ORDINARY MEETING OF COUNCIL

MINUTES

15 NOVEMBER 2017
The meeting opened at 6:31 pm.

**PRESENT**
Cr Voss (Chairperson), Cr Baxter, Cr Bond, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, Cr Pearl, Cr Simic.

**IN ATTENDANCE**
Peter Smith Chief Executive Officer, Claire Ferres Miles General Manager Place Strategy and Development, Carol Jeffs General Manager Community Development, Fiona Blair General Manager Infrastructure and Amenity, Chris Carroll General Manager Organisational Performance, Alicia Hooper Acting Coordinator Health Equity & Social Justice, Katrina Terjung Manager Strategy & Growth, Anthony Traill Manager Open Space and Recreation, David Hehir Foreshore Coordinator, Lili James Manager Safety & Amenity, Terry Wright Coordinator Animal Management & Local Laws, Vanessa Schernickau Manager of Street and Beach Services, Damian Tyquin Coordinator Libraries, Adele Denison Coordinator Festivals, Dana Pritchard Coordinator Event Services, Janelle Bryce Manager Family Youth & Children, George Borg Manager City Development.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. **APOLOGIES**
Nil.

2. **CONFIRMATION OF MINUTES**

Moved Crs Pearl/Gross

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 1 November 2017 and the Mayoral Election Special Meeting held on 8 November 2017 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.
3. DECLARATIONS OF CONFLICTS OF INTEREST

Cr Gross declared an indirect conflict of interest for item 8.3 Domestic Animal Management Plan 2017-2021 due to impact on residential amenity.
4. PETITIONS AND JOINT LETTERS

Nil.
5. **SEALING SCHEDULE**

Nil.
6. PUBLIC QUESTION TIME

Teresa Warren

- Asked when would the Council be repairing the footpath near the intersection of Coventry Street and Clarendon Street, South Melbourne.

*Chris Carroll General Manager Organisational Performance, responded that the question would be taken on notice.*
7. **COUNCILLOR QUESTION TIME**

**Cr Baxter**

- Do officers have information on whether State Government agencies are proposing to sell off public land within the City of Port Phillip?

*Chris Carroll General Manager Organisational Performance, responded that further investigation was needed, but that the Council was developing relationships with VicTrack and the Department of Land, Water & Planning, to be notified when land was being contemplated for sale. In terms of any current properties, this would have to be taken on notice.*

**Cr Simic**

- Can officers provide information on what steps Council has taken to respond to the Fishermans Bend Framework and planning controls?
- Can officers provide information on how members of the community can get involved in making and providing submissions?

*Katrina Terjung, Manager Strategy & Growth, responded that Council will be making a formal submission to State Government on the Fishermans Bend Framework and planning controls. The submission will be presented for endorsement at the 13 December 2017 Council Meeting.*

*Any interested party or group is able to make submissions to the process via State Government via the Fishermans Bend website.*

- Questioned the funding for the development.
- Can officers explain how the Framework has suggested how floor area up-lifts allow a developer to build more floor area on the site, above and beyond what is allowed by the floor-area ratio in exchange for making contributions to an agreed public benefit?

*Carol Jeffs, General Manager Community Development, responded that the Council nor the community had received any information about the funding for Fishermans Bend, and suggested that this would be a strong part of the Councils submission.*

*Katrina Terjung, Manager Strategy & Growth, responded that floor area ratio is a density control which differs across various precincts in Fishermans Bend. Stated there was opportunity for a developer to seek a higher development-yield on a site with a floor area up-lift, where increased floor area is provided in exchange for a community benefit; this is defined by the planning controls, and limited to additional open space provision, affordable housing, and community infrastructure.*

- Will the suggested model be able to pay for all the infrastructure required?

*Carol Jeffs, General Manager Community Development, responded that the floor area ratio and floor area up-lift had only one mechanism proposed to achieve those community outcomes, however other developer and open space contributions were anticipated. The floor ratio and up-lifts would definitely not cover all the infrastructure requirements required for Fishermans Bend.*
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- Do officers have an estimate for the gap between developer contributions for required infrastructure and what will need to be paid?

Carol Jeffs, General Manager Community Development, responded that at this stage the Council didn’t, however it eagerly awaits those details so that it can do an assessment.

- Will the Fishermans Bend housing affordability mechanisms allow the Council to meet housing affordability targets set for the local community set for the City of Port Phillip in the In Our Backyard plan?

Katrina Terjung, Manager Strategy & Growth, responded that the Fishermans Bend Framework sets a target of 6% affordable housing, and that the Council’s position to date has been 6% social housing and 20% affordable housing overall.

- How does the Framework, as it is specifically worded, allow the Council to meet the In Our Backyard Strategy targets?

Katrina Terjung, Manager Strategy & Growth, responded that the targets are different in their composition, there is potential in the floor area up-lifts to deliver at least the targeted amount, but it subject to the developers opting into this choice.

The Mayor, Cr Voss, stated that on Thursday 30 November from 6-7.30pm there is another Fishermans Bend forum where the Council’s submission to Fishermans Bend will be discussed, and any interested member of the community is welcome to attend.
8. PRESENTATION OF REPORTS

Discussion took place in the following order:

8.1 Friends of Suai/Covalima Annual Report 2016-17
8.2 St Kilda Pier Renewal
8.3 Domestic Animal Management Plan 2017-2021
8.12 Elster Creek Catchment - Action Plan Endorsement
8.6 Hearing of Submissions - Proposed Road Closure of Ferrars Street (northern section), Gladstone Street (eastern section) and Railway Place (northern section)
8.8 Events Strategy and Outdoor Events Policy 2017
8.14 98 Dow Street, Port Melbourne
8.15 100 Park Street, South Melbourne
8.13 10 - 12 and 14 - 16 Boundary Street, South Melbourne
8.16 VCAT appeal - 245 - 251 Normanby Road, South Melbourne
8.4 Awarding of Towing Obstructing Vehicles and Vehicles from Clearways Contract
8.5 South Melbourne Market - Extension of Term for Community Members of SMM Committee
8.7 Child Safe Standards
8.9 Middle Park Library
8.10 Palais Theatre Community Purpose Reservation Policy
8.11 Health and Wellbeing Implementation Strategy
8.17 Council Policy - Fraud and Corruption Control
8.18 Audit & Risk Committee - Appointment of External Member
8.19 Alteration to Council Meeting Timetable 2017
8.1 Friends of Suai/Covalima Annual Report 2016-17

The following speaker made a verbal submission in relation to this item:

Megan Alston

As Chair of the Friends of Suai/Covalima Reference Committee, stated that it was her pleasure to present the annual report to Council. Outlined many of the achievements of the friendship agreement, and thanked the Council for their support.

Purpose

To update Council on the 2016-17 achievements of the Friends of Suai/Covalima (FoS/C) Community Reference Committee (CRC).

Moved Crs Baxter/Simic

That Council:

1.1 Endorses the 2016-17 Friends of Suai/Covalima (FoS/C) Annual Report (Attachment 1).

1.2 Acknowledges the contribution of the FoS/C Community Reference Committee and FoS/C working groups

A vote was taken and the MOTION was CARRIED.
8.2 St Kilda Pier Renewal

The following speakers made a verbal submission in relation to this item:

Craig Brunnen

On behalf of Earthcare St Kilda, thanked the Council for their inclusion of the organisation’s input on such an important development. Spoke of Earthcare’s support for design option two.

Geoffrey Love

Spoke in support of design option two, and stated that he was pleased that Parks Victoria was supportive of swimming off the pier. Asked what consideration the City of Port Phillip was giving to the whole precinct development, including the replacement of Brooke’s Jetty.

Purpose

Council is a major stakeholder to Parks Victoria’s conceptual plans to replace St Kilda Pier. The Pier has reached the end of its structural life and two options for its replacement have been proposed by Parks Victoria. This report seeks to provide an overview of the consultation conducted for the two options and to reconfirm Council’s support for the upgrade of the pier to benefit the public and local wildlife.

Moved Crs Brand/Gross

That Council:

1.1 Confirms Parks Victoria’s conceptual plans align with Council’s adopted planning policies to improve facilities in the Port Phillip Bay coastal area and maximise enjoyment for the public.

1.2 Extends its gratitude to all Port Phillip community submitters that contributed to the Parks Victoria community engagement process.

1.3 Notes overwhelming community support for either option 1 or 2 to replace the pier.

1.4 Notes the community’s preference for the future St Kilda Pier is 2:1 in support of the ‘curved alignment’ over the ‘straight alignment’.

1.5 Supports the community preference for the curved option, but recommends that both options be further investigated as part of the development of a business case in case option 2 proves technically unfeasible, and to ensure desirable factors of either option can be incorporated into any desired hybrid design solution.
1.6 Writes to Parks Victoria, the Premier, relevant Ministers and Local State member, reconfirming Council’s support to replace St Kilda Pier. Seek the State to fund the replacement of their Pier including protection of the penguin habitat, increased public facilities, all-abilities in-water access ramp and improved connection to the foreshore.

A vote was taken and the MOTION was LOST.

Moved Crs Bond/Pearl

That Council:

1.1 Confirms Parks Victoria’s conceptual plan aligns with Council’s adopted planning policies to improve facilities in the Port Phillip Bay coastal area and maximise enjoyment for the public.

1.2 Extends its gratitude to all Port Phillip community submitters that contributed to the Parks Victoria community engagement process.

1.3 Supports Parks Victoria further develop Option 2 conceptual plan for the development of a business case. Noting this was the preferred in-principle option of the Parks Victoria Reference Committee.

1.4 Writes to Parks Victoria, the Premier, relevant Ministers and Local State member, reconfirming Council’s support to replace St Kilda Pier. Seek the State to fund the replacement of their Pier including protection of the penguin habitat, increased public facilities, all-abilities in-water access ramp and improved connection to the foreshore.

A vote was taken and the MOTION was CARRIED.

Cr Brand called for a DIVISION

FOR: AGAINST:
Cr Baxter Cr Brand
Cr Crawford
Cr Gross
Cr Pearl
Cr Simic
Cr Voss
Cr Copsey
Cr Bond

A vote was taken and the MOTION was CARRIED.
Cr Gross, declared an indirect conflict of Interest for item 8.3 Domestic Animal Management Plan 2017-2021, due to impact on residential amenity and left the Chamber at 7.33pm.

8.3 Domestic Animal Management Plan 2017-2021

The following speakers made a verbal submission in relation to this item:

Miriam Orwin
Spoke against the Domestic Animal Management Plan, and stated that the methods used by the Domestic Animals Management Team appear to be shady, wasteful of valuable Council resources, in breach of natural justice, not in alignment with case law or equity, and completely disregarding civil procedure evidence and other legislation which is applied to every act that the Council administers.

Made a comparison between the infringement processes of the Morning Peninsula Shire and the City of Port Phillip.

Ken Phillips
As a worker in the local pet industry spoke in support of the Domestic Animal Management Plan, and stated a vehement belief in dogs being under effective control. Is a member of a working group within the Pet Industry Association of Australia, which is creating standards and guidelines for the industry, and will be engaging with Council officers directly.

Purpose

To present the draft Domestic Animal Management Plan 2017-2021 (DAMP, Attachment 2) to Councillors for adoption after an extensive period of community consultation and engagement.

Moved Crs Copsey/Baxter

That Council:


1.2 Adds the following action to section 10.6 overpopulation and euthanasia of the Domestic Animal Management Plan 2017-2021 – animal management officers will work in partnership with the lost dogs home, veterinary clinics and animal rescue organisations to optimise the rehousing and adoption rates for dogs and
cats and to reduce the incidence of euthanasia to the bare minimum, to animals with an untreatable medical or behavioural issue, or no prospect of re-homing. The euthanasia rates will be monitored monthly as part of the contractual arrangements with the lost dogs home and opportunities to further reduce the euthanasia rates will be explored and implemented wherever possible.

1.3 Notes that council’s contract with the lost dogs home is due to expire in 20 August 2019 and opportunities to further reduce euthanasia rates will be explored in subsequent contract negotiations.

1.4 Writes to submitters to thank them for their feedback, and assisting council to develop actions that will balance the needs of pet owners and non-pet owners.

1.5 Makes the Domestic Animal Management Plan 2017-2021 available on council’s website, town halls and libraries.

1.6 Authorises the Chief Executive Officer or his delegate to make final design or minor editorial changes prior to publication.


A vote was taken and the MOTION was CARRIED unanimously.

Cr Gross, returned to the Chamber at 8.04pm.
8.12 Elster Creek Catchment - Action Plan Endorsement

The following speakers made a verbal submission in relation to this item:

Isaac Hermann

Welcomed the amendments to the Elster Creek Action Plan, however stated concerns that there was no mention of environmental or public safety. Emphasised the need for a fresh and transparent approach to local planning that adheres to state planning policy regarding the identification of flood retarding basins, flood fringe areas, and areas effected by tidal storm surge and river-end flooding. Noted vital omissions from the Plan leaving room for more thorough work to take place.

Geoffrey Love

Stated that EFLAG appreciates the City of Port Phillip’s contribution to the development of the Elster Catchment Forum. Noted an inconsistency from a privacy perspective of the Council’s release of the Memorandum of Understanding. Spoke in support of the previous speaker, and noted that there were currently two planning panels sitting over matters that effect Elster Creek Catchment, yet do not have Council representation.

Helen Halliday

Spoke in favour of the points raised by Isaac Hermann and highlighted the need to achieve integrated water management. Emphasised long term proposals considered by the group, and the need to be cautious that the action plan doesn’t become an inaction plan. Raised concern from the GHD report that pipes may be merely transporting water from one flood-prone area to another.

Purpose

To seek Council’s endorsement of the Elster Creek Catchment Action Plan – for 2018 including the governance structure.

Moved Crs Gross/Crawford

That Council:

1.1 Endorses the Elster Creek Catchment Action Plan for 2018 (Attachment 1) noting it:

1.1.1 Is a high level document with overall deliverables for each action.

1.1.2 Includes three themes:

1.1.2.1 One Catchment, one plan

1.1.2.2 Strategic planning

1.1.2.3 Informed communities.

1.1.3 Shows shared responsibility across the organisations involved.
1.2 Notes that each action within the Action Plan will be scoped in detail by the working group.

1.3 Notes the commitment by Melbourne Water and the Cities of Port Phillip, Glen Eira, Bayside and Kingston to work collaboratively with a shared approach to enable investigation of improvement opportunities with respect to flooding in the Elster Creek Catchment.

A vote was taken and the MOTION was CARRIED unanimously.
8.6 Hearing of Submissions - Proposed Road Closure of Ferrars Street (northern section), Gladstone Street (eastern section) and Railway Place (northern section)

The following speaker made a verbal submission in relation to this item:

Rochelle Bell

Spoke regarding the Council’s need to replace the bike and shared paths around the Ferrars Street Education and Community Precinct, particularly at tram stop 125A Montague Street, South Melbourne.

Purpose

To hear and consider feedback from those who have made written submissions on the proposed closure of Ferrars Street (northern section); Gladstone Street (eastern section); and Railway Place (northern section) in South Melbourne;

Cr Simic Left the Chamber at 8.38pm and returned at 8.42pm.

Moved Crs Bond/Gross

That Council:

1.1 Notes that on 5 April 2017, Council endorsed the design and delivery of the streetscape works in the Ferrars Street Education and Community Precinct including adjustments to the design made in response to community feedback.

1.2 Notes that on 19 September 2017, Council resolved to commence the process for the permanent road closure of Ferrars Street; Gladstone Street; and Railway Place in South Melbourne in accordance with the Local Government Act 1989, Section 207 (Power of Council over traffic), Schedule 11, Clause 9 (Power to place obstructions or barriers on a road permanently).

1.3 Receives and considers all written and verbal submissions to the proposed closure of Ferrars Street (between Douglas Street and Gladstone Street) and Gladstone Street (between Kerr Street and Ferrars Street) and narrowing of Kerr Street to facilitate the creation of the Montague Community Park.

1.4 Receives and considers all written and verbal submissions to the proposed closure of Railway Place to enable the:

   a) creation of a pedestrian zone at the junction of Meaden Street, Douglas Street and Railway Place; and

   b) entry and exit for traffic from City Road to the southern section of Railway Place to facilitate access to the back of properties situated on Railway
Place and the new school.

1.5 Extends its gratitude to all submitters and to persons presenting at this meeting.

1.6 Notes that on the 06 December 2017, Council will make a determination on whether to proceed with the proposed road closures.

A vote was taken and the MOTION was CARRIED unanimously.
8.8 Events Strategy and Outdoor Events Policy 2017

The following speaker made a verbal submission in relation to this item:

Raymond Snyder

On behalf of the West St Kilda Residents Association, stated that there had been limited ability to look at latest two documents relating to the policy, and that there is potential for areas of conflict between the documents relating to policy and the documents relating to strategy. Noted that traffic access to the area during events was a real problem, and urged that better notification for residents was needed. Stated that there was a lack of clarity on Council’s website for finding information on events, and that the location for events should be distributed more widely within the municipality.

Purpose

To present the results of the Event Community Consultation and recommend the adoption of the reviewed Outdoor Event Policy and Event Strategy

Moved Crs Bond/Gross

That Council:

1.1 Notes the extensive consultation that was undertaken regarding events within the municipality and feedback provided by community to inform the review of the Outdoor Event Policy and the Events Strategy.

1.2 Adopts the Outdoor Event Policy 2018 – 2022, with the removal of clause 5.4 which is an error.

1.3 Adopts the Events Strategy 2018 – 2022.

A vote was taken and the MOTION was CARRIED.

The Mayor adjourned the meeting at 9.07pm for a short break.
The meeting resumed at 9.16pm.
8.14 98 Dow Street, Port Melbourne

Purpose

Alterations and additions to the existing dwelling including the construction of a second floor addition (three storey dwelling) on a lot less than 500m².

Moved Crs Bond/Simic

14.1 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.

14.2 That a Notice of Decision to Grant a Permit be issued for the construction of alterations and additions to the existing dwelling including a second floor addition (three storey dwelling) on a lot less than 500m² at 98 Dow Street, Port Melbourne.

14.3 That the decision be issued as follows:

1 Amended Plans Required

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 referred to as TP01-TP6 Rev C, date stamp received 27/3/17, and SH1-SH4 Rev D, date stamp received 8/5/17, prepared by 3rd Dimension Developments, but modified to show:

a) The deletion of the canopy above the balcony to the front elevation of the second floor addition.
b) The air conditioner unit relocated from the second floor lightwell to the ground floor rear yard of the property.
c) The floor to ceiling height of the second floor reduced to a minimum of 2.55m in height, for a maximum overall building height of 9.75m.
d) The roof pitch reduced from 20 degrees to 15 degrees.
e) The front setback of the second floor addition increased to a minimum of 2.1m from the front boundary.
f) Cross section elevation drawings of the screens to the southern first floor window. The drawings must:
   o Be drawn to scale and fully dimensioned;
   o Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
   o Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
o  Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the balcony and/or window.

   g) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels.

   h) A full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file).

2  No Alterations
The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

3  Incorporation of Water Sensitive Urban Design initiatives
Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

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

5  Walls on or facing the boundary
Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

6.  Piping and ducting
All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.
7. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

a) The development is not started within two (2) years of the date of this permit.
b) The development is not completed within two (2) years of the date of commencement of works.

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

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

Permit Notes:

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Building Works to Accord with Planning Permit

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

Due Care

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

Days and Hours of Construction Works

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council’s Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

A vote was taken and the MOTION was CARRIED unanimously.
8.15 100 Park Street South Melbourne

Purpose

Buildings and works including the construction of a multi-level (19 storey) mixed use building over two basement levels containing dwellings, an office and a reduction in the car parking requirements

Moved Crs Bond/Copsey

14.1 That the Responsible Authority, having caused the application 149/2017 to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, would have issued a Notice of Refusal to Grant a Planning Permit for buildings and works including the construction of a multi-level (19 storey) mixed use building over two basement levels containing dwellings and an office and a reduction in the car parking requirements at 100 Park Street, Melbourne on the following grounds:

1. The proposal does not adequately satisfy the relevant objectives and strategies of the Local Planning Policy Framework (LPPF), namely 21.04-1 (Land Use – Housing and accommodation), 21.05-2 (Built Form - Urban Structure and Character), 21.05-3 (Built Form - Urban Design and the Public Realm), 21.06-7 (Neighbourhoods – St Kilda Road North Precinct) of the Port Phillip Planning Scheme.

2. The building scale and massing is contrary to Clause 21.05-2 (Built Form - Urban Structure and Character), 21.05-3 (Built Form - Urban Design and the Public Realm), 21.06-7 (Neighbourhoods – St Kilda Road North Precinct), 22.06 (Urban Design Policy for Non Residential Development and Multi Unit Residential Development) and 43.02 (Design and Development Overlay) of the Port Phillip Planning Scheme.

3. The proposal is inconsistent with the design objectives and requirements of the Design and Development Overlay Schedule 26, particularly in relation to side and rear setbacks, podium upper level setbacks, landscape setbacks, onsite loading bays and overshadowing of the southern side of Park Street.

4. The development would not allow for equitable development rights of 88 Park Street, South Melbourne.

5. The development would not provide acceptable vehicle access to the site which would impact the traffic flow in the surrounding area in accordance with Clause 52.06 of the Port Phillip Planning Scheme.
6. The development does not provide an adequate onsite car parking provision for dwellings or residential visitors in accordance with Clause 52.06 of the Port Phillip Planning Scheme.

7. The development does not provide an adequate provision of onsite loading in accordance with Clause 43.02 (Schedule 26) of the Port Phillip Planning Scheme.

8. The proposal is an overdevelopment of the subject site and would not be in keeping with the orderly planning of the area.

A vote was taken and the MOTION was CARRIED unanimously.
8.13 10 - 12 and 14 - 16 Boundary Street, South Melbourne

Purpose

The application proposes to amend the existing planning permit by modifying the plans to reduce the number of dwellings from 30 to 27, layout and design changes to townhouses, and the deletion of the basement car park. Amendments to the permit preamble and permit conditions to reflect the amended design of the development.

Moved Crs Bond/Copsey

14.1 That the Responsible Authority issue an Amended Planning Permit for 'Demolition of the existing building, use of the land for accommodation and buildings and works to construct townhouses generally in accordance with the endorsed plans and subject to the following conditions, at 10 – 12 and 14 – 16 Boundary Street, South Melbourne.

14.2 That the decision be issued as follows:

1 Amended Plans Required

Before the development and/or use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted on 22/08/2017, prepared by DKO Architecture, but modified to show:

a) Deleted.
b) Deleted.
c) Deleted.
d) Deleted.
e) Deleted.
f) Deleted.
g) Notation on the basement plan that the 46,000 litre rainwater tank is connected to all toilets for flushing, and location of the water tank identified.
h) Deleted.
i) Deleted.
j) Deleted.
k) Deleted.
l) Deleted.
m) The development to 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 and the Responsible Authority (condition 12).

n) Deleted.

o) The fence facing Thistlethwaite Street reduced to a maximum height of 1.8m.

p) Details (percentage) of the fence to Thistlethwaite Street and Boundary Street permeability, and details of the material utilised for the permeable section of fencing.

q) Clearly detail specifications of the type of obscured glazing to be used. Obscured habitable room windows within Townhouses 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, and 12, must use obscured glazing in accordance with ‘obscure glazing’ images on Drawing No. TP304, not frosted glass.

r) Correct POS allocations to each townhouse within the Development Schedule.

s) Operable bathroom windows.

t) A total of 6 cubic meters of storage for each townhouse.

u) Confirmation that the south west facing L1 living room windows, L2 bedroom 2 window, L3 master bedroom window, and roof terrace of TH22 do not overlook the rear SPOS of No. 8 Boundary Street, or privacy screening to windows which would overlook the SPOS, with a minimum height of 1.7m from the finished floor level of the room, with a maximum permeability level of 25%.

v) Level 3 east facing bedroom windows to townhouses 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 to be screened to a minimum height of 1.7m from the finished floor level, with a maximum permeability level of 25%.

w) Confirmation that the L2 & L3 bedroom windows facing light courts of townhouses 23, 24, 25, 26, and 27 do not overlook the rear SPOS or habitable room windows of No. 8 Boundary Street, or privacy screening to windows which would overlook, with a minimum height of 1.7m from the finished floor level of the room, with a maximum permeability level of 25%.

x) South facing habitable room windows on the boundary (within 170mm), at all levels, to townhouse 22 screened to a minimum height of 1.7m from the finished floor level of the room.

y) Provision of clotheslines for all townhouses.

z) Any changes associated with the amended Waste Management Plan (WMP) required by Condition 4 of this permit.

aa) Any changes associated with the amended Sustainable Management Plan (SMP) required by Condition 6 of this permit.

bb) Any changes associated with the amended Landscape Plan required by Condition 2 of this permit.

2 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be
submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must be generally in accordance with the Landscape Plan submitted on 16/06/2017 and prepared by John Patrick Landscape Architects Pty Ltd, but amended to incorporate:

a) An increase in permeable surfaces and associated reduction in impermeable surfaces.

b) A semi-mature street tree to replace the existing tree to be removed from the Thistlethwaite Street nature strip.

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

3 Completion of Landscaping
The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

4 Waste Management Plan
Before the development starts (other than demolition or works to remediate contaminated land) an updated Waste Management Plan (WMP) must be submitted to and be to the satisfaction of the Responsible Authority. The WMP must detail an adequate waste management arrangement must be provided for the premises, in accordance with Council’s Local Law No. 1 (Community Amenity) 2013 to the satisfaction of the Responsible Authority. The WMP must be generally in accordance with the WMP submitted on 22/08/2017 but modified to;

- Detail on site collection, bins must not be stored on Thistlethwaite Street.

Once submitted and approved, the Waste Management Plan must be carried out to the satisfaction of the Responsible Authority.

5 Waste Management
An adequate waste management arrangement must be provided for the premises, 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 must be in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

6 Sustainable Management Plan
Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The SMP must
be generally in accordance with the SMP submitted on 16/06/2017, but modified to:

- Detail the BESS Assessment as published.
- Further details regarding how the development will achieve a high level of thermal comfort.
- A commitment to a minimum average energy rating to an equivalent of 6.5 stars and 5.0 star minimum NatHERS rating.
- Glazing specification, including type, U-value and Solar Heat Gain Co-efficient (SHGC).
- Details regarding how energy would be reduced in peak demand through design measures to glazed surfaces, including details of external shading to north, west and east appropriate to the angle of the sun.
- Commitment to installation of WELS rated fixtures and appliances within one star of best available.
- Efficiency of appliances provided as part of the base build including heating and cooling systems, washing machines, dryers and dishwashers.
- Commitment to a lighting efficiency of 4w/m2 in habitable rooms.
- Detail the location of the Third Pipe Supply.
- Detail location, capacity, and connections, for the rainwater tank.
- The number of visitor bicycle parking spaces increased to a minimum of 8.
- Replacing portions of impermeable paving with porous paving where appropriate, and associated changes to the STORM report.
- A maintenance manual for all water sensitive design initiatives.

Once submitted and approved, the Sustainable Management Plan must be carried out to the satisfaction of the Responsible Authority.

7 Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

8 Water Sensitive Urban Design Response

Before the development starts (other than demolition or works to remEDIATE contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must be generally in accordance with the report submitted on 16/06/2017 but amended to:
a) Detail an increase in porous paving and any subsequent changes to the STORM rating.

9 Maintenance Manual for Water Sensitive Urban Design Initiatives

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

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

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

10 Incorporation of Water Sensitive Urban Design Initiatives

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

11 Incorporation of Water Sensitive Urban Design Initiatives

The developer must ensure that:

q) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;

r) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;

s) 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.

t) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;

u) 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.

12 Dual Water Reticulation

Before the occupation 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 and to the satisfaction of the Responsible Authority.
13 Contaminated Land
Before the development 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.

14 Compliance with Statement of Environmental Audit
Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land 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, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

15 Remediation Works Plan
Before any remediation works are undertaken in association with the environmental audit, a ‘remediation works plan’ must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.
16 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 expenses (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:
(a) The developer to pay a development contribution of:
   • $15,900 per dwelling
   • $180 per sqm of gross commercial floor area;
   • $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.
(e) Confirm that contributions will be payable to the Victorian Planning Authority.
(f) Confirm that the contributions will be used by the Development Agency as stipulated by the Victorian Planning Authority to deliver the schedule of types of infrastructure.
(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) 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.
(i) 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.
(j) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

17 Noise Attenuation for Dwellings
Prior to the occupation of the buildings allowed by this permit, the applicant/owner must ensure that external noise intrusion into dwelling bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics - Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:
- v) Between 10pm and 7am in bedrooms areas must not exceed $\text{LA}_{eq} (9 \text{ hour}) 40\text{dB}(A)$;
- w) Between 7am and 10pm in living rooms must not exceed $\text{LA}_{eq} (15 \text{ hour}) 45\text{dB}(A)$.

18 Incorporation of Noise Attenuation Measures
Prior to the occupation of the building(s) allowed by this permit, the project must incorporate the noise attenuation measures listed in the endorsed Acoustic Report and shown on the endorsed plans to the satisfaction of the Responsible Authority.

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

20 Walls on or Facing the Boundary
Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

21 3D Model
Before the development starts (other than demolition or works to remediate contaminated land in accordance with an Auditor’s direction, or site preparation works), a 3D digital model of the overall development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and the City of Port Phillip and be to the satisfaction of the Responsible Authority and the City of Port Phillip in conformity with the Department of Environment, Land, Water and Planning Advisory note 3D Digital Modelling.
In the event that substantial modifications are made to the overall development a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority and the City of Port Phillip. The 3D model must be accompanied by a signed statement declaring that by submitting the model, the applicant / owner grants, and warrants they are authorised to grant, the State of Victoria and the City of Port Phillip free of charge a sub-licensable, irrevocable, non-exclusive worldwide licence to use the model for any planning related purpose, and that further the applicant / owner indemnifies the State of Victoria and the City of Port Phillip against any loss, damage, claim, action or expense which the State of Victoria and the City of Port Phillip (including their officers, employees and agents) suffer as a direct result of a breach of this warranty.

22 **No Damage to Existing Street Trees - Amended**

With the exception of the street tree to be removed along Thistlewaite Street, the proposed development and works must not cause any damage to any existing street tree. Root pruning of any adjacent street tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of any crossover/works.

All adjacent street trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

23 **Vehicle Crossings**

Prior to the occupation of the building(s) allowed by this permit, vehicle crossings must be constructed in accordance with Council’s current Vehicle Crossing Guidelines and standard drawings and all redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at cost of the applicant/owner to the satisfaction of the responsible authority.

24 **Alteration/ Reinstatement of Council of Public Authority Assets**

Prior to the occupation of the building(s) allowed by this permit, the Applicant/ Owner shall do the following things to the satisfaction of the Responsible Authority:

x) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.

y) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.

z) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.
25 **Public Services**
Before the occupation 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.

26 **Services to be Underground**
All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority. All costs associated with any such works must be borne by the applicant/owner.

27 **No Alterations**
The layout of the site and the size, levels, design and location of buildings and works, and external materials, finishes and colours shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

28 **Lighting Baffled**
All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

29 **No Equipment and Services**
No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

30 **No Change to External Finishes**
All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

31 **Number of Dwellings**
Without the further written consent of the Responsible Authority, no more than 27 dwellings may be constructed on the land.

32 **Water Supply/ Recycled Water/ Sewerage Provision**
The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a
Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.

33 Energy Supply Provision
The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.

34 Time for Starting and Completion
This permit will expire if one of the following circumstances applies:

aa) The development is not started within three years of the date of this permit.
bb) The development is not completed within two years of the date of commencement of works.
cc) The use is not commenced within two years of the completion of the development.

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

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

35 Street Tree Removal
Before the development starts, the amenity value and removal and replacement cost of the street tree must be paid by the applicant/owner to the satisfaction of Responsible Authority. Removal and replacement, including 24 month maintenance of the street tree, may only be undertaken by the Responsible Authority.

A vote was taken and the MOTION was CARRIED unanimously.
8.16 VCAT appeal - 245 - 251 Normanby Road, South Melbourne

Purpose

Authorisation is sought for the Manager City Development to instruct Council's Statutory Planners and/or Council solicitors on the VCAT application for review of planning application for 245 – 251 Normanby Road, South Melbourne (Council reference 13/2015/MIN, Minister’s reference PA1500028).

Moved Crs Bond/Gross

That Council:

1.1 Authorises the Manager City Development to instruct Council’s Statutory Planners and/or Council solicitors on the VCAT application for review of planning application for 245 – 251 Normanby Road, South Melbourne (Council reference 13/2015/MIN, Minister’s reference PA1500028).

A vote was taken and the MOTION was CARRIED unanimously.
8.4 Awarding of Towing Obstructing Vehicles and Vehicles from Clearways Contract

Purpose

To seek Council approval to award a contract to Nationwide Towing and Transport Pty Ltd for towing services to remove obstructing vehicles and vehicles from clearways for the City of Port Phillip.

Moved Crs Gross/Bond

That Council:

1.1. Awards Contract No. 2102 for the provision of towing services of obstructing vehicles and vehicles from clearways for the City of Port Phillip to Nationwide Towing and Transport Pty Ltd (ACN 088 026 706).

1.2. Authorises the Chief Executive Officer or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution.

1.3. Executes the agreement with Nationwide Towing and Transport Pty Ltd for the provision of towing services of obstructing vehicles and vehicles from clearways for a term of five years.

1.4. Authorises all payments under the agreement.

1.5. Affixes the common seal of the Port Phillip City Council to Contract No 2102 between Port Phillip City Council and Nationwide Towing and Transport Pty Ltd.

A vote was taken and the MOTION was CARRIED unanimously.
8.5 South Melbourne Market - Extension of Term for Community Members of SMM Committee

Purpose

To seek Council approval to extend the tenure of the independent community members of the South Melbourne Market Section 86 Committee up to 30 June 2018. Council can resolve to change the committee members’ tenure at a future meeting.

Moved Crs Simic/Bond

That Council:

1.1 Approves the extension of the tenure of the South Melbourne Market Section 86 Committee independent community members, Violetta Hartley and Andrew Brough up to 30 June 2018.

1.2 Notifies the independent committee members that their tenure will be extended up to 30 June 2018 unless Council resolves otherwise at a future Council meeting.

1.3 Notes that South Melbourne Market’s Section 86 Committee Charter is being reviewed and the tenure of Committee members may be reviewed at a future Council meeting.

A vote was taken and the MOTION was CARRIED.
8.7 Child Safe Standards

Purpose

Seek formal endorsement of the statement of commitment to embed a culture of child safety at the City of Port Phillip where children and young people have the right to feel and be safe.

Moved Crs Copsey/Gross

That Council:

1.1 Formally endorses the Statement of Commitment to Child Safety (attachment 1).

A vote was taken and the MOTION was CARRIED unanimously.
8.9 Middle Park Library

Purpose

This report is to inform Council and community of the plan to re-focus Middle Park Library into a creative and collaborative learning environment and to seek Council approval for the process for community consultation about how this change will be implemented and the continued development of this library space.

Moved Crs Bond/Pearl

That Council:

1. Approves the process for consultation with the community and key stakeholders about how best to tailor the proposed Middle Park Library space for the community, including feedback on what programs and training options are available.

A vote was taken and the MOTION was LOST.

Cr Bond called for a DIVISION

FOR: AGAINST:
Cr Bond Cr Baxter
Cr Gross Cr Crawford
Cr Pearl Cr Simic
Cr Voss
Cr Brand
Cr Copsey

A vote was taken and the MOTION was LOST.

Moved Crs Simic/Copsey

That Council:

1. Endorses the direction for refocusing Middle Park Library as a creative and collaborative learning environment.

1.2 Approves the process for consultation with the community and key stakeholders about how best to tailor the proposed Middle Park Library space for the community, including feedback on what programs and training options are available.

A vote was taken and the MOTION was CARRIED.
Cr Bond called for a DIVISION

FOR:  AGAInst
Cr Baxter  Cr Bond
Cr Crawford  Cr Gross
Cr Simic  Cr Pearl
Cr Voss
Cr Brand
Cr Copsey

A vote was taken and the MOTION was CARRIED.
8.10 Palais Theatre Community Purpose Reservation Policy

Purpose

To seek Council’s approval for the Palais Theatre Community Purpose Reservation Policy that will govern the selection of community bookings for the Palais Theatre, as required through the terms of the lease with Live Nation Australia Venues Pty Ltd (Live Nation).

Moved Crs Copsey/Gross

That Council:

1.1 Approves the Palais Theatre Community Purpose Reservation Policy 2017 (attachment 1).

1.2 Approves the Instrument of Delegation for the Palais Theatre Community Purpose selection committee and affixes the Common Seal to the Port Phillip City Council Instrument of Delegation (attachment 2).

A vote was taken and the MOTION was CARRIED unanimously.
8.11 Health and Wellbeing Implementation Strategy

Purpose

To endorse the Health and Wellbeing Implementation Strategy for submission to the Department of Health and Human Services in fulfilment of the City of Port Phillip’s legislative requirements under the Public Health and Wellbeing Act 2008.

Moved Crs Crawford/Copsey

That Council:

1.1 Endorses the Health and Wellbeing Strategy for submission to the Department of Health and Human Services by 15 December 2017.

A vote was taken and the MOTION was CARRIED unanimously.
8.17 Council Policy - Fraud and Corruption Control

Purpose

To seek Council’s approval of a revised Fraud and Corruption Control Policy.

Moved Crs Gross/Pearl

That Council:

1.1 Approves the updated Fraud and Corruption Control Policy included in Attachment 1.

A vote was taken and the MOTION was CARRIED.
8.18 Audit & Risk Committee - Appointment of External Member

Purpose

Seek the Council’s approval to appoint an external member to the City of Port Phillip Audit and Risk Committee.

Moved Crs Gross/Pearl

That Council:

1.1 Appoints Helen Lanyon as an external member of the City of Port Phillip Audit and Risk Committee commencing January 2018 for a period of three years ending January 2021.

A vote was taken and the MOTION was CARRIED unanimously.
8.19 Alteration to Council Meeting Timetable 2017

Purpose

To present to Council a proposed alteration to the meeting schedule for Ordinary Council meetings for 2017 by adding an additional Council meeting to be held on Wednesday 13 December 2017.

Moved Crs Pearl/Gross

That Council:

1.1 Holds an additional Ordinary Meeting of Council to be held on Wednesday 13 December 2017 commencing at 6.30pm at the St Kilda Town Hall

A vote was taken and the MOTION was CARRIED.
9. **NOTICES OF MOTION**

Nil.
10. REPORTS BY COUNCILLOR DELEGATES

Cr Brand
Reported that Linden New Art held their annual postcard show opening recently, spread over two nights, and had been highly successful with around 1,000 people attending.

Cr Gross
Reported attending the meeting of the Metropolitan Waste Resource Recovery Group. Reported on attending the Municipal Association of Victoria's State Council meeting, and that the City of Port Phillip’s resolution on Graffiti was supported unanimously.
II. URGENT BUSINESS

Moved Crs Gross/Baxter

That Council:

Considers an item of Urgent Business in relation to the unbudgeted expenditure for the purchase of hostile vehicle mitigation barriers.

A vote was taken and the MOTION was CARRIED.

Moved Crs Pearl/Gross

That Council:

1. Notes that under Council’s adopted Procurement Policy, the CEO has been delegated power to enter into a contract in emergency circumstances up to a value of $5,000,000.

2. Notes that the CEO has declared that a contract for the purchase of hostile vehicle mitigation barriers must be entered into due to emergency circumstances.

3. Approves up to $270,000 including GST of unbudgeted expenditure for the purchase of hostile vehicle mitigation barriers.

4. Updates the budget at the next quarterly review in February 2018.

A vote was taken and the MOTION was CARRIED unanimously.
12. CONFIDENTIAL MATTERS

Moved Crs Gross/Pearl

That in accordance with Section 77(2)(a) of the Local Government Act 1989 (as amended), the meeting be closed to members of the public in order to deal with the following matters, that are considered to be confidential in accordance with Section 89(2) of the Act, for the reasons indicated:

12.1 253-273 Normanby Road, South Melbourne

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:

89(2)(h). A matter which the Council or special committee considers would prejudice the Council or any person.

A vote was taken and the MOTION was CARRIED.

As there was no further business the meeting closed at 10.47pm.

Confirmed: 6 December 2017

Chairperson ____________________________________________