



CITY OF  
**PORT PHILLIP**

**ORDINARY  
MEETING OF  
COUNCIL**

**MINUTES**

**25 FEBRUARY 2002**

**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL  
HELD ON 25 FEBRUARY 2002, IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.07pm.

**PRESENT**

Cr Hill (Chairperson), Cr Brand, Cr Gross (from 6.40pm), Cr Hutchens, Cr Johnstone, Cr Lewisohn (from 6.12pm), Cr Ray, David Spokes Chief Executive Officer, Geoff Oulton Director City Development, Heather McKee Acting Director Social and Cultural Development, David Graham General Manager Corporate, Stephen O'Kane Director Organisation Development, Bruce Phillips Manager Planning and Building Services, David Filmler Manager Finance, Jim Holdsworth Manager Urban Design and Architecture, Ian Hicks Manager Culture and Recreation, David Harper Foreshore Project Coordinator, Deidre Pelizzer Coordinator Library Services, Richard Schuster Senior Urban Planner.

The Chairperson (Cr Hill) acknowledged the traditional owners of the land on which the Council meets, the Boonerwung language people and the Wurundjeri people as custodians.

**1. APOLOGIES**

Nil.

**2. DECLARATIONS OF PECUNIARY INTEREST**

Nil.

**3. CONFIRMATION OF MINUTES**

**MOVED Crs Ray/Hutchens**

Minutes of the Ordinary Meeting of the Port Phillip City Council held on 17 December 2001 be confirmed.

Minutes of the Special Council of the Port Phillip City Council held on 20 December 2001 be confirmed.

Minutes of the Special Council of the Port Phillip City Council held on 30 January 2002 be confirmed.

Minutes of the Strategy and Policy Review Committee of the Port Phillip City Council held on 4 February 2002 be confirmed.

Minutes of the Special Council of the Port Phillip City Council held on 11 February 2002 be confirmed.

Minutes of the Statutory Planning Committee of the Port Phillip City Council held on 11 February 2002 be confirmed.

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

#### 4. PETITIONS AND JOINT LETTERS

Nil.

## 5. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and 635 ST KILDA ROAD PTY LTD C/- CHRIS RUNTING AND ASSOCIATES, it covenants that carparking lots can only be owned and used together with the dwelling lots at 635 St Kilda Road, Melbourne and that no lot owner shall own less than one and no more than two car parking lots.

Item not previously considered by Council.

**Responsible Manager:** Bruce Phillips, Manager Planning and Building Services.

COLLABORATIVE RESEARCH AGREEMENT between PORT PHILLIP CITY COUNCIL and SWINBURNE UNIVERSITY OF TECHNOLOGY, to formalise the terms of the research project, for example subject, management reporting, intellectual property, confidentiality, termination and the contributions of Council, Swinburne and the ARC.

Item not previously considered by Council. The agreement formalises the approved research project initiated by the City and funded jointly by Council, Swinburne University of Technology and the Australian Research Council. Council's contribution is \$5,000 per year for three years starting 2001/02 and the first instalment has been committed under the 2001/02 budget and in return the research project benefits from \$50,000 per year from the ARC and Swinburne in cash and in-kind assistance to the project. The project involves a Swinburne Masters student at Swinburne researching the public-private partnership and mixed housing at Inkerman Oasis from the perspectives of all parties as an innovative model of providing affordable housing by the private sector. Councillors were notified about the successful application for the ARC grant in Councillor Notes of 20 December 2001.

**Responsible Manager:** Mandy Press, Manager Neighbourhood Amenity.

LICENCE AGREEMENT between PORT PHILLIP CITY COUNCIL and the DEPARTMENT OF HUMAN SERVICES, for an application to vary the Children's Licence to register a children's room.

Item not previously considered by Council. This is an application to vary a condition of the Children's Service Licence.

**Responsible Manager:** Sally Calder, Director Social and Cultural Development.

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and BRIAN FRANCIS ROCHFORD and ANN MAREE ROCHFORD, the owner of 374 Park Street, South Melbourne is offering a splay corner to Council and in return a transfer of a small piece of land which has been enclosed and used exclusively for over 30 years.

Item not previously considered by Council.

**Responsible Manager:** David Yeouart, Director Physical Services.

SECTION 17D LEASE (CROWN LAND (RESERVES) ACT 1978) between PORT PHILLIP CITY COUNCIL and ELWOOD LIFESAVING CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Life Saving. This is a new agreement for a period of 7 years plus 7 years.

Item not previously considered by Council.

**Responsible Manager:** Peter Bromley, Project Officer Sport and Recreation.

SECTION 17D LEASE (CROWN LAND (RESERVES) ACT 1978) between PORT PHILLIP CITY COUNCIL and ELWOOD PARK TENNIS CLUB INC, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Tennis. This is a new agreement for a period of 7 years plus 7 years.

Item not previously considered by Council.

**Responsible Manager:** Peter Bromley, Project Officer Sport and Recreation.

SECTION 17D LEASE (CROWN LAND (RESERVES) ACT 1978) between PORT PHILLIP CITY COUNCIL and SOUTH MELBOURNE LIFE SAVING CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Life Saving. This is a new agreement for a period of 7 years plus 7 years.

Item not previously considered by Council.

**Responsible Manager:** Peter Bromley, Project Officer Sport and Recreation.

LICENCE AGREEMENT (CROWN LAND (RESERVES) ACT 1978) between PORT PHILLIP CITY COUNCIL and PORT MELBOURNE BASE BALL CLUB, to put in place an agreement with the Club concerned providing secure tenure of the site for the purpose of the sport of Base Ball. This is a new agreement for a period of 7 years plus 7 years.

Item not previously considered by Council.

**Responsible Manager:** Peter Bromley, Project Officer Sport and Recreation.

GENERAL PURPOSES CONTRACT between PORT PHILLIP CITY COUNCIL and THE STATE OF VICTORIA OF THE OFFICES OF THE DEPARTMENT OF EDUCATION, EMPLOYMENT AND TRAINING, for the extension of the FreeZA program for youth (currently provided by the City of Port Phillip) into the 2001/2002 financial year. Item not previously considered by Council. A Councillor Briefing Report on the FreeZA Youth Music Program was presented to Councillors on 25<sup>th</sup> June 2001. The City of Port Phillip first successfully obtained funding (from the Office of Education, Employment & Training) for the FreeZA program in September 2000 and have been providing the program to date.

**Responsible Manager:** Heather McKee, Acting Director Social and Cultural Development.

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and TAMBO ASH PTY LTD to restrict future issue of resident parking permits for the land at 146 St Kilda Road, St Kilda.

Item previously considered by Council in September 1998.

**Responsible Manager:** Bruce Phillips, Manager Planning and Building Services.

**MOVED Crs Ray/Brand**

That the Common Seal of the Port Phillip City Council be affixed to the above documents.

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

## 6. CORRESPONDENCE

### Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors between 1 February 2002 to 20 February 2002 is attached for information.

*\* No formal discussion ensued on this matter.*

## 7. PUBLIC QUESTION TIME

Nil.

## 8. PRESENTATION OF REPORTS AND RECOMMENDATIONS

### 8(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 4 FEBRUARY 2002

The following items were **MOVED** in block by Crs Ray/Hutchens;

- A1 AUDIT COMMITTEE ACTIVITIES UPDATE & PRESENTATION OF THE 2001 ANNUAL REPORT TO COUNCIL
- A2 MUNICIPAL BOUNDARY ALTERATION
- A3 NAMING OF GRASSED COURTYARD AREA AT THE FRONT OF THE ST KILDA TOWN HALL
- A5 PARK STREET/COWDEROY STREET ROUNDABOUT CAPITAL WORKS FUND REALLOCATION (ITEM WITHDRAWN)
- A7 STREET FURNITURE
- OTHER 1 SOUTH MELBOURNE MARKET MANAGEMENT COMMITTEE INTERIM REPORT

Discussion took place in relation to the following items;

- A4 URBAN ART STRATEGY – ENDORSEMENT OF DRAFT STRATEGY FOR PUBLIC COMMENT
- A6 NIGHT FOOTBALL PORT MELBOURNE
- A8 SEABATHS – LIQUOR LICENCES IN DINING AREAS EXTERNAL OF THE BUILDING
- A9 PILOT NEIGHBOURHOOD CHARACTER STRATEGY – ELWOOD AND EAST ST KILDA
- A10 CIVIL INFRASTRUCTURE CONSTRUCTION & MAINTENANCE SERVICES CONTRACT (CONFIDENTIAL)

**A1            AUDIT COMMITTEE ACTIVITIES UPDATE & PRESENTATION OF THE 2001 ANNUAL REPORT TO COUNCIL**

**Purpose**

To bring to the attention of Council the matters discussed at the December 2001 meeting of the Audit Committee and to present to Council the City of Port Phillip Audit Committee Annual Report for 2001.

**MOVED Crs Ray/Hutchens**

1. Council receive and note:
  - (a) The Audit Committee Annual Report To Council for 2001;
  - (b) The report outlining the matters considered by the Audit Committee at its December 2001 meeting; and
  - (c) The Chief Executive Officer raise with the Audit Committee at the request of Council, the future consideration by the Audit Committee of the efficiency and effectiveness of Councils systems, including methodology for STAMP and for tender evaluation, whilst noting the existence of the Process Improvement Committee and its role.

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

**A2 MUNICIPAL BOUNDARY ALTERATION**

**Purpose**

To advise Council of the impending minor amendment to the municipal boundary in the proximity of Salmon Street Fishermens Bend and to seek approval from Council to undertake the amendment.

**MOVED Crs Ray/Hutchens**

1. That the Council resolve to approve the application to the Minister for Local Government to amend the municipal boundary to:
  - (a) include within the municipal district of Port Phillip the previous road reservation land which now forms part of Lots 10, 11 and 12 (subdivision PS 429646H), new Crown Allotment 16B of Section 67E of the Parish of Melbourne South; and
  - (b) exclude from the municipal district of Port Phillip the land declared West Gate Freeway Reservation on 12<sup>th</sup> October 1995 within SP18378A.
2. Council authorise officers to commence the process to amend the boundary.
3. Council notes that the Westgate Freeway which is the current boundary between the Port Phillip Council and Melbourne City Council cuts the Fishermens Bend Industrial Estate in half. This boundary is illogical and should be reinstated to the pre City of Melbourne Act status to ensure:
  - (a) organisations within the estate pay the same rate in the dollar;
  - (b) there is consistency in land use planning across the estate;
  - (c) that the estate is given assurance of the area's industrial focus in the medium term; and
  - (d) that transport planning is undertaken for the estate as a whole to alleviate pressure on adjoining residential streets.

The Council supports the Yarra River as the natural boundary between the two Cities.

Council notes the conversations reported from the Inner South Metropolitan Mayors Group where Melbourne City expressed willingness to undertake constructive discussions in relation to this issue.

Further, Council is of the view that it would be appropriate for the State Government to remedy the boundary and consolidate Fishermens Bend Industrial Estate as part of the Docklands boundary alignment which relates to this general precinct.

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

**A3 NAMING OF GRASSED COURTYARD AREA AT THE FRONT OF THE ST KILDA TOWN HALL**

**Purpose**

To consider naming the grassed courtyard area at the front of the St Kilda Town Hall.

**MOVED Crs Ray/Hutchens**

That Council agree to commence a process, in accordance with the Geographic Names Act 1998, to name the area at the front of the St Kilda Town Hall (as designated in the proposed plan) 'Raoul Wallenberg Garden' and to erect a plaque relating to its naming.

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

**A4 URBAN ART STRATEGY - ENDORSEMENT OF DRAFT STRATEGY FOR PUBLIC COMMENT  
(SUPPLEMENTARY REPORT)**

**Purpose**

This report discusses the status of the draft Urban Arts Strategy and provides Council with an overview of its development and a summary of the draft Strategy's key strategic policy directions and contents. The report also proposes that a program of community and 'industry' consultation finalise the document prior to its presentation to Council.

**MOVED Crs Ray/Gross**

1. That Council notes the policy direction, policy frameworks, objectives and implementation process of the Draft Urban Art Strategy and approves the draft document's circulation for public and 'industry' comment, prior to its review and finalisation.
2. That a further report be prepared for presentation of the finalised Urban Arts Strategy for Council's consideration at its May 2002 meeting cycle, outlining the implications for Council's budget (including existing expenditure) and current Council policy and programs.

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

**A5            PARK STREET/COWDEROY STREET ROUNDABOUT - CAPITAL WORKS  
FUND REALLOCATION**

**ITEM WITHDRAWN.**

**A6 NIGHT FOOTBALL PORT MELBOURNE**

**Purpose**

The purpose of this report is for Council to consider the playing and telecasting of night football at Port Melbourne Cricket Ground.

**MOVED Crs Ray/Gross**

1. Council endorses the contribution made by televised football at Port Melbourne Cricket Ground to Council's Corporate Plan and strategic directions for sport and recreation.
2. Council support the playing of night, telecast football matches at the Port Melbourne Cricket Ground subject to the Port Melbourne Football Club agreeing to amend the tenancy agreement to incorporate conditions relating to the operation and conduct of night football and that these conditions include:
  - (a) Only one telecast night football game being permitted per week on Mondays or in the event that games are no longer telecast only one night football game being permitted per week without the prior specific approval of Council.
  - (b) Prior specific approval of the Chief Executive Officer is required before any events other than Monday night football involving the use of ground lighting are held at the Port Melbourne Cricket Ground and that no more than two (2) such events will be permitted per year. An event does not include football training, which is an approved activity that is permitted to be undertaken on the Reserve.
  - (c) All night football games to be completed by 10.00pm.
  - (d) The use of ground lighting on match play/events nights not extending beyond 10.30pm.
  - (e) The use of ground lighting be only at 'half level' at all times other than when games are being telecast and the use of lighting other than when night games are being played not extend beyond 9.00pm.
  - (f) Public entry to and exit from the Port Melbourne Cricket Ground at night games be from Ingles Street only.
  - (g) All costs associated with the operation and maintenance of the lighting to be met by Port Melbourne Football Club and the Port Melbourne Football Club to take over responsibility for the existing training lights when the new system is completed.
  - (h) No other sport other than football is to be played at night whether it is telecast or not without the prior specific approval of Council. If approval is granted to play other sports at night the same conditions relating to public entry, game completion and lights out times and the number of games per week will apply.
  - (i) All applications seeking approval for games and events that require the use of the ground lighting are to be made by the Port Melbourne Football Club.
  - (j) Management of the premises when any football, other sport or event is conducted at the ground at night using lighting is to be in accordance with a management plan submitted by the Port Melbourne Football Club and approved by the Chief Executive Officer of the City of Port Phillip.
  - (k) Amplified music is not to be played before, during or after night football games and the public address system is to be used only for emergency announcements only after 8pm.

3. The Port Melbourne Football Club be required to undertake a public information session with the community and residents outlining the future plans of the Club and its usage of the Port Melbourne Cricket Ground and that Council suggests that this information session could be in the context of a community open day to promote the club to the local community.
4. Council notes that a separate formal planning permit application to enable the installation of lights by the Port Melbourne Football Club at the Port Melbourne Cricket Ground is currently under consideration by Councils planning department.

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

**A7 STREET FURNITURE**

**Purpose**

To inform Council of process conducted to review the design and delivery of street furniture within Port Phillip and to seek Council's endorsement of the preferred suite.

**MOVED Crs Ray/Hutchens**

1. That Council seeks further design development to achieve a more coherent suite of furniture, displaying:
  - (a) Greater formal and thematic design unity across the various types of furniture;
  - (b) Greater evidence of adaptability to varying cultural and physical settings for each type, if and where relevant; and
  - (c) Evidence of how the design of additional types of furniture in the suite can be integrated into the unified design approach.
2. That Council endorses technical and cost related improvements achieved in the process thus far.
3. Council requests that all final designs when re presented to Council meet relevant Australian Standards and any other legal requirements for design and siting.
4. Council requests advice as to which precincts within the City of Port Phillip may require a non standard design for heritage or other reasons.

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

**A8 SEABATHS - LIQUOR LICENCES IN DINING AREAS EXTERNAL OF THE BUILDING  
(SUPPLEMENTARY REPORT)**

**Purpose**

To consider the public access into the liquor licence areas external of the building.

**MOVED Crs Hutchens/Brand**

1. That Council resolve to modify its December 2001 decision regarding the parameters for the outdoor dining areas at the St Kilda Seabaths to enable the 3 food and beverage tenancies on the seaward side of the building to be able to obtain liquor licences for the areas specified in the December 2001 approved seating plans subject to it being only for the primary purpose of a restaurant.
2. That the December parameters be amended as follows (shown with deletions inclusions in bold)
  - the activity shall not cause detriment to the amenity of the foreshore by reason of noise, patron behaviour any other reason. In this regard the activity and use shall be to the satisfaction of the Responsible Authority, and
  - a licence between the lessee and tenants shall form part of any lease documentation that requires the tenants to amongst other things:
    - *to obtain any necessary approvals or consents or licences from authorities before trading or serving food or beverages and that at all times the area will be used in accordance with that approval*
      - ❖ to obtain the lessee consent for high quality furniture that is consistent with a theme so that the seating areas appear as part of a comprehensive arrangement
      - ❖ maintain all furniture in the areas provided and no other areas
      - ❖ maintain the tidiness of the area, collect litter including cigarette butts and remove garbage
      - ❖ not prevent any member of the public (who is not bringing liquor into the area) from using the area or furniture notwithstanding the rights to serve food and beverages in that area
      - ❖ display signs indicating that the purchase of food and beverages in this area is not a precondition of the use of the area by the public
    - **display signs indicating that**
      - **public access is acceptable**
      - **that no liquor can be brought into the area**
      - **that the management reserves the right not to serve intoxicated people, and**
      - **that under age people cannot be present beyond 11-00 pm due to the Liquor licensing laws. (That is, under age patrons can sit and eat in the area and have non alcoholic drinks prior to 11-00 pm but not after)**

- ensure all decorative materials, signage and advertising is only done so with the prior written approval of the lessee and any relevant authority including but not limited to the Council
  - must ensure that the area is managed in such a way that patrons will be encouraged to remain seated whilst eating and or drinking and that use best endeavours shall be used to ensure that patrons are not unduly noisy and are well behaved
  - comply with all requirements of the Liquor Control Act (including any amendments)
  - first seek approval of the centre management for any proposed music that will be heard outside the building who shall ensure that it is not disturbing to the public nor competing with music from other tenancies to the satisfaction of the Responsible Authority
  - comply with the hours of operation for the complex being 5-30 am to 1-00 am the following day
  - to minimise litter by not having the tables 'made up' in the 'public but exclusive rights to service' areas but shall include hard crockery and cutlery as required from the point of service if patrons nominate to sit at the tables whilst consuming the meal / beverages and to only use disposal containers for patrons who have nominated that they will eat elsewhere, and
  - that no weather proofing of the area set aside for tables or chairs (except umbrellas) shall occur without the prior written consent of the Responsible Authority.
3. That Council authorise the Manager, Planning and Building Services to amend Planning Permit P 1648 / 2001 dated 24 December, 2001 for the outdoor dining area to the south of the Consent Notice boundary by adding the following condition and renumbering the remaining conditions accordingly:
- The occupier shall display signs indicating that
  - public access is acceptable
  - that no liquor can be brought into the area
  - that the management reserves the right not to serve intoxicated people, and
  - that under age people cannot be present beyond 11-00 pm due to the Liquor licensing laws. (That is, under age patrons can sit and eat in the area and have non alcoholic drinks prior to 11-00 pm but not after)
4. That the lessee and the sub lessees be reminded that the Council permission for external seats within the Consent Notice boundary and that portion outside the Consent Notice (but within the leased boundary subject to the Planning Permit) expires at the end of February, 2007 unless otherwise extended in writing by the Responsible Authority. This is to enable the Council to impose any necessary adjustments that is required to the operations to maximise the public amenity of the foreshore area.

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

**MOVED Crs Johnstone/Gross - MOTION ARISING**

That the Seabaths centre management and other foreshore commercial users be invited to attend Eco Recycles Beach Litter briefing at the Port Melbourne Life Saving Club on the 19<sup>th</sup> March 2002.

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

**A9 PILOT NEIGHBOURHOOD CHARACTER STRATEGY - ELWOOD AND EAST ST KILDA**

**Purpose**

To update Council progress of the Pilot Neighbourhood Character Strategy and determine a way forward in relation to the work undertaken to date.

**MOVED Crs Johnstone/Ray**

1. That Council acknowledges the valuable contribution to the pilot neighbourhood character strategy made by members of the steering committee.
2. That Council agrees in principle to the Draft Character Statements and Design Guidelines (as amended) developed for the two pilot areas forming part of a future amendment to the planning scheme and Council requests that officers immediately have regard to these guidelines which explain and interpret the intent of Council policy.
3. That Council continues investigating the most appropriate method for incorporating the guidelines into the planning scheme in consultation with the Department of Infrastructure.
4. That a future report be presented to Council following the release of the Department of Infrastructure Practice Note on the Neighbourhood Character Provisions outlining a proposed implementation process.
5. Council notes its concern at the delay in the release of the Practice Note on Neighbourhood Character Provisions by the Department of Infrastructure and requests that the Mayor make immediate representations to the Minister for Planning in relation to this concern.

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

**A10 UPDATE ON PERFORMANCE OF EXCELL CORPORATION**

**CONFIDENTIAL ITEM WAS RESOLVED AT THE SPECIAL COUNCIL MEETING ON 11 FEBRUARY 2002.**

**OTHER 1      SOUTH MELBOURNE MARKET MANAGEMENT COMMITTEE INTERIM  
REPORT**

**MOVED Crs Ray/Hutchens**

1. That the report and letter be received and noted and congratulate Crs Lewisohn and Hutchens for their splendid work on the South Melbourne Market Management Committee with tangible results.
2. Council also conveys its thanks for the work to date to other members of the Management Committee including staff and request that thanks be conveyed to the advertising agency for their responsive campaign.

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

**8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST  
KILDA TOWN HALL ON 11 FEBRUARY 2002**

*Note: Business Items B1, B2 and B3 were resolved by the Statutory Planning Committee held on Monday, 4 February 2002, in accordance with Section 86 of the Local Government Act 1989.*

**The following items were MOVED in block by Crs Hutchens/Gross;**

- B2 190, 192 AND 194 GLADSTONE STREET, SOUTH MELBOURNE
- B5 DELEGATE REPORT

**Discussion took place in relation to the following item;**

- B4 360-370 ST KILDA ROAD, MELBOURNE – ROYAL DOMAIN TOWERS

**B2            190,192 AND 194 GLADSTONE STREET, SOUTH MELBOURNE**

**Purpose**

The application proposes to the development of five offices in a three storey building, above a basement car park and associated car parking dispensation. After external advertising of the application the applicant provided an amended plan which increased the number of on site car spaces and reduced the office floor area.

**MOVED Crs Hutchens/Gross**

The Director City Development be requested to examine the parking with a view to increasing accessibility for visitors to businesses.

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

*NOTE: PART A OF THE RECOMMENDATION IN RELATION TO THE PLANNING APPLICATION WAS RESOLVED BY THE STATUTORY PLANNING COMMITTEE ON MONDAY, 4 FEBRUARY 2002.*

**B4            360-370 ST KILDA ROAD, MELBOURNE - ROYAL DOMAIN TOWERS  
(SUPPLEMENTARY REPORT)**

**Purpose**

To consider final details and amendments relating to an approved residential tower at 360-370 St Kilda Road, Melbourne.

**MOVED Crs Brand/Johnstone**

Council shares the concerns previously raised by the Shrine trustees, and expresses its profound disappointment at the scale, bulk, siting and design of the approved development at 360-370 St Kilda Road.

Council notes that, despite Council and other opposition, that this development has been approved through an incorporated development plan to our planning scheme, facilitated by the previous State Governments Minister for Planning and removing Council as the Responsible Authority.

Council has subsequently been re-instated as the Responsible Planning Authority, however our influence has been strictly limited to matters regarding materials, finishes and final architectural appearance of the approved development.

Unfortunately Council is unable to reduce the scale and associated intrusion of this building into this important precinct.

It is in this context that Council (as responsible authority) resolves that;

1. That the Council authorise its Senior Planner to endorse the submitted elevations and colour/material samples pursuant to Condition No.2 of the Incorporated Document for 360-370 St.Kilda Road, Melbourne subject to the plans being first modified to show:
  - Exposed precast concrete pre-finished rather than painted.
  - Notation that glass reflectivity is to be less than 15%.
  - Light coloured simple flat soffits.
  - An enhanced Well Street car park façade (which may include integrated public art) which may be required to be reflected in the façade of the upper levels of the building.
  - Artistically reconsidered final treatment of the rooftop feature, including any intended illumination, and integrating it as an urban art feature with the architecture.
  - Details showing all glazing recessed from the face of the spandrels to articulate the facade and to reinforce the horizontality of the spandrels by exposing the soffits.
  - Underside of the cantilevered balconies to be contrasting (dark) to the lighter main spandrel panels.
  - Artistic screening of the carpark so that cars and lighting are not visible from the street.

2. That the amended plans submitted under “condition” 1 of the Incorporated Document for 360-370 St.Kilda Road, Melbourne be endorsed subject to modifications to show:
  - site boundaries,
  - levels in relation to the Shrine Vista (as provided on 5/2/2002) matching the original plans whilst maintaining car parking provision at 442, and
  - the details provided by Bruce Henderson Architects by letter dated 18 December 2001 to the satisfaction of Council’s Traffic Engineers and Senior Urban Designer.
3. That the amended plans also be endorsed as complying with Conditions 3, 6, 7, 10 & 11 of the Incorporated Document (relating to landscaping, garbage area, fencing, parking and cross-over) noting that the standard of construction of the car park will be determined at Building Approval stage and a cross-over permit will be required from Standard Roads.
4. That the applicant be advised that no decision of Council (as responsible authority) is required at this time with regards to “conditions” 8 & 12, which will be addressed at Building Approval Stage and Subdivision Permit stage respectively.

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

**B5 DELEGATE REPORT**

**Purpose**

To present Council with a summary of all Planning Permits issued under Delegation.

**MOVED Crs Hutchens/Gross**

That the Council receive and note the amended report (with changes made at the Councillor Briefing session) regarding the summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 for the Port Phillip Planning Scheme.

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

## 9. ORDERS OF THE DAY

Discussion took place in relation to the following items:

- ORDER 1 62 GREY STREET, ST KILDA
- ORDER 2 PROGRESS OF THE URBAN HISTORY CENTRE CONCEPT
- ORDER 6 ST KILDA FORESHORE URBAN DESIGN FRAMEWORK
- ORDER 5 CITY OF PORT PHILLIP SUBMISSION TO THE ALBERT PARK FUTURE DIRECTIONS PLAN
- ORDER 4 NAMING OF BEACH OFF THE BOULEVARD, OPPOSITE THE BEND AND BARAK ROAD, PORT MELBOURNE
- ORDER 3 KRA MONTHLY MANAGEMENT REPORT FROM THE CHIEF EXECUTIVE OFFICER
- ORDER 7 STATUTORY PLANNING AND BUILDING CONTROL CONTRACTS (CONFIDENTIAL)

**ORDER 1     62 GREY STREET, ST KILDA**

**Purpose**

Additions to the existing building and use as a rooming house with 12 rooms, 10 for residents

**MOVED Crs Brand/Johnstone**

“That Council being the Responsible Authority and having caused the application to be advertised and having received and noted 31 objections is of the opinion that the development and use of additions to the existing building building and use as a rooming/boarding house with 12 rooms, 10 for residents will not cause material detriment to persons other than the applicant.

That a Notice of Decision be issued for the development and use of additions to the existing building building and use as a rooming/boarding house with 12 rooms, 10 for residents

That the Notice of Decision be issued subject to the following conditions:

1. Before the use and 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 generally in accordance with the plans submitted with the application but modified to show:
  - (a) Screening to all upper level windows of the proposed rear building in the form of sills to 1.7m above floor level or fixed translucent glass to that same height to prevent overlooking into abutting properties and screening to 1.7m above floor level of the upper level sides of the front terraces,
  - (b) Deletion of all proposed balconies and the proposed bathroom/kitchen facilities from the side of the existing main building and front façade details to the satisfaction of Council’s Heritage Advisor,
  - (c) Deletion of the proposed addition to the front fence and relocation of the caretaker’s carspace so as not to be within the front setback,
  - (d) Depiction of the rooftop addition to be of a transverse ridge hipped roof facing Grey Street with a sloping skillion section behind with such roof to be of materials matching as closely as possible that of the existing roof. Such new ridge is to be no more than 1.3m higher than the existing ridge line of the main building,
  - (e) All external rendered surfaces of the new rear building to be depicted as a light grey colour to suitably reference other similar colours in the area.

All of the above to the satisfaction of the Responsible Authority.

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. The amenity of the area must not be detrimentally affected by the use or development through the:
  - (a) Transport of materials, goods or commodities or waste products to or from the land.
  - (b) Appearance of any building, works or materials.

- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, dust, waste water or waste products.
  - (d) Presence of vermin.
4. The proposed main rear courtyard shall only be used for communal recreation between the hours of 8am to 11pm and no equipment or facilities for the playing or amplification of music are to be installed in this area or any other external area of the site.
  5. Each room of the subject premises (apart from the manager/caretakers residence) must be furnished with no more than one bed.
  6. There shall be on the premises at all times while the site is being used for the purpose hereby permitted, a person over the age of 18 years responsible for the good conduct of the residents and compliance with these conditions (hereinafter referred to as "the Manager"). The Manager shall reside in the rooms as indicated on the plan and shall be affiliated with a rooming house/low income housing agency, body or association to the satisfaction of the Council's Housing Development Officer.
  7. The use allowed by this permit must only constitute that of a boarding/rooming house and is not to be used for other forms of group accommodation or residential building, such as a backpackers lodge, residential hotel, bed and breakfast, motel or similar use. For the purposes of this permit, boarding/rooming house means rental accommodation, being the occupier's principle place of residence which is managed by an on-site manager affiliated with a rooming house/low income housing agency, body or association to the satisfaction of the Council's Housing Development Officer and includes shared laundry and recreational facilities.
  8. There shall be appropriate sound insulated walls installed at the interface of the proposed rear building and abutting Nos. 58 Grey Street and No. 1 Burnett Street so as to minimise emission of internal noise to those abutting properties.
  9. No sound amplification equipment, juke boxes or loud speakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes (so as to be audible outside the premises) save with the written permission of the responsible authority.
  10. Prior to the commencement of the development a management plan shall be prepared to the satisfaction of the Responsible Authority for the effective operation of the boarding/rooming house. The plan must include, but is not restricted to, the following:
    - (a) Procedures, and standards for residents to minimise amenity and parking problems in the neighbourhood.
    - (b) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns.
    - (c) Standards for property maintenance, health and cleanliness.
    - (d) Security against thefts and break-ins, including security of residents belongings.
    - (e) Development, documentation and promulgation of a fire management plan and appropriate training for all staff.
    - (f) Establishment of house rules (to be displayed and clearly visible to residents in the premises at all times) regarding:
      - (i) resident behaviour
      - (ii) noise

12. No bins or other receptacles for any form of rubbish or refuse shall be placed or allowed to remain in view of the public and no odour shall be emitted from any receptacles so as to cause offence to persons outside the premises.
13. A copy of this permit shall be displayed at all times in a prominent location within the premises to the satisfaction of the responsible authority.
14. There shall be available at all times for the use of residents in the vicinity of the premises a telephone number or numbers ("the Hotline") so that they can call to register any complaint or comment about the operation of the premises or the conduct of the patrons. This Hotline shall be staffed at all times. A permanent register of all calls to this Hotline shall be maintained which register shall be available at all times for inspection by the Responsible Authority.
15. Prior to the commencement of the development hereby permitted a schedule, and appropriately marked elevations that show all details of the external materials, finishes and colours shall be submitted to the satisfaction of the responsible authority. Once approved they will form part of the permit.
16. Prior to the commencement of the development hereby permitted the applicant must demonstrate how environmentally-positive features will be incorporated into the development where possible, to the satisfaction of the responsible authority.
17. Prior to the commencement of the development hereby permitted, a landscape of the development and schedule shall be submitted to and approved by the responsible authority. Landscaping in accordance with such approved plan and schedule shall be completed before the commencement of the occupation of the building hereby permitted. Such plan must show appropriate grass and planting for the main rear courtyard to enhance its recreation function.
18. Landscaping works as shown on the endorsed plans must be completed within three (3) months from the completion of works (defined by the issue of Certificates of Occupancies for the proposed boarding rooms) to the satisfaction of the responsible authority and then maintained to the satisfaction of the responsible authority.
19. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the responsible authority.
20. The colour of external materials and finishes of the proposed building shall be to the satisfaction of the Responsible Authority and all paintwork shall be satisfactorily maintained and shall accord with conditions 1 (e) and 13.
21. All piping and ducting above the ground floor storey of the building, apart from any new downpiping, shall be concealed.
22. No equipment, services and architectural features other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
23. This permit will expire if one of the following circumstances applies:
  - (a) The development and use are not commenced/established within 2 years from the date of issue of this permit,
  - (b) The development is not completed within 1 year of the date of commencement.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Note

1. Council would not agree to any liquor licence application on this site.
2. Car parking provision is based on the use for which a permit is being issued, and as such no dispensations have been intended nor are able to be carried forward as credits for another future use.
3. No occupant, owner visitor shall be eligible for any resident/visitor parking permit for this site beyond the two visitor permit currently available.

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

**ORDER 2      PROGRESS OF THE URBAN HISTORY CENTRE CONCEPT**

**Purpose**

This report progresses formation of an Urban History Centre Reference Group, which is the next stage in concept development for the Urban History Centre.

**MOVED Crs Gross/Hutchens**

1. That Council notes this report and;
  - (a) Endorse the proposed ten applicants as members of the Urban History Reference Group, and the 'Terms of Reference' for the Group.
  - (b) Nominates a Councillor for representation on the Urban History Centre Reference Group after the election of the new Council on 16<sup>th</sup> March and as part of Council's discussion of committee representation.
  - (c) That Council invite Adair Bunnet to be the chairperson of the reference group.
  - (d) Following confirmation that all members can take up positions, that Council publicly announce the names of the membership.
2. Endorse planning of a renewed fundraising campaign and committee focussed on supporting the Urban History Centre.

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

Note

Council thanks Adair Bunnet for accepting the role as chairperson.

**ORDER 3      KRA MONTHLY MANAGEMENT REPORT FROM THE CHIEF EXECUTIVE OFFICER**

\*Cr Johnstone left the meeting at 7.58pm.

\*Cr Johnstone returned to the meeting at 8.00pm.

**Purpose**

This report aims to provide Councillors with a summary of the major areas of activity and operational performance as at 28 December 2001 and compares actual performance against budget.

**MOVED Crs Ray/Hutchens**

1. That the monthly management report from the CEO detailing Council's year to date financial and operating performance be received and noted.
2. That Council adopt the full year budget forecasts as set out in the body of the report.

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

**ORDER 4 NAMING OF BEACH OFF THE BOULEVARD, OPPOSITE THE BEND AND BARAK ROAD, PORT MELBOURNE**

**Purpose**

To consider a proposal to name part of the beach off The Boulevard, opposite The Bend and Barak Road, Port Melbourne, and to erect an appropriate sign.

**MOVED Crs Johnstone/Hill**

1. That the Council enter into a process to name the section off The Boulevard, opposite The Bend and Barak Road, Port Melbourne 'Sandridge Beach' and that a section of foreshore reserve adjacent to Sandridge Beach, possibly be named 'Fussy's Beach' or 'Fussy's Park'.
2. That Council advertise the proposal to name the beach or surrounding gardens, and seeking input from residents on;
  - Alternative names.
  - The physical scope of the site to be so named.
  - Seek the advice of the Geographic Place Names Registrar when a preferred name identified.

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

**ORDER OF THE DAY 5      CITY OF PORT PHILLIP SUBMISSION TO THE ALBERT  
PARK FUTURE DIRECTIONS PLAN**

\*Cr Brand left the meeting at 7.34pm.

\*Cr Brand returned to the meeting at 7.36pm.

**Purpose**

The Albert Park Future Directions Plan will replace the existing Albert Park Masterplan and is aimed at providing a framework for decision making. Parks Victoria has released the draft Plan for submissions, and attached to this report is the City of Port Phillip's submission to the Plan.

**MOVED Crs Hutchens/Ray**

That Council endorses the attached submission (as amended) to Parks Victoria on the Albert Park Future Directions Plan, and seeks an appropriate ongoing working relationship with Parks Victoria in the implementation of the Future Directions Plan.

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

Note

Cr Hutchens requested the following amendments to the attached submission to Parks Victoria:

1. Under section 1. Overview, fourth bullet point to read:
  - what the **out of Park** impacts are on adjoining areas; and,
2. Under section 1. Overview, fifth bullet point to read:
  - The role of the Park in the catchment, given that the lake is a pivotal component of the Park and requires stormwater *and potable water to refill* the lake and overflows into the Bay, *and that potable water is used in the watering of all playing areas on Albert Park and that in the interest of water conservation, alternative sources or means of watering should continue to be investigated.*
3. Under section 4. Sporting, second bullet point to read:
  - Continue to represent the local sporting groups and other users of the Reserve who are affected by the closure of Albert Park Reserve during the Grand Prix period *or affected by the lengthy setting up, dismantling and repair period in the Park.*
4. Under section 7.3. Planning, add the following paragraph:
  - The City should embark on a process with Parks Victoria outlining what are to be regarded as significant changes or projects in the Park.

5. Under section 7.6. Commercialisation in the Park, paragraph to read:
- Council considers that commercialisation of the Park has probably reached its peak. As such Council considers that it would be appropriate for the Plan to provide stronger comment in this respect and that further commercialisation of Albert Park be minimised.

**ORDER OF THE DAY 6      ST KILDA FORESHORE URBAN DESIGN FRAMEWORK**

**Purpose**

After a long period of community concern over the future of the important asset of St Kilda Foreshore, Council has produced the St Kilda Foreshore Urban Design Framework in consultation with community and State Government agencies, that provides direction and certainty for the future planning and management of this area. This plan will aid in the revitalisation and renewal of the public spaces of this significant place.

**MOVED Crs Ray/Johnstone**

PART A

1. That Council approve the Draft St Kilda Foreshore Urban Design Framework, attached, which has been modified to include the considered feedback arising from the Preliminary Draft for Consultation
2. That Council resolve to prepare and place on exhibition an Amendment to the Port Phillip Planning Scheme (to be known as Am C36) to effect the following:
  - (a) Inclusion of the *St Kilda Foreshore Urban Design Framework* as an Incorporated Document in the planning scheme (at Clause 81).
  - (b) Changes to the Municipal Strategic Statement (at Clause 21.05-2 – Foreshore) to establish the strategic basis of the *St Kilda Foreshore Urban Design Framework*.
  - (c) Introduction of a new policy (at Clause 22.10) - *St Kilda Foreshore Policy* - to guide decision making in relation to planning permit applications for use and development, consistent with the *St Kilda Foreshore Urban Design Framework*.
  - (d) Rezoning of the Triangle Site from a Public Park and Recreation Zone to a Special Use Zone that gives effect to the desired land use and development outcomes for the land, by defining and strengthening the proposed creation of public open space on the St Kilda Triangle site consistent with the *St Kilda Foreshore Urban Design Framework*.
  - (e) Minor changes to Schedule 10 to the Design and Development Overlay to reflect directions of the *St Kilda Foreshore Urban Design Framework* document in the Design Objectives and Decision Guidelines.
  - (f) Modification of the boundary of the Public Park and Recreation Zone and Schedule 10 to the Design and Development Overlay to extend 600 meters into Port Phillip Bay (beyond the low water mark), in line with the adjoining Bayside and Port of Melbourne Planning Schemes, noting this applies to the whole of the city.
3. The Chief Executive Officer be authorised to prepare the final amendment documentation and commence exhibition of an amendment that is consistent with the parameters outlined above.
4. Amendment be exhibited for a minimum of two months in accordance with the requirements of Section 19 of the Planning and Environment Act and the additional consultation processes outlined in this report.

**PART B**

5. That Council endorse the preparation of an Implementation Plan, as a basis for a further report to the incoming Council, to give effect to the directions of the St Kilda Foreshore Urban Design Framework which will:
  - (a) Enable a process to be developed for Key Site Projects which ensures the highest quality design to be achieved, while ensuring further community involvement in the consultation process.
  - (b) Enable the development of a long term Capital Works Program to be established for infrastructure improvements to the area.
  - (c) Enable project and funding packages to be put to Government.
  - (d) Enable development opportunities to be determined and managed through an agreed process.
6. That Council seek briefings with Government seeking support and commitment in the development of projects arising from the St Kilda Foreshore Urban Design Framework.

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

**MOVED Crs Hill/Ray – MOTION ARISING**

That Council convey its thanks to the Chief Executive Officer, staff, members of the joint working group and resident and community groups who have been involved throughout the creation of this document, and looks forward to their ongoing support as the document is implemented.

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

**ORDER OF THE DAY 7      STATUTORY PLANNING AND BUILDING CONTROL  
CONTRACTS**

**REFER TO THE CONFIDENTIAL SECTION OF THE MINUTES FOR THE COUNCIL'S  
RESOLUTION ON THIS ITEM.**

## 10. REPORTS BY DELEGATES (COUNCILLOR) APPOINTED TO OTHER BODIES

### Item 1

Cr Johnstone presented the MAV's - President's Report for the month of November 2001. Major Issues outlined in the Newsletter include the following:

- Home and Community Care Campaign;
- Rules Review – Metropolitan Boundaries;
- Pre-School Reform;
- Beechworth Retreat – A Successful Event;
- Whistleblowers Protection Act.

### Item 2

Cr Johnstone present the MAV's - President's Report for the month of January 2002. Major Issues outlined in the Newsletter include the following:

- Rules Review;
- MAV Meets With The Premier;
- State Budget Bid;
- Meeting With Eastern Mayors' Group;
- CORE/Rate Equity.

### Item 3

Cr Johnstone advised that the MAV State Council Meeting will be held on Thursday 28 March 2002, where they will be voting on the regional arrangements, and Cr Johnstone indicated that she will be voting in accordance with Council's position that was submitted in writing.

### Item 4

Cr Gross reported on the Victorian Local Government Association advising that he and Cr Hutchens attended a launch of a report on democracy and political participation in the height of the Kennett storm, and the City of Port Phillip was one of three case studies.

**Item 5**

Cr Gross reported that at the Western Region Waste Management meeting there was much discussion about the tripartite arrangement between ourselves and two other Councils and that seems to be heading towards a resolution.

**Item 6**

Cr Hill reported on the Melbourne Transport Forum and advised that they are currently setting the annual priorities for the year and Cr Hill is urging them to stick to three or four. If Councillors have any particular views on transport issues let Cr Hill know prior to the 6 March 2002 meeting.

**Item 7**

Cr Johnstone reported that the Association of Bayside Municipalities has been progressing some of the work of the Commonwealth Coastal and Marine Planning Project, and one of the important initiatives is the stormwater seminars and they have been looking at developing a planning scheme amendment that could be applied state wide to require proper consideration of on site retention and stormwater impacts. Cr Johnstone also advised that there have been approximately 10 seminars and each one has been incredibly well attended.

**MOVED Crs Ray/Johnstone**

That the delegates reports be received and noted.

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

## 11. URGENT BUSINESS

Nil.

### **MOVED Crs Hill/Ray**

That the meeting be closed to members of the gallery in accordance with Section 89 (d) of the Local Government Act 1989.

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

The meeting closed at 8.05pm.

### **MOVED Crs Brand/Ray**

That the meeting be reopened to members of the gallery.

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

The meeting reopened at 8.15pm.

## 12. COUNCILLORS QUESTION TIME

### Item 1

Cr Gross directed the following requests to the Chief Executive Officer:

1. That the Chief Executive Officer investigate the permitting of dogs off leash prior to 8.30 am in the St Kilda Botanical Gardens, the Peanut Farm Reserve and any other subsequently named off leash areas.
2. That the Chief Executive Officer maintains vigilance in the enforcement of the obligation of dog owners to responsibly dispose of the faeces of their dogs which has been observed to be less frequent when dogs are off leash.

The purpose of this question is to assess the impact of providing more flexibility for dog walkers and the consequent effect on the amenity of other park users. Council wishes to accommodate the wishes of dog owners to the maximum extent possible in such a way that the complaints of other park users are minimised.

***\*Manager Enforcement and Public Health to investigate the issues raised and report back to Council in the April/May cycle.***

### Item 2

Cr Hill asked the following question:

Could the Chief Executive Officer whilst investigating the dog faeces related issue above, also investigate and advise the Ward Councillor that enforcement of dog faeces rules on all beaches has ever occurred?

***\*Manager Enforcement and Public Health to investigate and report back to Councillors.***

**Item 3**

Cr Johnstone advised that she has been requested to ask Council Officers to advise Council of:

1. Cost to Council of the Legal defence of Councils refusal to grant a permit at 7 Beach Avenue, Elwood?
2. Possible actions available to Council to reduce the number of real estate agent promotional signs in the City, and in particular, the profusion of pointer boards?
3. Why the required reinstatement works to the public footpath on Beach Avenue, and rectification of the inappropriate landscape treatment (causing a hazard to pedestrians) both as a result of the development on the corner of Ormond Esplanade and Beach Avenue, have not occurred and whether any enforcement action is underway?

***\*Director City Development to obtain information (costs) and prepare a response to Councillors (Question 1).***

***\*Director City Development to investigate and respond to Councillors (Question 2).***

***\*Director Physical Services to investigate and respond to Councillors (Question 3).***

**Item 4**

Cr Hutchens advised of the following issue raised by a resident of 47 Robe Street, St Kilda:

The letter to the Mayor, Councillors and Chief Executive Officer from a resident of 47 Robe Street, St Kilda, dated the 11<sup>th</sup> February 2002, raises serious concerns regarding the professional behaviour (or lack of) of the legal firm engaged by the City of Port Phillip towards her in the matter of assessment of costs resulting from the hearing of planning matters relating to 49 Robe Street, St Kilda, before the Supreme Court in 2001.

Could the Chief Executive Officer give me an undertaking that the issues she raises will be examined thoroughly and that a full explanation will be provided to Councillors and the resident of 47 Robe Street, as to the questions raised?

***\*The Chief Executive Officer advised that the above matter is currently being investigated by the Director City Development and a response will be prepared as soon as possible.***

**Item 5**

Cr Lewisohn put forward the following comments:

*"In regards to an update in this weeks Councillor Notes in relation to 'Local Laws relating to Building Noise' and the consultations with developers. It appears that the first phase of consultation involves the developers suggesting that if Council maintains its stance, there should be no developments starting at 7.00am or before 9.00am and this would substantially decrease development in the City. I think that might be in fact a very good strategy that we could put in the Corporate Plan".*

Has the responsible officer raised with developers the question of whether they can get a limited permit to undertake particular activities that do not involve noise by way of piling and other things which are the main cause of concern.

*"The Director City Development responded by stating that this question was raised with the building representatives at that meeting. Their basic answer was No, in particular with building high rise, their description of building high rise is at the same time they are constructing the 14<sup>th</sup> floor, the painters are in on the 12<sup>th</sup> floor and everything happening continuously, its separated by a couple of floors. There is continual activity by a range of trades on the site. Director City Development advised the developers that there was a range of activities that can be undertaken prior to 9.00am, which will be quieter. Their fundamental answer was No, they did not think they could schedule it in that way.*

*One of the noise complaints received recently was regarding the external lift that goes up and down between floors and the noise complaint was actually about that lift. Even if there was no banging and drilling etc, they were just moving goods up, for example, plaster board into position, there was still a noise issue associated with that for the residents in that area"*

Cr Lewisohn put forward a further question:

Are there activities less noisy than others that Council should be able to stand on? Have we got to that stage of definition yet?

*" The Director City Development advised that this is one of the considerations that will be brought back to Council. At the moment we are getting some further information on some building economics to put to rest the 16% cost increase. There are various levels of intensity of noise and there will be a judgement required about what activities are permitted and what are not permitted. In the EPA Guidelines there are specified machinery and activities which are deemed to cause unreasonable noise. That is one of the things we can look at in formulating what might be acceptable activities, within a particular range of activities".*

Cr Lewisohn put forward a further question:

Is there any reason why Council can not require as a condition of undertaking building that every contractor has an acoustic measure with a print out on there site, so if they exceed the noise limits approved by the EPA, the evidence is at hand?

***\*The Director City Development to consult with Cr Lewisohn on this issue.***

As there was no further business the meeting closed at 8.29pm.

Confirmed: 8 March 2002

Chairperson: \_\_\_\_\_