



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

26 SEPTEMBER 2005

MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD ON 26 SEPTEMBER 2005 IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL

The meeting opened at 6.03pm.

PRESENT

Cr Ray (Chairperson), Cr Bolitho, Cr Cribbes, Cr Gross, Cr Klepner (from 6.04pm), Cr Logan, Cr Sait, David Spokes Chief Executive, David Graham Executive Director Corporate Management, David Yeouart Executive Director Urban Services, Geoff Oulton Executive Director City Development, Sally Calder Executive Director Community and Cultural Vitality, Bruce Phillips Manager City Strategy, Bruce Phillips Manager City Strategy, Sue Wilkinson Manager Planning and Building Services, Robert Palmer Manager Infrastructure & Environment, Sandra Wade Service Coordinator Strategic Planning.

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

1. APOLOGIES

MOVED Crs Gross/Logan

It was noted that Cr Klepner will be arriving late to the meeting.

A vote was taken and the MOTION was CARRIED.

2. CONFIRMATION OF MINUTES

MOVED Crs Logan/Bolitho

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 22 August 2005 be confirmed.

That the Minutes of the Special Meeting of the Port Phillip City Council held on 5 September 2005 be confirmed.

A vote was taken and the MOTION was CARRIED.

4. PETITIONS AND JOINT LETTERS

Nil.

Cr Klepner arrived at the meeting at 6.04pm.

5. SEALING SCHEDULE

The following documents were submitted for signature and sealing:

1. SECTION 173 AGREEMENT between the PORT PHILLIP CITY COUNCIL and ROYAL DOMAIN TOWERS PTY LTD to ensure that Condition 7 of Planning Permit No. 659/2004 is satisfied.

Condition 7 of Planning Permit No. 659/2004 states that:

Prior to certification of the plan and prior to the commencement of the use/development permitted the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. 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 and enforcement 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. *To sell the Car Park Lots and Storage Lots only to Owners of Prime Lots;*
- b. *The Car Park Lots and Storage Lots are to be owned and used together with Prime Lots;*
- c. *Each Prime Lot must maintain ownership of a minimum of two Car Park Lots;*
- d. *Car Parking Lots and Storage lots must only be used for car parking purposes only by owners and occupiers of, or bona fide visitors to the Prime Lots. Storage lots on the plan are not permitted to be used for car parking purposes;*
- e. *To bring this agreement to the attention of any mortgagee of the Land and Assignee, transferee, lessor or license of the land or any part of the Land.*

Item not previously considered by Council.

Responsible Manager: Sue Wilkinson, Manager Building and Planning

2. SERVICE AGREEMENT between PORT PHILLIP COUNCIL and ELWOOD ST KILDA NEIGHBOURHOOD LEARNING CENTRE ESNLC (AUSPICE FOR ROOMERS PROJECT) for provision of a funding contribution for the Roomers Magazine Outreach Project.

Item not previously considered by Council.

Responsible Manager: Carol Mayell, Manager Social & Cultural Planning & Policy

3. TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and SUE DOCKRELL, for the sale and transfer of right of way at the rear of 29-33 Glover Street, South Melbourne.

Item previously considered by Council in May 2005.

Responsible Manager: Robert Palmer, Manager Infrastructure and Environment

4. TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and TERAMET PTY LTD, for the sale and transfer of right of way at the rear of 273-279 Cecil Street, South Melbourne.

Item previously considered by Council in September 2004.

Responsible Manager: Robert Palmer, Manager Infrastructure and Environment

5. TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and AUSDAL PTY LTD, for the sale and transfer of right of way at the splay corner Esplanade East and Beaconsfield Parade, Port Melbourne.

Item previously considered by Council in July 2005.

Responsible Manager: Robert Palmer, Manager Infrastructure and Environment

6. SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and MICK ANN PTY LTD, to ensure that Condition 20 of the Planning Permit No. 67/2005 for land at 156 Page Street, Middle Park is satisfied.

Condition 20 of Planning Permit No. 67/2005 which was issued by Council on 22 June 2005 states the following:

*Prior to the issue of a Statement of Compliance, the owner shall enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987 under which it specifically covenants that:-
the land shall only be developed in accordance with the plans endorsed under this permit; and*

(a) it shall pay the Responsible Authority's Solicitor/client costs in respect to the preparation and registration of the agreement.

The agreement shall otherwise be on terms satisfactory to the Responsible Authority.

Item not previously considered by Council.

Responsible Manager: Sue Wilkinson, Manager Planning and Building

MOVED Crs Gross/Cribbes

That the Common Seal of the Port Phillip City Council be affixed to sealing documents 1-5 including late item no. 6.

A vote was taken and the MOTION was CARRIED.

6. CORRESPONDENCE

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors for the month of 17 August 2005 to 20 September 2005 is attached for information.

** No formal discussion ensued on this matter.*

7. PUBLIC QUESTION TIME

Item 1

Mr Webster asked the following question:

'What is the Council's view on two specific beggars in Acland Street, St Kilda who bother people for money?'

Geoff Oulton Executive Director City Development advised that the Vagrancy Act has now been repealed. There are similar issues contained under the Summary Offences Act. There is nothing under Council's local law that would require Council to take action. He further advised that if there was an issue of public safety, Council would refer the matter to Victoria Police, obviously there is a fair degree of discretion required in how these matters are managed.

8. PRESENTATION OF REPORTS AND RECOMMENDATIONS

8(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 5 SEPTEMBER 2005

The following items were MOVED in block by Crs Bolitho/Gross

- A1 ELWOOD HERITAGE REVIEW STUDY DOCUMENT AND AMENDMENTS
- A3 COMBINED AMENDMENT C23 AND APPLICATION FOR PLANNING PERMIT NO. 1572/2004
- A4 REVIEW OF CHILD CARE - OUTCOMES, SERVICE PRINCIPLES AND ASSESSMENT CRITERIA
- A6 ELWOOD BEACH HOUSE - INTENTION TO LEASE
- A7 QUARTERLY MANAGEMENT REPORT
- A8 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHTS OF WAY NO'S. R1209, NO. 103, NO. 514, NO. 192 & 193 AND ROW ABUTTING 1-13 COBDEN ST
- A10 SOUTH MELBOURNE MARKET – CLEANING & WASTE MANAGEMENT CONTRACT - CONFIDENTIAL
- A11 SUSTAINABLE ENVIRONMENT CONSULTATIVE COMMITTEE SELECTION - CONFIDENTIAL

Discussion took place in relation to the following items

- A2 ENVIRONMENT POLICY
- A5 MUNICIPAL EARLY YEARS PLAN
- A9 ST KILDA SEABATHS - CONFIDENTIAL

**A1 ELWOOD HERITAGE REVIEW STUDY DOCUMENT AND AMENDMENTS
C54 & C55 TO IMPLEMENT THE ELWOOD HERITAGE REVIEW STUDY
DOCUMENT**

Purpose

To implement the Elwood Heritage Review study document.

MOVED Crs Bolitho/Gross

1. That Council resolves to adopt the Elwood Heritage Review 2005
2. That, in accordance with Section 9(a) of the Planning and Environment Act 1987, Council resolves to request that the Minister for Planning authorise the preparation and exhibition of Amendment C54 to the Port Phillip Planning Scheme to implement the recommendations of the Elwood Heritage Review 2005.
3. That, subject to Ministerial authorisation and in accordance with Section 19 of the Planning and Environment Act 1987, Council resolved to prepare and place on exhibition Amendment C54 to the Port Phillip Planning Scheme to implement the findings of the Elwood Heritage Review 2005 by including those places within the Port Phillip Heritage Review and amending the Schedule to the Heritage Overlay, the Heritage Overlay Maps, the Heritage Overlay Policy Map, and the Neighbourhood Character Policy Map accordingly of the Port Phillip Planning Scheme.
4. That, in accordance with Section 20(4) of the Planning and Environment Act 1987, Council resolves to request the Minister for Planning introduce interim heritage controls to the precincts and individual heritage places as recommended for inclusion in the Schedule to the Heritage Overlay and the Heritage Overlay maps in the Port Phillip Planning Scheme.
5. That, Council resolves to authorise the Executive Director City Development to finalise the amendment documentation.

A vote was taken and the MOTION was CARRIED.

A3 COMBINED AMENDMENT C23 AND APPLICATION FOR PLANNING PERMIT NO. 1572/2004

Purpose

The combined Amendment C23 and application for planning permit No. 1572/2004 was prepared and exhibited on 14 July 2005 to 15 August 2005. A recommendation is made that Council request a Panel Hearing to consider submissions made.

MOVED Crs Bolitho/Gross

That Council, as the Planning Authority for Amendment C23 and application for Planning Permit No 1572/2004 to the Port Phillip Planning Scheme and having considered all submissions received:

1. Request that the Minister for Planning appoint a Panel to consider submissions to Amendment C23 and application for Planning Permit No 1572/2004, in accordance with Part 8 of the Planning and Environment Act, 1987.
2. Refer all submissions, and any late submissions received, to the Panel to be appointed by the Minister for Planning.
3. Endorse the proposed change to the exhibited version of the application for planning permit 1572/2004 by the addition of the following conditions:
 - 1(e) Details of pedestrian access paths to be constructed to provide access to the open space at the eastern end of the site.
 11. Prior to commencement of the use, the applicant shall submit to the Responsible Authority, a Management Plan to the satisfaction of the Responsible Authority. When endorsed the Plan will form part of this permit. Such plan shall outline, almost other things, management of the following matters:
 - Use of the administration centre;
 - Hours of operation;
 - Client behavioural rules and obligations (including, but not limited to, illegal activity and physically or verbally aggressive behaviour);
 - Staff numbers, including that that there be a maximum number of staff not exceeding six, and that suitably qualified staff, be on the premises 24 hours a day, 7 days a week;
 - Statement of the off-site assessment and referral process;
 - On-site security measures including the proposed open space;
 - Specifying maximum numbers of residents to be accommodated on the land;
 - A complaints handling register;
 - Lighting of the external areas of the facility including the car park;
 - Emergency procedures.

12. The developer must prepare and submit to the Responsible Authority, a Construction Management Plan to the satisfaction of the Responsible Authority. That plan, when endorsed, will form part of this permit. The Plan will provide for the parking of construction and tradesperson's vehicles on site and the minimization of disruption to Upton Road. Construction and tradesperson's vehicles must comply with the Construction Management Plan produced in accordance with this condition.
 13. The developer must prepare and submit to the Responsible Authority, a Landscape Plan, to include the entirety of the site, to the satisfaction of the Responsible Authority.
 14. No vehicle access shall be provided to the site from Dandenong Road.
 15. To discourage pedestrian movements from the site onto Dandenong Road at this location, fencing along the Dandenong Road frontage shall be installed.
 16. The walls of the building facing Dandenong Road shall be finished to avoid any glare to motorists travelling on the road to the satisfaction of VicRoads.
 17. At no cost to and to the satisfaction of VicRoads, prior to the commencement of use, appropriate baffling and/screen fencing is required to be installed to prevent headlight glare entering Dandenong Road and also lighting on the walls facing Dandenong Road shining in the direction of the road or causing distraction to motorist on Dandenong Road.
 18. A noise report is required to be undertaken, at no cost to and to the satisfaction of VicRoads, by a qualified acoustic consultant in accordance with VicRoads "Guidelines for Acoustic Consultants". The applicant is required to undertake and complete any works or measures required by the noise report to the satisfaction of VicRoads, prior to commencement of use.
4. Inform all submitters of Council's decision to refer submissions to a Panel for consideration.
 5. Authorise Council officers to discuss this decision with the various parties as considered appropriate by the Executive Director, City Development.

A vote was taken and the MOTION was CARRIED.

A4 REVIEW OF CHILD CARE - OUTCOMES, SERVICE PRINCIPLES AND ASSESSMENT CRITERIA

Purpose

To enable Council to consider criteria for the future provision of childcare in the City of Port Phillip.

MOVED Crs Bolitho/Gross

1. That Council exercise its municipal leadership, to shape and oversee the provision of childcare across the City of Port Phillip to deliver the following broad outcomes:
 - a) That families in the City of Port Phillip will be able to access childcare when they need it.
 - b) That families will be able to access childcare that is both affordable, and of a high quality.
 - c) That the local childcare sector will offer a mix of council, community and privately owned and operated services.

2. That the following criteria be adopted by Council to assess the various options for the future provision of childcare in the City of Port Phillip:
 - a) Capacity to respond to, protect and enhance the social, cultural and economic diversity of the municipality.
 - b) Ability to cater for current and future population demands.
 - c) Retaining a level of real affordability for all the diverse socio-economic groups in the City of Port Phillip.
 - d) Enhancing operational efficiency and effectiveness while enhancing service quality.
 - e) Capacity to provide a range of management options for different levels of community involvement.
 - f) Capacity to deliver high quality services and children's programs.
 - g) Contribution to delivering a 'sense of community' and involvement for City of Port Phillip residents.
 - h) Ability to allow for flexible operations programming, with the capacity for multi-use and changing use
 - i) Capacity to ensure a balance of Council run services, community based services and private for profit services in the City of Port Phillip, ensuring that Council maintains its strong presence as a direct provider of childcare services
 - j) Ability to ensure renewal and enhancement of Council children's services infrastructure
 - k) Ensuring that low socio-economic groups have access to service locations that meet their needs.
 - l) Promote a variety of service types and sizes.

- m) Capacity to retain local government control of and responsibility for asset and service replacement and renewal.
- 3. That officers present a further report to Council following the Best Value Review. That the report include the policy implications, arising from the application of these criteria against the various options considered, for the future provision of childcare in the City of Port Phillip.

A vote was taken and the MOTION was CARRIED.

A6 ELWOOD BEACH HOUSE - INTENTION TO LEASE

Purpose

This report advises Council that no submissions were received regarding Council's intention to enter into a new 15-year lease for the Elwood Beach House with the present operator S Zeneldin subject to the ongoing compliance with the further obligations in the tenancy agreement being met.

MOVED Crs Bolitho/Gross

1. That Council notes that no submissions were received on Council's intention to enter into a lease with S Zeneldin for the Elwood Beach House.
2. That Council enters into a 15-year lease of the Elwood Beach House with S Zeneldin and that Council sign and seal the lease in triplicate between Council, S Zeneldin and the Minister of Planning.
3. That Council notes that if S Zeneldin defaults or does not proceed with the renovations as per the further obligations as per attachment 1 the present occupation be terminated and public tenders be called for Expressions of Interest to operate a café/tearooms for the Elwood Beach House.

A vote was taken and the MOTION was CARRIED.

A7 QUARTERLY MANAGEMENT REPORT

Purpose

To highlight key financial issues and highlights for Council in the quarter ended 30 June 2005.

MOVED Crs Bolitho/Gross

That the Quarterly Management report from the CEO detailing Council's financial and operating performance for the year ending 30 June 2005 be adopted.

A vote was taken and the MOTION was CARRIED.

A8 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHTS OF WAY NO'S. R1209, NO. 103, NO. 514, NO. 192 & 193 AND ROW ABUTTING 1-13 COBDEN ST

Purpose

This report is to finalise the discontinuance and sale of a number of Rights of Way.

MOVED Crs Bolitho/Gross

1. That statutory procedures to discontinue the section of the right of way no. R1209 rear 122 Victoria Ave, Albert Park, be completed.
 - 1.1 That the land from the road be sold to the owners of 122 Victoria Ave, Albert Park, subject to the land being consolidated to the property at 122 Victoria Ave, Albert Park.
2. That statutory procedures to discontinue the section of the right of way no. 103 rear 2, 4 & 6a Lambeth Pl, St Kilda, be completed.
 - 2.1 That the land from the road be sold to the owners of 2, 4 & 6a Lambeth Pl, St Kilda, subject to the land being consolidated to the property at 2, 4 & 6a Lambeth Pl, St Kilda.
3. That statutory procedures to discontinue the right of way no.514 rear 166 Napier St, South Melbourne, be completed.
 - 3.1 That the land from the road be sold to the owners of 166 Napier St, South Melbourne, subject to the land being consolidated to 166 Napier St, South Melbourne.
4. That statutory procedures to discontinue the right of way no.192 & 193 abutting 132 York St & 109 Market St, South Melbourne, be completed.
 - 4.1 That the land be sold to the owners of 132 York St, 109 Market St, South Melbourne and 113 Cecil St, South Melbourne, subject to the land being consolidated to the property at 132 York St, 109 Market St and 113 Cecil St, South Melbourne.
5. That statutory procedures to discontinue the right of way abutting 1-13 Cobden St, South Melbourne, be completed.
 - 5.1 That the land be sold to the owners of 1-13 Cobden St, South Melbourne, subject to the land being consolidated to the property at 1-13 Cobden St, South Melbourne.

A vote was taken and the MOTION was CARRIED.

A10 SOUTH MELBOURNE MARKET – CLEANING & WASTE MANAGEMENT CONTRACT

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

A11 SUSTAINABLE ENVIRONMENT CONSULTATIVE COMMITTEE SELECTION

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

A2 ENVIRONMENT POLICY

Purpose

The purpose of this report is to present Council with the final draft Environment Policy.

MOVED Crs Gross/Logan

1. That Council adopt the Environment Policy as amended, which provides a clear and concise statement of Councils commitment to environmental sustainability.
2. Council will use this policy as a guiding principle for urban sustainability, such as reducing water waste and greenhouse gas emissions and seeking opportunities to increase biodiversity.
3. That the wording relating to indigenous and remnant vegetation be harmonised with the Council Plan.

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

**A5 MUNICIPAL EARLY YEARS PLAN
(SEE SUPPLEMENTARY REPORT)**

Purpose

To present a draft of the City of Port Phillip's Municipal Early Years Plan to the Strategy and Policy Review Committee to allow for input prior to consideration by Council on 26 September 2005.

MOVED Crs Klepner/Bolitho

1. That Council endorse the Municipal Early Years Plan.
2. That when completed, the status report on City of Port Phillip activities in the 2005/2006 financial year, relating to the MEYP be circulated to Councillors for information.
3. That the draft of the published version of the MEYP be circulated for information to Councillors prior to publication.

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

**A9 ST KILDA SEABATHS
(SEE SUPPLEMENTARY REPORT)**

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

**8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE
ST KILDA TOWN HALL ON 12 SEPTEMBER 2005**

Note: Business Items B1, B2, and B4 were resolved by the Statutory Planning Committee held on Monday, 5 September 2005, in accordance with Section 86 of the Local Government Act 1989.

Discussion took place in relation to the following items:

- B3 122-128 ORMOND ROAD, ELWOOD
- B5 DELEGATE REPORT
- B6 PROMOTIONAL SIGNS ON TELSTRA PAYPHONES - CONFIDENTIAL

**B3 122-128 ORMOND ROAD, ELWOOD
(SEE SUPPLEMENTARY REPORT)**

Purpose

Development of a five (5) storey building as approved by Planning Permit 0103/2003, presently under construction, with alterations and additions to ground floor level shopfront facades, extensions to side and rear balconies and new roof top terraces.

MOVED Crs Klepner/Cribbes

That Council suspend of Standings Orders to allow a member of the gallery to speak to this item.

A vote was taken and the MOTION was CARRIED.

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

- Lou Garitu
- Marian Faraday

MOVED Crs Klepner/Logan

That Council resume Standing Orders.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Cribbes/Sait

That the Council, having caused the application to be advertised and having received twelve (12) objections, is of the opinion that the proposal for development of five (5) storey building as approved by Planning Permit 0103/2003, presently under construction, with alterations and additions to ground floor level shopfront facades, extensions to side and/or rear balconies at Levels 1, 2, 3 and 4, and new roof top terraces at 122-126 Ormond Road, Elwood will not cause material detriment to any person other than the applicant.

That the Council advise the Victorian Civil and Administrative Tribunal (VCAT) that had the application been decided in the Statutory time frame of the Planning and Environment Act, Council would have determined to issue a Notice of Decision to Grant a Permit subject to the following conditions:

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) Deletion of the extended balconies and/or terraces at the rear (South Elevation) of Levels 1, 2 and 3;
- (b) The Level 2 rear windows and the southern edge of the Level 1, 2 and 3 rear balconies screened in accordance with ResCode Standard B22;
- (c) The southern edge of the Level 4 extended rear balcony screened by the addition of a (min') 1.5m deep by (min') 1.0m high planter box;
- (d) Deletion of the proposed roof terraces and associated balustrades;

(2) Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

(3) Satisfactory Continuation

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

(4) Waste Disposal

The development must incorporate a system of disposal of waste (both garbage and recyclables) to the satisfaction of the Responsible Authority. Such waste system must provide adequate storage and collection of waste containers.

(5) Bicycle Racks Required

Bicycle racks to accommodate bicycles shall be provided, designed, constructed and located to the satisfaction of the Responsible Authority.

(6) Landscaping

Landscaping must be undertaken in accordance with the endorsed landscape plans and must be completed before the building is occupied.

(7) Materials and Finishes

Prior to the commencement of the development hereby permitted, a schedule, and coloured elevations that show all details of the external materials, finishes and colours (including colour samples) shall be submitted to the satisfaction of the Responsible Authority. Once they are approved, they will form part of the permit.

(8) No Equipment on Roof

No equipment (including, but not limited to, ducting and piping, air conditioning and hearing units and satellite dishes), services and architectural features other than those shown on the endorsed plan shall be permitted (other than authorised Telecommunications facilities) unless otherwise agreed to in writing by the Responsible Authority. Any plant and equipment, television antenna and/or satellite dishes shall be visually and acoustically screened (as applicable) from view as far as practicable and located to the satisfaction of the Responsible Authority.

(9) Alteration/Reinstatement of Council or Public Authority Assets

The Applicant/Owner shall do the following things to the satisfaction of the Responsible Authority:

- (a) All redundant vehicle crossovers shall be removed and the pavement reconstructed at cost of the applicant/owner, to the satisfaction of the Responsible Authority.
- (b) Pay the costs of all alteration/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development (including any necessary line marking of parking spaces, and/or erection of parking signs etc);
- (b) Obtain the prior written approval of the Council or other relevant Authority for such alteration/reinstatement;
- (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

(10) 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 three (3) years of the date of this permit.

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

Notations:

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 shall 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.

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:

- (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).*

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 shall 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.

Note

That the Council has made this decision having particular regard to Sections 58, 59, 60, 61 and 62 of the Planning & Environment Act 1987.

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 Sait/Gross

That the Council receive and note the report regarding the summary of all Planning Decisions 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 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED.

**B6 PROMOTIONAL SIGNS ON TELSTRA PAYPHONES
(SEE SUPPLEMENTARY REPORT)**

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

9. ORDERS OF THE DAY

Nil.

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

Item 1

Cr Gross to table a report regarding the Metropolitan Transport Forum meeting held in September. (Please refer to attachment).

Item 2

Cr Gross to table a report regarding the Western Region Waste Management Group meeting held in August. (Please refer to attachment).

Item 3

Cr Logan advised that he attended the Annual General Meeting of the Napier Aged Care Facility.

MOVED Crs Gross/Logan

That the Delegate Reports be noted.

A vote was taken and the MOTION was CARRIED.

11. URGENT BUSINESS

UB1 SUCCESS OF SYDNEY SWANS FOOTBALL CLUB

MOVED Crs Logan/Klepner

1. That Council note the following:

- a) The success of the Sydney Swans Football Club in AFL Premiership.
- b) The gracious and generous inclusion of the suburb of South Melbourne in the celebration of the Premiership by the Coach, Mr Paul Roos and the players.

and accordingly the Council congratulates the Swans on their success and thanks the Swans for their generous acknowledgment of the suburb of South Melbourne in the formation and history of the 'Bloods' (Blood Stained Angels) and that the Mayor convey this to the Swans by letter.

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

12. COUNCILLORS QUESTION TIME

Nil.

MOVED Crs Logan/Gross

That the meeting be closed to members of the in accordance with Section 89 2 (d), (e) and (h) of the Local Government Act 1989.

A vote was taken and the MOTION was CARRIED.

The meeting closed at 6.40pm.

13. CONFIDENTIAL MATTERS

The following items were MOVED in block by Crs Bolitho/Gross:

- A10 SOUTH MELBOURNE MARKET – CLEANING & WASTE MANAGEMENT CONTRACT
- A11 SUSTAINABLE ENVIRONMENT CONSULTATIVE COMMITTEE SELECTION

Discussion took place in relation to the following Confidential items:

- A9 ST KILDA SEABATHS
- B6 PROMOTIONAL SIGNS ON TELSTRA PAYPHONES

MOVED Crs Cribbes/Sait

That the meeting be reopened to members of the gallery.

A vote was taken and the MOTION was CARRIED.

The meeting reopened at 6.51pm.

As there was no further business the meeting closed at 6.56pm.

Confirmed: 24 October 2005

Chairperson: _____