, installation and management requirements for underground petroleum storage systems (UPSS); Ministerial Directive No. 1 (Section 12(2)(a) of the Planning and Environment Act 1987); Environmental Guidelines for Major Construction Sites and Guidance for environmental management: Dual pipe water recycling systems – health and environmental risk management).

3.2 Operational Plan:

Details of management measures including but not limited to the following matters:

- a) Amplified music and general noise controls, including the use of noise limiters and measures to achieve compliance with SEPP N-2.
- b) CCTV central monitoring and management.
- c) Crowd controllers and security procedures.
- d) Responsible serving of alcohol.
- e) House Rules and Management Plan and Security Plan taking into consideration the views of Victoria Police and including a 24 hour security presence.
- f) An expanded taxi rank in Jacka Boulevard during evenings including management of taxis and security arrangements.
- g) External security lighting adjacent to these venues to create a safe environment.
- h) Emergency response locations for Police and emergency services and management of communication with Police and emergency services.
- i) On premises smoking balconies to be provided where practical.
- j) A Licensed Premises management plan to be developed in co-ordination with stakeholders and City of Port Phillip.
- k) Design of public spaces to adopt principles of Crime Prevention Through Environmental Design (CPTED).
- l) Lighting of footpaths and public spaces.

based on Council's "best practice conditions" for both areas internal and external to the venues to be applied to each venue in the complex.

Appendix B – Heritage Report

Comment on the loss of the Embankment.

Other:

- a) Clearly indicate that consideration has been given to the quality of the visual and physical connection of Little Cavell St to Jacka Boulevard.
- b) The proposed roll down screens facing Jacka Boulevard deleted in favour of a notation to the effect that preference will be given to glass balustrades and retractable canopies for the purposes of wind protection.
- c) That treatment of plant, risers and equipment is further resolved to ensure integration with the architecture of proposed buildings and the 'grassy slopes' and appropriate notations added.

Cr Klepner proposed a FORESHADOWED MOTION (below) which she intended on MOVING in the event that the SUBSTANTIVE MOTION was defeated.

PROPOSED FORESHADOWED MOTION

1. That the Statutory Planning Committee note that some of the key outcomes envisaged by the Planning Scheme and Urban Design Framework are achieved or achieved in part by the submitted proposal including:
 - Providing a node for some entertainment and some cultural uses.
 - Refurbishing the Palais theatre including provision of improved back of house facilities.
 - Creating new vistas from within the development.
 - Provision of community uses on the site (including the Linden gallery and William Angliss TAFE College).
 - Urban design improvements including:
 - Active uses facing Jacka Boulevard, but in doing so has significantly internalised many of the activities including the proposed square.
 - Increased open space and a public plaza.
 - Providing a forecourt to the Palais.
 - Removing surface car parking areas.
 - Improved landscaping.

2. That the revised Development Plan however is not yet compliant with the Planning Scheme, the Municipal Strategic Statement, the Development Plan Overlay, Special Use Zone 3, the St.Kilda UDF and other relevant local planning policies in significant ways:
- 2.1 Inconsistent with the UDF vision and the St Kilda Triangle Act
- The Development Plan is inconsistent with the outcomes and vision sought by St Kilda Foreshore UDF, DPO1 and SUZ3.
 - The Development Plan is inconsistent with the public purposes and outcomes for the site in the St Kilda Triangle Act.
 - The proposed bulk and scale of development of the site is inconsistent with the UDF, the Development Plan Overlay and the purposes of Special Use Zone 3.
- 2.2 Introduces a major shopping complex of a sub-regional scale not supported by the planning scheme
- The Development Plan Overlay for the site, the purposes of Special Use Zone 3, the UDF, Council's Activity Centre, Retail and Foreshore policies and Municipal Strategic Statement do not support the introduction of a major shopping complex in this location.
 - There is minimal support in the existing planning policy and control frameworks for a retail activity centre of this size and use in this location.
 - Impact on existing retail centres in Port Phillip, especially but not limited to Acland and Fitzroy streets has not been adequately explored.
- 2.3 Loss of iconic viewlines and the viewing platform role of the Upper Esplanade
- Serial seascape and beachfront views and glimpsed vignettes to the foreshore reserve and other significant locations are not sufficiently retained.
 - Loss of iconic viewlines and loss of the Upper Esplanade's historic role as the viewing platform of the St Kilda Foreshore.
 - Loss of serial, panoramic seascape and beachfront views from the Esplanade.
 - Loss of key vistas to the foreshore and other significant locations.
 - Crowding and obscuring of the Palais Theatre's visual presence on the Esplanade, within the site, and from St Kilda Beach surrounds.
- 2.4 Treatment of the Palais inconsistent with its heritage status and role as a 'pavilion in space'
- Lack of clarity of protection of iconic aspects of the Palais theatre through the proposed treatment of the western and northern dimensions of the theatre to ensure it is respectful of this significant heritage place.

2.5 Lack of planning support to introduce a nightclub precinct of this scale and with its potential residential and broader social impact

- Introduction of a major nightclub precinct and other venues dependent on alcohol consumption with insufficient examination of potential impacts on the communities local to the precinct and surrounds.

2.6 Lack of independent analysis of numerous aspects of the proposed Development Plan including:

- Social impact effects on the urban character, affordability and economic diversity of St Kilda as a result of the proposed development.
- Effects of the proposed development on residential amenity.
- Adequacy and effect of transport implications.
- Potential environmental impacts of such a significant development.
- Range of heritage issues associated with the proposed development.
- Potential alternative cultural uses of the site.

2.7 Insufficient detail in the Development Plan

- The Development Plan provides insufficient detail particularly in relation to the proposed use of each level of each building.

2.8 The Development Plan provides insufficient detail in relation to viewlines and vistas

3. The Development Plan is therefore not approved at this time.

4. Council recognises that the developer has made his best endeavours and has a legal right to seek development the site, subject to planning approval.

5. Council invites and encourages the developer to submit a revised Development Plan.

6. To assist in the formulation of such revised Plan, an Independent Expert Panel, acceptable to all parties including the developer and community groups, will be appointed with expertise in the areas of social, health, cultural heritage, environmental, economic and other related impacts.

7. The role of the Independent Panel will be to advise on ways to bring a revised Development Plan into conformity with the UDF and the broader Port Phillip Planning Scheme and policies, with priority to the issues raised in pt2 above

8. The Independent Panel will apply a broad precinct planning approach and may commission further Social Impact Assessments, Economic Impact and other reports in conformity with relevant Planning Institute of Australia practice principles.

9. The work of the Independent Panel will include convening a working party with representatives of the developer, Council officers and community groups, to meet regularly and work through the issues raised in 2 above.

10. The Independent Panel will report progress to the Statutory Planning Committee on a monthly basis, and submit a final report no later than 30 May 2008.

The Chairperson PUT Cr Gross/Bolitho's SUBSTANTIVE MOTION to a VOTE.

A vote then was taken and the SUBSTANTIVE MOTION was CARRIED.

10. CLOSE

As there was no further business the meeting closed at 9.50pm.

Confirmed: 10 March 2008

Chairperson: _____