MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 1 NOVEMBER 2017 IN SOUTH MELBOURNE TOWN HALL

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, Lili James Acting General Manager Infrastructure and Amenity, Chris Carroll General Manager Organisational Performance, Damian Dewar Manager Place & Design, Danielle Fraser Coordinator Community & Service Planning, George Borg, Manager City Development, Doron Karliner Chief Governance Officer.

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 18 October 2017 be confirmed subject to the following change:

That the word “unanimously” be removed from the recorded vote taken for agenda item 8.4.

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

The Mayor, Cr Voss, declared an indirect conflict of Interest for Item 4.1 Petitions and Joint Letters due to impact of residential amenity.
4. **PETITIONS AND JOINT LETTERS**

The Mayor, Cr Voss, declared an indirect conflict of Interest for item 4.1 Petitions and Joint Letters due to impact of residential amenity.

**Moved Crs Gross/Simic**

That the Deputy Mayor, Cr Copsey, be elected to chair the meeting in the Mayor’s absence.

**A vote was taken and the MOTION was CARRIED unanimously.**

The Mayor, Cr Voss, vacated the Chamber at 6.36pm.

**Item 4.1**

A Petition was received from Ms Jenny Johnston and Mr John Maguire on 24 October 2017 from 68 signatories requesting the removal of recently erected “No Parking” and “No Standing” signs along Little Cruikshank Street, Port Melbourne.

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

**John Maguire**

- Spoke on behalf of the local residents who were upset that no consultation had taken place prior to the installation of these signs, and consequently the community petition is indicative of their views.
- Stated that the overwhelming majority of residents believe there is no safety issue as was indicated by Council, and are confused and inconvenienced by these new restrictions, impeding upon their amenity.
- Stated that 90% of residents oppose these new measures.

**Moved Crs Pearl/Gross**

That Council:

 Receives the petition and notes that officers will provide a response to the petition at a future Council meeting.

**A vote was taken and the MOTION was CARRIED unanimously.**

The Mayor, Cr Voss, returned to the Chamber at 6.45pm.
5. SEALING SCHEDULE

Nil.
6. PUBLIC QUESTION TIME

Alan West
- Has Council met with the NGV and or MONA to discuss the interest in funding a major cultural institution at the St Kilda Triangle? If so, what has been the response?

Claire Ferres Miles, General Manager Place Strategy and Development, responded that to date the Council had not met with either of these institutions specifically to discuss this, but conversations were being had with the State Government regarding similar developments.

Ross Headifen
- Presented two pictures to Council of the burnt out building at Waterfront Place.
- Emphasised the terrible first-impression this gives to the many people arriving to the city via cruise ships.
- Requested that Council consider measures to improve this outlook.

Lili James, Acting General Manager Infrastructure and Amenity, responded that Council was exploring options to improve the visual amenity and strengthening the local law pertaining to unsightly and dangerous buildings to make owners be more responsible. Stated that Council officers have also explored other options such as installing a fence on Council land to improve the amenity of the area.

The Mayor, Cr Voss, elaborated upon the urgency of the issue with the cruise ship season having started, and asked if there was a date for works to have been completed?

Lili James, Acting General Manager Infrastructure and Amenity, responded that a quote has been done to date with costing having the potential to come from this year’s budget, but more investigation was needed.

Chris Carroll, General Manager Organisational Performance stated that the Council will work quickly to examine those options within this year’s budget.
7. **COUNCILLOR QUESTION TIME**

**Cr Pearl**
- Requested an update from officers on the planning application for 1-7 Waterfront Place.

George Borg, Manager City Development responded that the application had been refused in August of this year, and that the applicants had chosen to prolong the appeal hearing to mid-March 2018.

**Cr Bond**
- Stated in regards to the response provided to Alan West, reading from a 2015 article on the St Kilda Triangle:

> “Council Chief Executive Tracey Slatter confirmed that Council had met with the National Gallery of Victoria to discuss the possibility of a new space at the sight.”

Given this new information, are officers able to reassess their response provided to a question at tonight’s meeting?

Claire Ferres Miles, General Manager Place Strategy and Development, apologised and replied that the previous response had been given in error and that the statement read by Cr Bond was correct.

**Cr Simic**
- In regards to the Manus Island humanitarian crisis, has the Council made any representations of support on behalf of the community regarding this?

Carol Jeffs, General Manager Community Development responded that no public statements had been made at this time.

- What is Council’s current position regarding refugees and asylum seekers?

Carol Jeffs, General Manager Community Development responded that the most recent position was from July 2014 which was to support the joint statement from local governments to support asylum seekers. There are also statements supporting diversity and inclusion in the Council’s Municipal Health and Wellbeing Plan and the Social Justice Charter.

- Stated that he would be moving a motion in Urgent Business in light of this.

The Mayor, Cr Voss, responded that this was noted.

**The Mayor, Cr Voss**
- Regarding the Council’s Memorandum of Understanding with oBikes, when will Council receive more information regarding the progress of this?
Claire Ferres Miles, General Manager Place Strategy and Development responded that as part of the Council’s understanding with oBikes they would be receiving monthly reports with usage data. Council is currently awaiting the October report which would be shared with Councillors and the public upon its receipt.
8. PRESENTATION OF REPORTS

Discussion took place in the following order:

8.1 Presentation of CEO Report - Issue 38
8.2 Palais Theatre - Community Fund Committee Allocation & Additional Capital Works Program
8.3 Local Law No.1 Community Amenity
8.4 St Kilda Triangle Update
8.5 Amendment C143 - 19 Salmon Street (former Rootes/Chrysler factory) Heritage Overlay - Consider Panel Recommendations and Adoption of Amendment
8.6 451-453 St Kilda Street, Elwood
8.7 187-201 Williamstown Road Port Melbourne
8.8 Planning Permits Delegate Report - September 2017
8.9 Proposed Sponsorship Program South Melbourne Town Hall
8.10 Community Grants Program Annual Acquittal and Outcomes Report 2016/2017
8.1 Presentation of CEO Report - Issue 38

Purpose
To provide Council with a regular update from the Chief Executive Officer regarding Council’s activities and performance.

Moved Crs Copsey/Simic

That Council:

1.1 Notes the CEO Report Issue 38 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in September 2017.

A vote was taken and the MOTION was CARRIED.
8.2 Palais Theatre - Community Fund Committee Allocation & Additional Capital Works Program

Purpose

To seek Council’s approval for the selection process of two Committee Members to be appointed on behalf of City of Port Phillip for “Palais Theatre Community Fund”. Also to seek approval for additional capital works to be undertaken using savings from Stage One renovation works undertaken by MPV.

Moved Crs Gross/Crawford

That Council:

1.1 Notes the range of activities underway to implement key elements of the Palais Theatre lease.

1.2 Authorises Council officers to appoint the two City of Port Phillip Palais Theatre Community Fund Committee members selecting from the existing City of Port Phillip “Cultural Development Fund” Reference Committee.

1.3 Approves Allocation of Surplus Funds realised through project savings from Palais Theatre refurbishment partnership, between City of Port Phillip and DELWP to be used for additional urgent and highly desirable schedule of capital works.

A vote was taken and the MOTION was CARRIED unanimously.
8.3 Local Law No.1 Community Amenity

Purpose

To present for adoption the amended and new clauses to be included in the City of Port Phillip Local Law No.1 (Community Amenity Amendment) of 2017 (Local Law) and all incorporated documents in accordance with the provisions of the Local Government Act 1989. This Local Law and incorporated documents commence on the day immediately following the day on which notice of its making is published in the Victoria Government Gazette.

Moved Crs Gross/Bond

That Council:

1.1 Makes Local Law No.1 (Community Amenity Amendment) of 2017 (Local Law) in the form attached to the accompanying Report.

1.2 Adopts the Procedures and Protocols Manual, Footpath Trading Guidelines and Parking Permit Policy in the respective forms attached to the accompanying Report.

1.3 Confirms the continuing operation of the Nature Strip Guidelines (2013).

1.4 Authorises this Local Law and the incorporated documents to commence on the day immediately following the day on which notice of its making is published in the Victoria Government Gazette; ceases to operate on the day on which the Community Amenity Local Law No. 1 of 2013 ceases to operate; and operates throughout the whole of the municipal district.

1.5 Authorises the Chief Executive Officer to give notice of the making of the Local Law in accordance with section 119(3) of the Local Government Act 1989 (Act).

1.6 Authorises the Chief Executive Officer to send a copy of the Local Law to the Minister for Local Government in accordance with section 119(4) of the Act.

1.7 Authorises the Chief Executive Officer to write to each person who made a submission under Section 223 of the Act, advising them of the decision to make the Local Law in the form attached to the accompanying Report and to give reasons for this decision (such reasons to reflect the reasons in the table set out in Attachment 4).

1.8 Publishes the Local Law, Procedures and Protocols Manual, Footpath Trading Guidelines, Parking Permit Policy and Nature Strip Guidelines on its website, and make copies available at all Town Halls.

A vote was taken and the MOTION was CARRIED.
8.4 St Kilda Triangle Update

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

Ms Brenda Forbath

- As the development has been postponed lacking funding, can Council provide an assurance that there will be no alterations to the Catani Gardens grassy slopes that lie behind the site during this interim time?

The Mayor, Cr Voss responded that the question would be taken on notice.

Ms Krystyna Kynst

- Stated that continuing with a plan that was developed 20 years ago stifles new ideas coming through.
- Urged Council to pause and review the development to allow new ideas to inform a new proposals, and asked Council not to ignore 20 years of community voice, or to feel pressured to make rash decisions.
- Suggested changes be made to point 1.1. of the officer’s recommendation to pause further work on the masterplan.

Purpose

To provide a further report on the St Kilda Triangle as per the Council Resolution of the 3 May 2017 Ordinary Meeting.

Moved Crs Bond/Pearl

That Council:

1.1 continues to build on the work of the last 20 years and progress the St Kilda Triangle by pursuing activation opportunities and partnership with the Victorian Government, and to pause the development of design guidelines and other related planning works for two years, while there is no funding for the Masterplan vision.

1.2 Welcomes St Kilda Triangle as the selected site for the Land Art Generator Initiative (LAGI) Melbourne 2018 competition, and pledges Council’s support to the competition through in-kind support, participating in shortlisting and exhibiting the successfully shortlisted proposals.

1.3 Notes that if a significant opportunity emerges from the State or the private
sector, Council revisits its level of investment in the St Kilda Triangle.

A vote was taken and the MOTION was CARRIED.
8.5 Amendment C143 - 19 Salmon Street (former Rootes/Chrysler factory) Heritage Overlay - Consider Panel Recommendations and Adoption of Amendment

Purpose

- To consider the report and recommendations of the independent Planning Panel appointed by the Minister for Planning to review Amendment C143 (19 Salmon Street and 299 Williamstown Road, Port Melbourne – Permanent Heritage Controls).
- To determine whether to adopt Amendment C143 (with or without changes) and request Ministerial approval.
- To consider whether to request the extension of the interim heritage controls for 19 Salmon Street, Port Melbourne, 496-510 City Road, South Melbourne and 157-163 Montague Street, South Melbourne from the Minister for Planning.

Moved Crs Copsey/Bond

That Council:

1.1 Adopts Amendment C143 to the Port Phillip Planning Scheme, pursuant to Section 29 of the Planning and Environment Act 1987 (the Act), with the changes reflected in the amendment documentation provided at Attachment 3.

1.2 Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.

1.3 Submits the adopted Amendment C143, together with prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the Act.

1.4 Advises the Minister for Planning that Council has varied the Panel’s recommendation to reduce the extent of the Heritage Overlay applying to 19 Salmon Street, and accepted all of the Panel’s other recommendations, based on the reasons detailed in paragraph 3.8 of this report.

1.5 Writes to the Minister for Planning to request an extension of the interim heritage controls applying to 19 Salmon Street, Port Melbourne, 496-510 City Road, South Melbourne and 157-163 Montague Street, South Melbourne until 31 January 2019.

1.6 Writes to all submitters to Amendment C143 to advise them of Council’s decision.

A vote was taken and the MOTION was CARRIED unanimously.
8.6 451-453 St Kilda Street, Elwood

Purpose

Buildings and works including construction of a three storey building with roof top terraces above a basement car park accommodating 14 dwellings; alteration of access to a road in a Road Zone, Category 1 and a reduction (to zero) of visitor car parking spaces.

Moved Crs Copsey/Bond

15.1 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.

15.2 That a Notice of Decision to Grant a Permit be issued for buildings and works including construction of a three storey building with roof top terraces above a basement car park accommodating dwellings; alteration of access to a road in a Road Zone, Category 1 and reduction (to zero) of visitor car parking spaces at 451-453 St Kilda Street, Elwood.

15.3 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

a) Introduction of ‘timber finish’ infill to the ground and first floors of the north and south (side) elevations;

b) The balustrade to the rooftop decks and the privacy screens between each rooftop deck nominated as comprising vertical timber battens with 25% transparency;

c) A 0.6m high masonry plinth to the base of the front fence and the transparency of the timber pickets above nominated as 25%. The overall height of the fence must not change;

d) Each of the front pedestrian gates notated as including lattice panels within timber frames;
e) The depth of the second floor west facing balconies increased to a minimum of 1.6m by increasing the setback of the west facing walls and glazing to dwellings 2-03 and 2-04;

f) The access ramp adjacent Bin Room 1, notated as comprising a minimum width of 3m;

g) The finished floor level any ground floor habitable rooms of the development affected by the Special Building Overlay (SBO), to be constructed to a height of no less than 3.251m AHD without any increase in the overall height of the building and the finished floor level of any ground floor non-habitable rooms of the development affected by the SBO, to be constructed to a height of no more than 3.101m AHD;

h) A flood barrier constructed to a height of no less than 3.251m AHD designed to avoid flood water entering the basement area;

i) A shelter/canopy extending a minimum of 0.9m from the south facing wall of the ground floor corridor;

j) Reduction in the area of the rooftop decks by way of increasing the setback of the west facing rooftop planter boxes/landscape zone’ by a minimum of 1.7m from the west (rear) boundary;

k) The 1.7m high timber screens to the north, south and east edges of the rooftop services area notated as having no gaps between the battens;

l) The location of mail boxes.

m) An acoustic fence constructed on the south side boundary to a height of no less 1.9m.

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 exempt the need for a permit.

3 **Satisfactory continuation**

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

4 **VicRoads**

a) The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use and occupation hereby approved.
b) All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use and the occupation hereby approved.

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 and/or the laneway 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 Sustainable Design Assessment
Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment (SDA) that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

7 Incorporation of Sustainable Design initiatives
The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

8 Implementation of Sustainable Design Initiatives
Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment (SDA) 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 SDA have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

9 Water Sensitive Urban Design
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.
Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

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

10 **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.

11 **Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**
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 Builder’ User’s Guide or a Building Maintenance Guide.

12 **Arborist Report**
The development must implement the recommendations of the endorsed Arborist report submitted with the application, specifically:

- Ensure that the proposed trees within the landscaping scheme includes appropriately selected tree species which will provide an effective canopy cover and visual presence to compensate the removal of all vegetation on the site.
- The excavation for the proposed crossover is to adopt a non-destructive excavation methodology (such as hydro-excavation as recommended by the City of Port Phillip Arborist) so that the
impact and damage upon tree roots which may be present within the excavation zone is minimised.

- The non-destructive excavation for the proposed crossover is to be supervised by the project arborist. Any roots exposed during the excavation are to be pruned in accordance with As4373 Pruning of Amenity Trees

- The foundations for the proposed new crossover are to be raised a minimum of 100mm above the significant root belonging to Tree 3 which is located 300mm below the ground surface.

- As recommended by the City of Port Phillip Arborist, the crossover width should ideally be reduced so that the proximity of the northern edge of the crossover to the significant roots belonging to Tree 3 is increased. A width reduction of 300mm would be adequate.

- Within the front nature strip and the extent of TPZ of Trees 1, 2 and 3 which lies within the front set back and both sites is to be protected with temporary fencing as per AS 4970 – 2009 Protection of trees on development sites for the duration of the demolition and construction of the proposed development. A 1.2m setback within the TPZ from the proposed footprint of the developments eastern boundary (facing St. Kilda St) will be required adjacent to allow for the practical completion of the excavation and construction process. The TPZ fencing within the site will protect the overarching canopies from being damage.

- Activities generally excluded from the TPZ, but not limited to it, include:
  - Machine excavation including trenching
  - Excavation for silt fencing
  - Cultivation
  - Storage
  - Preparation of chemicals, including preparation of cement products
  - Parking of vehicles and plant
  - Refuelling
  - Dumping of waste
  - Wash down and cleaning of equipment
  - Placement of fill
  - Lighting of fires
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- Soil level changes
- Temporary or permanent installation of utilities and signs; and
- Physical damage to the tree

13 No Damage to Existing Street Tree

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

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

14 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 with the application but updated to include:

a) A planting schedule of all proposed vegetation including vegetation within all planter boxes. The schedule must include botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;

b) Details of how landscaping will be maintained, including the planter boxes at the upper levels of the development;

c) Four evenly spaces ‘Greenback Magnolia’s' and a ‘Hillii Fig’ hedge along the west (rear) boundary;

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

15 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.

16 **Landscaping Maintenance**

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

17 **Applicant to Pay for Reinstatement**

Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:

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

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

c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

18 **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.

19 **Waste Management Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip’s Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must be generally in accordance with the Waste Management Statement submitted as part of the application material but updated to nominate collection times for both once a week and multiple pick-up as 7am-6pm and deletion of reference to the waste estimates at page 14.
20 **Piping and ducting**
All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

21 **No equipment or services**
Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

22 **Number of Dwellings**
Without the further written consent of the Responsible Authority, no more than 14 dwellings may be constructed on the land.

23 **Car Parking Space Allocation**
A minimum of 25 car parking spaces must be provided on the land for the development including a minimum of one space for each two bedroom dwelling and two spaces for each three bedroom dwelling.

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

25 **Time for starting and completion**
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 two 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:**

- VicRoads
The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

- **No Resident or Visitor Parking Permits**
  The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

- **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.

- **Noise**
  The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with
Environmental Protection Authority Noise Control Technical Guidelines as follows:

a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary

b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

- Cross-over Permit Required
  A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works.

A vote was taken and the MOTION was CARRIED.
8.7 187-201 Williamstown Road Port Melbourne

Purpose

Demolish the existing buildings on the land except for the saw tooth factory wall along the Todd Street boundary and construct 122 three level townhouse dwellings and associated car and bicycle parking and construct or carry out works, remove four vehicle crossovers, and provide dwelling car parking spaces in excess of the rate specified in the Parking Overlay.

Moved Crs Pearl/Copsey

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.

That a Notice of Decision to Grant a Permit be issued to demolish the existing buildings on the land except for the saw tooth factory wall along the Todd Street boundary and construct dwellings and associated car and bicycle parking and construct or carry out works, remove four vehicle crossovers, and provide dwelling car parking spaces in excess of the rate specified in the Parking Overlay at 187-201 Williamstown Road, Port Melbourne.

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 with the application but modified to show:

   (a) Deletion of windows or change to non-operable windows on the west side of the Lot 1 dwelling.

   (b) Plan notations that any window on the west side of the Lot 1 dwelling meets the noise attenuation / mitigation standards of the corresponding conditions in this permit.

   (c) A notation that the dwellings must be designed to and must comply with all internal noise levels detailed in condition 9.

   (d) Changes to increase the level of natural ventilation and daylight to internal spaces, for example, but not limited to, garage doors to incorporate windows and/or translucent elements; windows provided to corridors off light courts etc. in B1, B2, B3, B6, B7, B8, B9, B10, B11 and B12 dwellings; Level 1 courtyards of B4 and B5 dwellings to incorporate a glazed section of floor to provide light to ground level corridor below.

   (e) Fencing of the full length of the northern and eastern boundaries, to a height of 1800mm above NGL, with no gates from the subject site to the adjacent school sports grounds.
(f) Detail drawings of the height, design, materials, finishes and colours of all fencing,
(g) The provision of two motorcycle parking spaces on site.
(h) Any changes required to meet the requirements of the Sustainable Management Plan in the corresponding condition(s) in this permit.
(i) Any changes required to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition(s) in this permit.
(j) Any changes required to meet the noise attenuation and mitigation requirements of in the corresponding condition(s) in this permit.
(k) Plan notations for lighting to main building entries, pedestrian areas and car parks;
(l) All plant, equipment and services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
(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.
(n) All plan and elevation drawings to be 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;
(o) A coloured schedule (2 copies in a form that are able to be endorsed and held on file) of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed building.
(p) The dwellings to be clear of easements (except with the express written consent of the easement beneficiary).

2. **City of Port Phillip Requirements Prior to Commencement**
   Before each stage of the development starts (other than demolition or works to remediate contaminated land in accordance with an Auditors direction), plans, engineering drawings and computations (as applicable) must be submitted to, approved by and be to the satisfaction of the Responsible Authority for the following matters:
   (a) All road works and associated drainage.
   (b) Independent drainage, the direction of stormwater runoff and a point of discharge for each lot.
   (c) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications to each lot to the satisfaction of the Responsible Authority and the relevant servicing authority.
   (d) All works for stormwater, Water Sensitive Urban Design, drainage, street trees, and landscaping.
   (e) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
   (f) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the lots.
   (g) Payment to the City of Port Phillip of an engineering design checking fee equivalent to 0.75% of the value of documented works.

3. **City of Port Phillip Requirements Prior to Completion and Occupation**
   Prior to the issue of a Statement of Compliance for each stage of the subdivision of the land and the occupation of any building approved under this permit, the following must be undertaken or caused to be provided to the satisfaction of the Responsible Authority:
(a) Each lot must be independently drained and provided with a legal point of discharge;
(b) Full construction of all new roads and footpaths, drainage and reserves (as applicable);
(c) Fire plugs and water supply in accordance with the requirements of the Metropolitan Fire and Emergency Services (MFB) ‘Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District (Guideline No: GL-27)’ to the satisfaction of the City of Port Phillip Fire Safety Officer and the Chief Officer of the Metropolitan Fire Brigade;
(d) Vehicle crossings (including removal of redundant crossings and making good);
(e) Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications to each lot to the satisfaction of the Responsible Authority and the relevant servicing authority;
(f) Payment to the City of Port Phillip of a supervision fee equivalent to 2.5% of the actual cost of street construction works as specified in the relevant Street Construction Contract Schedule;
(g) Issue of a Final Completion Certificate by Asset Management Section, for the acceptance of street construction, site grading etc;
(h) Filling, shaping and grading of the communal open space areas to drain satisfactorily to an approved place of discharge, and coverage with soil of sufficient quality to allow the establishment and maintenance of grass and deep rooted trees;
(i) Water supply/tapping’s (including water meters) to the communal open space areas;
(j) Street nameplates or payment in this respect;
(k) All reticulated services including electricity to be underground;
(l) Steel or concrete poles for public street lighting;
(m) Street lighting in accordance with the relevant Australian Standard;
(n) A full set of ‘as constructed’ digitised construction plans for roads and drainage;
(o) A full set of ‘as constructed’ digitised plans for the entire work in each development stage;
(p) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the lots.

4. **Sustainable Management Plan**

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The plan should include:

(a) A published ‘BESS’ report to allow review.
(b) Measures to increase the level of natural ventilation and daylight to internal spaces, for example, but not limited to, garage doors to incorporate windows and/or translucent elements; windows provided to corridors off light courts etc. in B1, B2, B3, B6, B7, B8, B9, B10, B11 and B12 dwellings; Level 1 courtyards of B4 and B5 dwellings to incorporate a glazed section of floor to provide light to ground level corridor below.
(c) Shading of windows to allow winter sun but block summer solar heat gains.
(d) A response to the water management requirements of Objectives 7.2 and 7.3 of the Strategic Framework Plan (September 2016) which specifies water for toilet flushing to be provided from on-site stormwater collection and a requirement for developments to be third pipe ready for future connection to a precinct-wide alternative water supply.
(e) Details to show the design capturing 100% of stormwater on-site and either re-use or treating the water prior to discharging off-site.

(f) Details indicating which catchment areas are connected to their respective treatment types (i.e., rainwater tanks and rain gardens etc.).

(g) Specification of building materials with low embodied energy.

(h) Details of the albedo of roofing and paving materials which would be exposed to direct sun.

Upon approval the Plan will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed to the satisfaction of the Responsible Authority.

5. **Incorporation of Sustainable Design initiatives**

Prior to the occupation of the development approved by 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.

6. **Water Sensitive Urban Design Response**

Before the development 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 must incorporate the Water Sensitive Design initiatives listed to the satisfaction of the Responsible Authority.

7. **Incorporation of Water Sensitive Urban Design initiatives**

Prior to the occupation of the development approved by this permit, a report from the author of the Water Sensitive Urban Design Response 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 Water Sensitive Urban Design Response have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.


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.

9. **Noise Attenuation for Dwellings**

Dwellings must be designed to and must (upon completion, unoccupied, but ready for occupancy and with windows and doors closed) comply with the internal noise levels detailed in Table 1.

<table>
<thead>
<tr>
<th>Noise Assessment</th>
<th>Type of occupancy/ activity</th>
<th>Design sound level (LAeq,t) range</th>
<th>Duration Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic (inc. heavy vehicles) on public roads</td>
<td>Living areas and habitable rooms</td>
<td>Equal to or less than 38 dB(A)</td>
<td>15 hrs (7.00 am - 10.00 pm)</td>
</tr>
<tr>
<td></td>
<td>Bedrooms (night time)</td>
<td>Equal to or less than 33 dB(A)</td>
<td>9 hrs (10.00 pm - 7.00 am)</td>
</tr>
</tbody>
</table>

10. **Noise From Port**

The subject development must maintain noise mitigation treatment to limit noise from commercial operations from the Port of Melbourne (PoM) (west of Todd Road) to the external private open areas of all dwellings to Leq58 dB(A) or lower for daytime periods and Leq51 dB(A) or lower for evening and night-time periods, adjusted in accordance with State Environment Protection Policy No. N-1.

The Responsible Authority may, periodically at its discretion and/or in response to a resident noise complaint, require the Owners Corporation undertake, or cause to be undertaken a Noise Commissioning Assessment by a suitably qualified acoustic consultant. The noise assessment must exclude traffic noise emissions from Todd Road and Williamstown Road and be completed in accordance with the requirements State Environment Protection Policy (Noise from Industry, Commerce or Trade) No. N-1.

If the Noise Commissioning Assessment determines that noise from the Port of Melbourne (PoM) (west of Todd Road) exceeds the above limits, the Owners Corporation must undertake or cause to be undertaken additional noise mitigation treatment to meet the above noise limits.

11. **Incorporation of Noise attenuation Measures**

Upon completion and prior to the occupation of the building(s) allowed by this permit, a report by a suitably qualified acoustic consultant must be submitted to, approved by and be to the satisfaction of the Responsible Authority:

- Certifying that the dwellings incorporate the noise attenuation measures as specified in the endorsed Acoustic Report and shown on the endorsed plans.
- Verifying the dwellings achieve the internal noise levels specified in the corresponding
condition(s) in this permit.
The report must detail the set-up on site and methodology of the testing process.
Where post construction measurement and testing shows internal noise levels exceeding those specified in the corresponding condition above, the applicant must make rectifications and re-test as necessary to demonstrate compliance with the noise levels to the satisfaction of the Responsible Authority.
The cost of certification acoustic works is to be met by the Permit Applicant.

12. Agreement under Section 173 of the Planning and Environment Act 1987 Re: Proximity of Port and Building Noise Levels
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 and the Port of Melbourne Operations;
(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, execution, 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) Confirm that the land is located adjacent to an active, 24 hour per day working port located at the Port of Melbourne;
(b) Acknowledge the adjacent Port is projected to expand and increase its operations from circa 1 one million standard containers in 2017 to circa four-six million standard containers by 2040, generally in accordance with the Port Development Strategy 2035 Vision, Port of Melbourne Corporation, August 2009, as amended from time to time.
(c) Require that the dwellings to be constructed on the land must be constructed to the acoustic standards to be achieved by the conditions of Planning Permit P0307/2017.
(d) Require that the dwellings must be designed and constructed to comply with the ventilation requirements of the Building Code of Australia, AS3666 and AS1668 with all windows and doors closed.
(e) Require that the owner of each dwelling, prospective owner of each dwelling and/or the Owners Corporation at the time is made aware of their responsibility, in writing, for maintaining the outdoor acoustic standards required by the conditions of this permit and the construction of any additional noise attenuation structures or features to achieve the outdoor acoustic standards required by the conditions of this permit.
(f) Require that the dwellings allowed by this permit must at all times comply with the acoustic standards required by the conditions of this permit;
(g) Require that the owner of each dwelling, prospective owner of each dwelling and/or the Owners Corporation at the time is made aware of their responsibilities, in writing,
to maintain doors, glazing and acoustic seals to fulfil the indoor acoustic standards required by the conditions of Planning Permit P0307/2017.

(h) The owner must inform every prospective purchaser or tenant of a dwelling in the building, in writing, that the adjacent Port may be a source of significant noise.

(i) The agreement will end on the earlier of:
   i. the Land is no longer used for a dwelling or;
   ii. the port operations ceasing.

(j) The Applicant/Developer/Owner will not apply to the Responsible Authority to amend conditions 9, 10 and 11 of the Permit.

13. 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:

(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 Metropolitan Planning Authority.

(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.

(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.

(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.

(j) 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.

(k) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

14. 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, nature strip, kerb and road reinstated as necessary at cost of the applicant/owner to the satisfaction of the responsible authority.

15. Alteration/Reinstatement of Council or 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:

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

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

(c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

16. 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.

17. 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 all of the land in the Planning Unit issued in accordance with Section 53Y of the Environment Protection Act 1970; or

(b) A Statement of Environmental Audit for all of the land in the Planning Unit 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.

18. 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).

19. 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.

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 and 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 be to the satisfaction of the Responsible Authority in conformity with the Department of Planning and Community Development 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.

22. 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 to the satisfaction of the Responsible Authority.

23. 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.

24. **Satisfactory continuation**
   Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

25. **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.

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

27. **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.

28. **Building equipment and services**
   No external plant, equipment, services and exhausts other than those shown on the endorsed plans may be constructed unless otherwise agreed to in writing by the Responsible Authority.
   Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

29. **Parking and Loading Areas Must Be Available**
   Car, motorcycle and bicycle parking areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

30. **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.

31. **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.
VicRoads Conditions

32. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the development hereby permitted.

33. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
   i. Formed to such levels and drained so that they can be used in accordance with the plan.
   ii. Treated with an all-weather seal or some other durable surface.

34. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

35. The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

36. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel and nature strip to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the development hereby approved.

37. The additional on-street car parking spaces must be constructed and line marked to VicRoads standards.

Public Transport Victoria Conditions

38. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Williamstown Road and Todd Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations during construction and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

39. The existing bus stop and associated infrastructure on Williamstown Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

40. **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.

41. **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.
42. **No Damage to Existing Tree(s)**
   The proposed development and works must not cause any damage to any existing street tree or tree on adjoining land. Root pruning of any street or adjacent tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of any crossover/works.
   All street and adjacent 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.

43. **Number of Dwellings**
   Without the further written consent of the Responsible Authority, no more than 122 dwellings may be constructed on the land.

44. **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 four (4) years of the date of commencement of works.
   (c) The use is not commenced within two (2) years of the completion of the development.
   The Responsible Authority may extend the periods referred to if a request is made in writing:
   (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.

**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 afterhours 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 storm water discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of storm water from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

**Permit required for signs**
This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land and not exempt pursuant to the Port Phillip Planning Scheme, must be the subject of a separate planning permit application.

**Waste Collection**
The applicant must consult with Council's Waste Management Department regarding the location of waste bins and collection options. Waste management must be in accordance with Council's Community Amenity Local Law No. 3.

**Roads and laneways to be kept clear**
During the construction of the buildings and works allowed by this permit, the roads and laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

**Parking Infringements**
Any parking infringement relating to the proposed development may be reported to Council's Parking Enforcement Section on 9209.6751 (B.H.) or 9209.666 (A.H.)

**No resident or visitor parking permits**
The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

**Cross-over Permit Required**
A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works (including removal of a redundant crossing).

**Air Conditioning Plant**
Any air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary;
- Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

**Construction Management Plan**
Before the development starts, a Construction Management Plan in accordance with Council's Local Law, must be submitted to and approved by Council.
Building Projections Beyond Site Boundaries
Any building projection beyond the site boundary may require the developer / property owner to enter into a S173 Agreement and/or licence with the Council to authorise occupation of Council land, and may be subject to an annual license fee.

Broadband, Communications and Digital Economy
The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

Council contacts
Approval may be required from other Council Departments (where relevant) before the proposal may commence, and discussion with Council’s Development Engineer is recommended prior to the submission of plans for standards of construction of crossovers and stormwater drains. The following contact details are provided for your assistance:
- Building Department 9209.6253
- Health Department (Community Amenity) 9209.6262
- Local Laws 9209.6852
- Development Engineer 9209.6774

High Pressure Gas Transmission Pipelines
The subject site is in the buffer zone of the South Melbourne to Brooklyn 750mm high pressure gas transmission pipeline No. T33, and the VIVA Hastings to Altona and Geelong high pressure crude oil pipeline. These pipelines are considered by APA GasNet and Viva Energy to be major assets and pipeline protection works may be required for asset integrity and public safety reasons. The development should be referred to APA GasNet and Viva Energy for review and comments.

VicRoads Note:
The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act of this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

A vote was taken and the MOTION was CARRIED unanimously.
8.8 Planning Permits Delegate Report - September 2017

Purpose

To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Action 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

Moved Crs Gross/Pearl

2.1 That Council receives and notes the September 2017 report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Action 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED unanimously.

The Mayor adjourned the meeting at 8.22pm for a short break.

The meeting resumed at 8.26pm.
8.9 Proposed Sponsorship Program South Melbourne Town Hall

Purpose

This report seeks Council approval for a waiver to usual hall fees and charges for the South Melbourne Town Hall by way of a sponsorship scheme that will enable targeted cultural activation of the precinct during the Australian National Academy of Music’s 15 month management trial. This proposed sponsorship scheme will support the delivery of precinct objectives for Emerald Hill through removing perceived barriers of affordability for community and cultural organisations wanting to use the South Melbourne Town Hall for cultural activation.

Moved Crs Crawford/Bond

That Council:

1.1 That Council endorses the Cultural Activation Sponsorship Program for the South Melbourne Town Hall as a trial running alongside the Australian National Academy of Music (ANAM) Operating Agreement for 15 months.

A vote was taken and the MOTION was CARRIED unanimously.
8.10 Community Grants Program Annual Acquittal and Outcomes Report 2016/2017

Purpose

At the Council meeting held 5 July 2017, a recommendation was moved that Council:

“Receives a report collating the outcomes and community benefits of the Community Grants Program following the completion of the grant acquittal process”.

This report presents the Community Grants Annual Acquittal and Outcomes Report 2016/17 for presentation to Councillors in response to the recommendation.

Moved Crs Gross/Pearl

That Council:


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

**Item 9.1**

Moved Crs Baxter/Pearl

That Council:

1. Requests that officers investigate the expansion of our Council meeting live streaming services onto platforms including but not limited to Facebook Live and YouTube, with a view to potentially expanding the current viewer base.

A vote was taken and the **MOTION** was **CARRIED** unanimously.
9. NOTICES OF MOTION (Cont.)

Item 9.2

Moved Crs Simic/Copsey

That Council:

1. Installs a community flag pole in a prominent location within the vicinity of each of the South Melbourne Town Hall, Port Melbourne Town Hall and St Kilda Town Hall.

2. Develops a simple and accessible policy to govern the flying of flags on community flag poles at Council’s Town Halls with a mechanism for Council or a delegate to consider approval of requests for flying of flags.

A vote was taken and the MOTION was CARRIED unanimously.
10. REPORTS BY COUNCILLOR DELEGATES

Nil.
II. URGENT BUSINESS

Moved Crs Baxter/Gross

That Council:

Considers an item of Urgent Business in relation to the closure of the Manus Island Detention Centre.

A vote was taken and the MOTION was CARRIED.

Cr Copsey called for a DIVISION:

FOR: Cr Voss, Cr Baxter, Cr Brand, K Cr Copsey, Cr Crawford, Cr Gross and Cr Simic

AGAINST: Cr Bond and Cr Pearl

A vote was taken and the MOTION was CARRIED.

Item 11.1.

Moved Crs Simic/Gross

That Council:

1. Notes with disappointment the humanitarian crisis unfolding on Manus Island and calls on the Federal Government to urgently evacuate to Australia the roughly 600 residents with no safe place to go.

2. Resolves to write to Minister for Immigration and Border Protection outlining our serious concerns over the welfare of the roughly 600 remaining residents.

3. Commits to working with local settlement services and existing networks to support new arrivals to resettle in the City of Port Phillip, and to encourage neighbouring councils to do the same.

4. Reaffirms its commitment to remain a refugee Welcome Zone in support of the Refugee Council of Australia campaign and the many residents in the City of Port Phillip from refugee and multicultural backgrounds.

5. Informs the Multicultural Forum and the Multi-faith Network of Council’s decision and seeks feedback regarding other ideas and activities to support refugees and people from different backgrounds re-settling in the City of Port Phillip.
6. Erects within the next fortnight at each of Council’s Town Halls banners containing a message “Refugees Welcome Here” as a way of showing support for refugees and people from different backgrounds living in the City of Port Philip, and for these to remain in place at the discretion of the CEO.

A vote was taken and the MOTION was CARRIED.

Cr Baxter called for a DIVISION:

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

A vote was taken and the MOTION was CARRIED.
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 South Melbourne Primary School - Community Joint Use Agreement and License

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)(d). Contractual matters
89(2)(f). Legal advice.

A vote was taken and the MOTION was CARRIED.

As there was no further business the meeting closed at 10.16pm.

Confirmed: 15 November 2017

Chairperson ____________________________________________