



# **ORDINARY MEETING OF COUNCIL**

## **MINUTES**

**19 SEPTEMBER 2017**



**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP  
CITY COUNCIL HELD 19 SEPTEMBER 2017 IN ST KILDA TOWN  
HALL**

The meeting opened at 6:32pm.

**PRESENT**

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

**IN ATTENDANCE**

Claire Ferres Miles General Manager Place Strategy and Development, Carol Jeffs General Manager Community Development, Chris Carroll General Manager Organisational Performance, Lili James Manager Safety and Amenity, Brett Walters Manager Sustainability & Transport, Katrina Terjung Manager Strategy & Growth, George Borg Manager City Development, Anthony Traill Manager Open Space and Recreation, Lisa Davis Portfolio Director Infrastructure & Amenity, Rocky Camera Coordinator Planning Canal Ward, Peter Jumeau Manager Maintenance & Operations, Kate Churchward Business Support Officer, Doron Karliner Chief Governance Officer, Murray Chick Coordinator Governance

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



**I. APOLOGIES**

Nil



## **2. CONFIRMATION OF MINUTES**

### **Moved Crs Bond/Simic**

That the minutes of the Ordinary meeting of the Port Phillip City Council held on 6 September be confirmed.

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



### **3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



## 4. PETITIONS AND JOINT LETTERS

### Item 4.1

An electronic Petition was received from Nick Aboukhater on 28 August 2017 from 11 signatories requesting a review of the rubbish bin storage by-law.

#### **Moved Crs Gross/Bond**

That Council:

- Considers this petition be included as a submission to the review of the City of Port Phillip's Principal Local Law No.1 (Community Amenity); and
- Invites Mr Nick Aboukhater to attend the meeting and speak to his submission at the Ordinary Meeting of Council on 4 October 2017.

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



## **5. SEALING SCHEDULE**

Nil.



## 6. PUBLIC QUESTION TIME

Isaac Hermann

- Will the Council embark on a Policy of reducing toxic bitumen and other hard and impermeable surfaces with an increasing provision of green open spaces?
- Will Council ratify and fast track its own 1998 Elwood Canal Master Plan and 2003 Elwood Canal Management Plan which both resolved to convert a significant portion of Tide Street both in length and width into parkland? Residents also seek a traffic calming design for the street.
- Will Council in keeping with its runoff reduction goals, target redundant roadway portions and car parking?
- Will Council examine and prioritise a green conversion between Milton and Shelley Streets Elwood?
- Will Council now create a list and program that targets similar surfaces for greening?

*Brett Walters, Manager Sustainability & Transport advised that redundant roadways to become green open spaces is under examination. Underneath Broadway is a specific paving which needs to be treated carefully and with respect and will need a sealed boundary to it. It is not as simple as stripping back the road surface and turning it into green space. It is certainly something where it will be considered in future plans.*

*The other questions which refer to the 1998 Elwood Canal Master Plan and the 2003 Elwood Canal Management Plan will be taken on notice.*

Geoffrey Love

Representing Elwood Flood Action Group and advised they appreciate the efforts Council has made to address catchment flooding issues and develop relations with other Councils. He stated that every time there is a heavy down pour in Elwood it causes great anxiety amongst the population there as there could be a potential flood and inundation into their homes.

Stated that at the 5 April 2017 Ordinary Council meeting, item 4.1 Council agreed to raise the opportunities for implementation of flood retarding basins at upcoming CEO forums.

Stated that at the 19 April 2017 Ordinary Council meeting, item 8.6, in relation to Elster Creek Catchment management, Council resolved to explore co funding of evidence based and innovative solutions subject to future Council budget processes.

Can Council report on opportunities for implementation of opportunities for flood retaining basins and progress of modelling, costing and 2017/18 Budget allocations for flood mitigations works in Elsternwick Park in partnership with Bayside Council?

*Brett Walters, Manager Sustainability & Transport advised with reference to flooding in Elwood and the Elsternwick catchment generally at the Ordinary Council meeting on the 19 April Council resolved to explore co funding of evidenced based and solutions as part of the whole catchment management approach. This wasn't limited to Elsternwick Park. There is no specific provision in the current budget for such co funding and the viability will need to be assessed as proposals arise. Since that time Melbourne Water Elster Creek*



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*Catchment Working Group has been established and a Draft Action Plan has been developed. A recent community forum held on the 7 September 2017 presented that Draft Action Plan for feedback from the community and others.*

*Regarding Elsternwick Park North, Officers have sought information from Bayside Council regarding their Masterplan process and any designs they are planning to roll out. Bayside City Council has not commenced that work yet but have restated their commitment to contact Port Phillip City Council for input and collaboration. As work has not commenced there is no provision for co funding in the future budget.*

### Allan West

- Should not this level of best practice management adopted for the Seabaths Leases be extended to all Council leases on public lands on the foreshore and environs?

*George Borg, Manager City Development, advised that not all developments need to go through Council. If Council is the Public Land Manager or the development is less than \$1M it does not trigger planning approvals.*

- Has the audit of local buildings and spaces, not covered by heritage overlay, commenced? If not is there an actual date when it will commence?

*Katrina Terjung, Manager Strategy & Growth confirmed that the work in investigating sites of social heritage significance has commenced. Officers are undertaking an audit to identify properties that may not be currently covered by the heritage overlay. Officers are looking at hotels and other iconic buildings within the city. Council has also progressed conversations with partners at other local government areas through the Inner Melbourne Action Plan Implementation Committee.*

### Les Rosenblatt

Does Council agree with its statement in the current 10 year Financial Plan that ‘Our sound financial position with low levels of borrowing and healthy reserves balance, enable us to respond to these (itemised) financial risks in the ten year period’?

*Chris Carroll, General Manager Organisational Performance advised that in the 10 year Financial Plan contained in the new Council Plan, Council uses the Victorian Auditor-General’s Office Financial Sustainability Indicators to give a sense of the financial health of the Council both now and projected into the future over the 10 year period.*

*The Council has targeted in its financial strategy to maintain a low overall risk rating based on those indicators and throughout the 10 year period based on the assumptions and information that we are currently forecasting, we are rated a low on all seven of those indicators. As based on the best information at a point in time we are in a healthy financial position.*

### David Doe

With regard to renewable energy could Council:

- Confirm its current electricity generating potential?

*Brett Walters, Manager Sustainability & Transport took the question on notice.*

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- Confirm how much energy has been generated this calendar year and investigate putting these figures somewhere visible on its website?

*Brett Walters, Manager Sustainability & Transport advised with respect to publication on how much electricity is being generated on an ongoing basis and making that information public that this can be arranged.*

The Mayor asked if the CEO report can have that as one of our measures on a monthly basis?

*Brett Walters Manager Sustainability & Transport advised agreed that the CEO report would be an appropriate report to publish that information.*

- Advise how is the electric vehicle trial is going?

*Brett Walters, Manager Sustainability & Transport advised there is one Nissan Leaf in Council's vehicle fleet at this current time.*



## 7. COUNCILLOR QUESTION TIME

### Cr Marcus Pearl

1. The Herald Sun reported today two people may have contracted measles at the St Kilda Library between the 25-30 August 2017. Can Officers confirm or explain what actions have taken place to warn people that used the Library on these days of the risk of infection as the illness can remain dormant for some time before symptoms appear?

*Carol Jeffs, General Manager Community Development advised that the question will be taken on notice.*

2. Asked questions on behalf of a resident from the St Kilda Road precinct. The questions relate to the current replacement works on gutters and the blue stone kerb along a large stretch of Albert Road. Can Officers explain why these works are necessary, how much they cost and if these works will need to be redone or replaced in the next few years under the proposed safety works to Kerferd Road and the proposed legacy works to Albert Road as part of Melbourne Metro?

*Chris Carroll General Manager Organisational Performance advised that the questions will be taken on notice.*

### Cr Simic

1. With regard to extension of truck curfews on Beach Road from September to improve safety and reduce traffic does Council have any more information from the Minister's Office than what is publicly available, particularly with regard to how truck curfews are currently enforced and whether there are any additional enforcement measures that will be implemented to ensure compliance?

*Brett Walters, Manager Sustainability & Transport advised with respect to enforcement of the curfew, that VicRoads Officers will monitor compliance to the curfew. He advised that Council is still awaiting details about the trial including the commencement date. The trial will be for 12 months with a view to making it permanent.*

2. Will there be any signage to be erected notifying truck drivers of the extended curfew?

*Brett Walters, Manager Sustainability & Transport advised he has no further specific information and would only be speculating to suggest that they will be modifying the existing signage to advise of the curfew.*

3. In light of the significant health and safety and environmental implications of heavy truck traffic on Beach Road, whether a permanent ban on non-local truck traffic has been considered by the Government, to what extent do you believe that has been considered?

*Brett Walters, Manager Sustainability & Transport advised the outcome of the trial will inform any future planning in respect to whether permanent bans will be extended beyond the existing curfew or not.*



4. In February, VicRoads conducted a survey to measure residents' support for curfews on Beaconsfield Parade, Ormond Road and Beach Road do Officers know the outcome of the survey or whether it has been released yet?

*Brett Walters, Manager Sustainability & Transport advised Council has not seen the specific outcome of the survey, but will make an enquiry when the information will be released to Council.*

Cr Copsey

1. Has Port Phillip considered reducing the number of residential parking permits per dwelling available for every vehicle crossover or off street park that a property has, as has been done in some other municipalities?

*Brett Walters, Manager Sustainability & Transport advised as part of the delivery of the Integrated Transport Strategy (ITS) there will be a review of the Parking Permit Policy to ensure it supports the delivery of objectives described in the ITS. The Strategy itself will not include a revised Policy but it will review the existing Policy and articulate the purpose of it, the permit scheme and the key principles to be applied in review of the current Policy.*

2. Could Council outline how residents that are interested in transport issues might be able to feed into the work being done in the Integrated Transport Strategy?

*Brett Walters, Manager Sustainability & Transport advised the first formal opportunity for the community to participate in the development of Council's Integrated Transport Strategy is scheduled for late October / November 2017. This will be in the form of the release of a position paper that is currently being developed which will be called "Setting a Direction" along with a series of specific questions for community consultation and engagement over a four week period. The questions will include the subject of parking permits. This will be followed with the release of the draft Integrated Transport Strategy for a second phase of community consultation which we envisage will be in March 2018.*

3. In relation to the closure of the Gatwick Hotel following the purchase by the 'The Block' in May 2017, has there been progress in securing placement crisis accommodation to cover the 80 bed gap due to that closure?

*Carol Jeffs, General Manager Community Development advised Council's role in relation to the Gatwick Hotel at the time was firstly in line with our Rooming House Protocols. The main priority was to bring all the relevant partners together under that protocol to ensure that the residents of the Gatwick Hotel were provided opportunities for alternative housing.*

*Council does that for any rooming house due to close. Even though the Gatwick Hotel was known as a place of last resort for housing it is not necessarily meant for crisis accommodation for the whole facility. Council has a role and is a leader in affordable and social housing and particularly in partnership with our community housing providers so the In Our Backyard Policy drives that involvement and also does not focus on providing crisis accommodation. Council continues to participate with partners and the government in bridging the gap with affordable and social housing across the board.*

4. Do you get a sense that those partners appreciate the urgency and great need that is experienced in the City of Port Phillip currently?

*Carol Jeffs, General Manager Community Development advised in the last month Council has convened*



*a CEO Partnership meeting with a whole range of partners. Council is currently development a Memorandum of Understanding to take action on bridging the gap and particularly focusing on a partnership wraparound service model and priorities for housing for particularly those people sleeping rough in the City of Port Phillip.*

Cr Voss

Is there a timeline for refurbishment of the Elenara building? Is it actively being refurbished and is there a completion date? Are there squatters inside?

*Carol Jeffs, General Manager Community Development advised that the building is being actively upgraded and renovated and will take the further questions on notice.*



## **8. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 8.1 J.L. Murphy Reserve Pavilion upgrade - presentation of concept design and community engagement
- 8.2 Closure of Ferrars St (northern section), Gladstone St (eastern section) and Railway Place (northern section)
- 8.3 Endorsement for Port Phillip to be a signatory to the Age-Friendly Victoria Declaration.
- 8.4 47 Lansdowne Road, St Kilda East
- 8.5 253-257 Normanby Road, South Melbourne
- 8.6 Consideration of Panel Recommendations and Adoption of Amendment C122 - St Kilda Road South
- 8.7 Melbourne Renewable Energy Project (MREP)



### **8.1 J.L. Murphy Reserve Pavilion upgrade - presentation of concept design and community engagement**

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

Michael Climpson

Spoke in favour of the recommendation and thanked Council on behalf of the Port Melbourne Colts Junior and Senior Football Club regarding the Murphy Reserve Pavilion and are delighted Council has reached this stage and encourage Council to take the final step and make this a reality.

#### **Purpose**

To present to Councillors the outcomes of the community engagement process for the JL Murphy Reserve Pavilion Upgrade, to seek endorsement of the design and approval to move to the next stages of the project.

#### **Moved Crs Simic/Pearl**

That Council:

- 1.1 Acknowledges the feedback received through the community engagement process and thanks the community for participating in the process.
- 1.2 Endorses the attached concept design for the J.L. Murphy Reserve Pavilion Upgrade, whilst noting the following areas identified for improvement through the community engagement process:
  - Improving the visual appeal of the Williamstown Road side of the pavilion
  - Including audio visual facilities in the upgraded community space
  - Incorporating vegetated green walls or murals to assist in graffiti prevention
- 1.3 Approves officers to progress to detailed design and continue to consult the JL Murphy Reserve sports clubs and other users to ensure the final design is functional and fit for purpose.
- 1.4 Notes that the project is contingent upon funding from the State Government of \$1.238M and the sporting clubs based at JL Murphy Reserve Pavilion of \$0.2M.

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



**8.2 Closure of Ferrars St (northern section), Gladstone St (eastern section) and Railway Place (northern section)**

**Purpose**

The purpose of this report is to

- (a) commence the road closure process for Railway Place, Ferrars Street and Gladstone Street in accordance with the Local Government Act 1989, Section 207 (Power of Council over traffic), Schedule 11, Clause 9 (Power to place obstructions or barriers on a road permanently); and
- (b) inform the community of the road closure process and provide an opportunity for the community to make submissions for Council's consideration between 26 September and 23 October 2017.

**Moved Crs Bond/Copsey**

That Council:

- 1.1 Proceeds with the statutory process for a
  - a) permanent road closure of Ferrars Street, between Buckhurst Street and Gladstone Street (northern section) South Melbourne maintaining access to properties in Surveyors Place; and
  - b) permanent road closure of Gladstone Street, between Kerr Street and Ferrars Street, South Melbourne;in accordance section 207, schedule 11, clause 9 of the Local Government Act 1989.
- 1.2 Notes that on 13 September 2016, Council resolved to commence the process for the permanent road closure of the northern section and proposed road widening of the southern section of Railway Place, South Melbourne subject to Vic Track lot approval.
- 1.3 Gives public notice to affected stakeholders of the proposal for the road closures of the following roads:
  - (a) Ferrars Street (Between Buckhurst Street and Gladstone Street);
  - (b) Gladstone Street (Between Kerr Street and Ferrars Street); and
  - (c) Railway Place (Between Douglas Street and the southern border of the school on Railway Place)and invites submissions in accordance with Section 223 of the Local Government Act 1989.
- 1.4 Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Council meeting to be held on 15 November 2017.

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





**8.3 Endorsement for Port Phillip to be a signatory to the Age-Friendly Victoria Declaration.**

**Purpose**

To seek Council endorsement for the City of Port Phillip to become a signatory to the Victorian Government and Municipal Association of Victoria Age-Friendly Victoria Declaration.

**Moved Crs Gross/Crawford**

That Council:

- I.1 Becomes a signatory to the Age-Friendly Victoria Declaration (attachment I).

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



#### 8.4 47 Lansdowne Road, St Kilda East

##### Purpose

Reduction in the number of approved dwellings from eight to seven and the number of car spaces from ten to nine. Reduction (to zero) of the requirement to provide one visitor car parking space. Changes to the design of the approved development.

##### Moved Crs Brand/Copsey

14.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit for construction of a three storey building comprising eight dwellings and parking for ten cars at 47 Lansdowne Road, St Kilda East, with the following amendments:

14.2 **Amended Preamble**

To develop the land for the of construction of a three storey building containing dwellings, car parking for nine cars and a reduction (to zero) of the visitor car parking requirements.

14.3 **Amended and New Conditions (in bold)**

**I 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) ~~Relocation of the entrance to Unit 1 so that it faces Lansdowne Road.~~ **Deleted**
- b) ~~Increase in the front setback of the upper level by a minimum of 0.2m.~~ **Deleted**
- c) ~~An intercom system to allow visitor access to the basement.~~ **Deleted**
- d) Ten bicycle spaces on the land.
- e) ~~An increase in the setback from the south boundary of the front portion of the second floor (being walls to the kitchen/meals and bed 1 of Unit 7) by a minimum of 0.1m.~~



**The south (side) boundary setback of the second floor increased in a manner that ensures Standard B20 at Clause 55.04-4 of the Port Phillip Planning Scheme is met.**

- f) ~~Re-design of the louvre screens to the balconies and terraces facing the rear and each side boundary to ensure that overlooking of neighbouring secluded private open space and habitable room windows would be prevented (rather than limited). Cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must:~~
- ~~• Be drawn to scale and fully dimensioned;~~
  - ~~• Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;~~
  - ~~• Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward and horizontal views to neighbouring secluded private open space areas and habitable windows;~~
  - ~~• Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views are limited, while allowing outlook horizontally and upward views.~~

**Re-design of the screens to the first floor east facing bedroom windows to Unit 7 and the second floor north facing bedroom windows to each Unit. The screens must comprise fixed reeded glass panels or a louvered system to ensure that overlooking of neighbouring secluded private open space and habitable room windows within 9m would be prevented (rather than limited). Cross section elevation drawings of the louvered screens must be submitted to and approved by the Responsible Authority. The drawings must:**

- Be drawn to scale and fully dimensioned;**
  - Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;**
  - Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward and horizontal views to neighbouring secluded private open space areas and habitable windows;**
- g) ~~All ground floor south facing habitable room windows provided with fixed obscure glazing to a height of 1.7m above finished floor level and/or increase in the height of the paling fence on the south (side) boundary to 2.1m.~~

**Deleted**



- h) ~~The south facing first floor bedroom 2 window of Unit 6 provided with fixed obscure glazing to a height of 1.7m above finished floor level. Deleted~~
- i) ~~The south facing air conditioner to Unit 7 treated with satisfactory noise attenuation or re-located to the terrace of Unit 7, abutting the south wall of the lift shaft.~~

**All rooftop plant and equipment shown at elevation. The rooftop plant and equipment must be screened to the same height as the plant and equipment.**
- j) Any consequential changes to the development resulting from the requirements of Condition 3 (Sustainable Design Assessment).
- k) Any consequential changes to the development resulting from the requirements of Condition 4 (Water Sensitive Urban Design).
- l) **A minimum of 6m<sup>3</sup> of storage provided to Units 1, 5, 6 and 7 provided with the requisite amount of storage;**
- m) **Reduction in the height of all fencing between Unit 1 and the front boundary to no higher than 1.7m.**

## 2 No Alterations

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

## 3 Sustainable Design Assessment

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

## 4 Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended. When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.



**5 Maintenance Manual for Water Sensitive Urban Design Initiatives**

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

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

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

**6 Walls on or facing the Boundary**

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

**7 Completion of Landscaping**

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

**8 Landscaping Maintenance**

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

**9 No Damage to Existing Street Tree**

The proposed works must not cause any damage to the existing street tree.

Any root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the



crossover/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development.

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

#### **10 Piping and ducting**

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

#### **11 Car and Bicycle Parking Layout**

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Properly formed to such levels that may be used in accordance with the plans;
- c) Surfaced with an all weather surface or seal coat (as appropriate);
- d) Drained and maintained;
- e) Line marked and signed to indicate each space and/or access lane;

All to the satisfaction of the Responsible Authority.

#### **12 Parking Areas Must Be Available**

Car and bicycle parking areas must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

#### **13 Vehicle Crossings**

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.



**14 Applicant to Pay for Reinstatement**

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

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

**15 Privacy screens must be installed**

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

**16 On-Site Bicycle Parking**

Before the building is occupied, a minimum of ten bicycle spaces must be provided on the land to the satisfaction of the Responsible Authority.

**17 Car Parking Allocation**

Without the further written consent of the Responsible Authority not less than one car space for each dwelling and ~~two~~ visitor spaces must be allocated on any Plan of Subdivision to the satisfaction of the Responsible Authority.

**18 Number of Dwellings**

Without the further written consent of the Responsible Authority, no more than ~~eight~~ **seven** dwellings may be constructed on the land.

**19 Ongoing Involvement of the Architect**

The permit holder must retain ~~David Edelman~~ **Perkins** Architects to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

**20 Lighting Baffled**

All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties to the satisfaction of the Responsible Authority.



**21 Time for starting and completion**

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

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

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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





## **8.5 253-257 Normanby Road, South Melbourne**

### **Purpose**

Demolish the existing buildings and works, construct a building comprising two towers of 33 and 42 storeys height including a five level podium containing ground floor level retail and townhouse dwellings, and apartments and a 147 room Residential hotel above, and associated car and bicycle parking and construct and/or carry out works

### **Moved Crs Bond/Gross**

That Council:

**13.1** That a letter be sent to the Department of Environment, Land, Water and Planning and the Planning List of the Victorian Civil and Administrative Tribunal advising that the Council:

- I. Does not support the proposal in its current form based on the matters set out in Sections 7 and 8 of this report, including in particular:
  - (a) The proposal would not meet the policy objectives of Clause 22.15 for Employment, housing type and size diversity and provision of affordable housing in the Fishermans Bend Urban Renewal Area.
  - (b) The car park detail design would be unsatisfactory, including insufficient details of ceiling heights and heights above ramps, and ramp gradients.
  - (c) The proposal would provide excessive car parking for the dwellings.
  - (d) The proposal would provide insufficient bicycle parking for the dwellings.
  - (e) Vehicle access to and the location of the loading bays would be unsatisfactory, and would have insufficient height clearance for waste collection vehicles in Stage two.
  - (f) The waste management arrangements would generate an excessive number of waste vehicle visits.
  - (g) The application does not satisfactorily access traffic generation impacts on surrounding intersections.
  - (h) The plans lack details of back-of-house facilities for the residential hotel and retail tenancies.
  - (i) The corridor access to the podium dwellings would be unduly long and would have poor natural light and ventilation.
  - (j) The Stage one 'L' tower would present excessive mass to Normanby Road, and the corner of Boundary Street and Woodgate Street.



- (k) The Stage one 'L' tower would be overshadowed by the Stage two 'I' tower.
  - (l) The towers would overshadow the podium roof top open space.
  - (m) The Stage two 'I' tower would exceed the 40 storey mandatory height limit of DDO30.
  - (n) The abutting streets and the podium roof top open space would be adversely affected by wind from the towers.
  - (o) The uniform height of the podium and lack of vertical breaks would present excessive mass and an unsatisfactory urban design outcome to Normanby Road and Woodgate Street.
  - (p) The podium and towers would suffer from a lack of variation in materials and finishes.
  - (q) The proposal would unreasonably overshadow existing public open space opposite the site.
  - (r) The proposal would not achieve a satisfactory level of sustainable design or Water Sensitive Urban Design.
- 13.2** In the event that the Tribunal determines to grant a permit for the application, any permit issued should incorporate the conditions set out in the Attachment to this report.
- 13.3** Delegates the Manager City Development the discretion to object to the application as necessary if notice of the application is given by the Department.
- 13.4** Delegates the Manager City Development to instruct Council's solicitors on this matter.

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



## 8.6 Consideration of Panel Recommendations and Adoption of Amendment C122 - St Kilda Road South

### Purpose

- To consider the report and recommendations of the independent Planning Panel appointed by the Minister for Planning to review Amendment C122 - St Kilda Road South Precinct - which proposes new planning policy and provisions to establish clear directions for the future development of the Precinct.
- To determine whether to adopt Amendment C122 (with or without changes) and request Ministerial approval.

### Moved Crs Copsey/Brand

That Council:

- 1.1 Having considered the report and recommendations of the independent Planning Panel, adopts Amendment C122 to the Port Phillip Planning Scheme, pursuant to Section 29 of the *Planning and Environment Act 1987*, with the changes reflected in the amendment documentation provided at Attachments 6 and 7.
- 1.2 Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval and prepare an addendum to the *St Kilda Road South Urban Design and Land Use Framework* that describes the changes between the Framework and the final planning controls.
- 1.3 Submits the adopted Amendment C122, together with prescribed information, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.
- 1.4 As part of its submission requesting approval of Amendment C122, advises the Minister for Planning that Council has not accepted all of the Panel's recommendations, based on the reasons detailed in Attachments 4 and 5.
- 1.5 Requests the Minister for Planning disregard the requirements of *Ministerial Direction – Form and Content of Planning Schemes* (dated 24 May 2017) for Schedule 27 to the Design and Development Overlay (DDO27), as adopted by Council, based on the significant progress of the Amendment C122 prior to the gazettal of the Direction.
- 1.6 Writes to the Minister for Planning to request an extension of the interim controls for Design and Development Overlay 27, which are due to expire on 31 December 2017.



- 1.7 Writes to all submitters advising of Council's decision, thanking them for their comments and interest in Amendment C122.
- 1.8 Notes the following strategic work which will progress more detailed planning and urban design outcomes for the St Kilda Road South Precinct and residential hinterland areas:
- A St Kilda Road South Public Spaces and Linkages Opportunity Study to commence in January 2018. This will include detailed planning to realise public space opportunities along St Kilda Road and the implementation of green links identified in the Framework.
  - A review of the residential zoning in the area immediately west of St Kilda Road as part of an updated Municipal Housing Strategy, to commence in early 2018.
- 1.9 In Attachment 6, in Schedule 27 to the Design and Development Overlay modify the 'Precinct-wide Requirement' to include reference to fine grain neighbourhood character in addition to heritage, as follows:
- 'New development with frontages to Vale, Blanche, Market or Charles Streets or Waterloo Crescent is required to respect the fine grain, heritage and neighbourhood character of these streets by providing an appropriate transition in scale and ensuring development on larger sites expresses the fine grain of the street on these frontages through scale and articulation.'

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



## **8.7 Melbourne Renewable Energy Project (MREP)**

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

### Bruce Wyatt

Represented Port Phillip Alliance for Sustainability and questioned what underlies the statement in 7.4 relating to LGC contract, and the financial implications that is "... commits Council to an ongoing higher energy spend than a Business-as-usual approach".

### Ella Webb

Stated that she believes MREP is a fantastic project that will deliver benefits across greater Melbourne and may be the most important step in achieving our Beyond Zero targets. She urged Council to continue their support and full participation in the project.

### David Doe

Requested Council to support the project and leave room for additions to the project.

### Lorna Wyatt

Spoke in support of MREP which is a great opportunity for Port Phillip Council and requested Council to support the project.

### Les Rosenblatt

Represented Community Alliance for Port Phillip spoke in support of MREP project.

### Helen Halliday

Spoke also on behalf of her husband in support of the MREP project. Also asked questions for Council "What was the recommendation of the Evaluation Committee? " In relation to 7.4 of the financial implications is there any missing words in relation to the words "committing to a 10 year contract for the LGS commits Council to ongoing high energy spend than a business as usual approach".

### Colin Smith

Made a public comment on the MREP Project and urged Council to take the risk with this project.

*Cr Pearl left the meeting at 8.13pm and returned at 8.14pm.*

## **Purpose**

To provide information and a status update on the Melbourne Renewable Energy Project to Council and the community.



**Moved Crs Pearl/Gross**

That Council:

- I.1 Notes its current commitment to zero net Greenhouse Gas (GHG) emissions by 2026/27 for Council operations and the potential contribution that switching to renewable energy has on this commitment.
- I.2 Notes Council's role in the development of the Melbourne Renewable Energy Project.
- I.3 Considers the suitability of the Melbourne Renewable Energy Project contract, proposed as a Confidential Item on 19 September 2017.

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

**Cr Copsey called for a DIVISION.**

**FOR**

**AGAINST**

Cr Baxter  
Cr Crawford  
Cr Gross  
Cr Pearl  
Cr Simic  
Cr Bond  
Cr Brand  
Cr Copsey  
Cr Voss

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



## 9. NOTICES OF MOTION

### Item 9.1

#### **Moved Crs Voss/Gross**

That Council:

1. Endorses the appointment of a full time Graffiti Management Officer to:
  - Develop a new Graffiti Management Plan for the Port Phillip City Council which would include the establishment of a community reference group to assist with the development of the new Graffiti Management Plan.
  - Represent Port Phillip Council on the Municipal Association of Victoria Graffiti Working Group which will focus on a coordinated partnership approach to the management of graffiti which will be comprised of representatives from local government, the Municipal Association of Victoria, Victoria Police, Metro Trains, Public Transport Victoria, VicTrack, V/Line , Yarra Trams and the Department of Justice and Regulation.
  - Work with the Department of Justice and Regulation to establish a Community Correctional Service - Graffiti Removal Program in the City of Port Phillip.
  - Develop, identify and implement opportunities for increased education and engagement to prevent graffiti.
2. Notes that the City of Port Phillip's Street Art Program has been successful in reducing graffiti in hot spot areas and agrees to increase the current Street Art Program from five murals to ten per annum.
3. Notes the additional cost of implementing these actions will be \$135,000, which would be \$105,000 for a full time Graffiti Management Officer and \$30,000 to increase the Street Art Program.

#### **AMENDMENT**

#### **Moved Crs Copsey/Baxter**

That Council:

1. Deletes the words in the third dot point in part I of the motion moved by Councillors Voss and Gross being:
  - Work with the Department of Justice and Regulation to establish a Community Correctional Service - Graffiti Removal Program in the City of Port Phillip.

**A vote was taken and the AMENDMENT was LOST.**

#### **Cr Bond called for a DIVISION**

#### **FOR**

Cr Copsey  
Cr Simic  
Cr Baxter

#### **AGAINST**

Cr Gross  
Cr Bond  
Cr Brand  
Cr Pearl  
Cr Voss  
Cr Crawford



**A vote was taken and the AMENDMENT was LOST.**

## **AMENDMENT**

### **Moved Crs Brand/Gross**

That Council:

- I. Adds the following words – “to investigate, and if found by Council to be appropriate” in the third dot point in part I of the motion moved by Councillors Voss and Gross after the word “Regulation”.

**A vote was taken and the AMENDMENT was CARRIED**

### **Cr Simic called for a DIVISION**

#### **FOR**

Cr Brand  
Cr Copsey  
Cr Simick  
Cr Pearl  
Cr Gross  
Cr Crawford  
Cr Baxter

#### **AGAINST**

Cr Bond  
Cr Voss

**A vote was taken and the AMENDMENT was CARRIED**

**The AMENDMENT became the SUBSTANTIVE MOTION.**

## **SUBSTANTIVE MOTION**

### **Moved Crs Voss/Gross**

That Council:

- I. Endorses the appointment of a full time Graffiti Management Officer to:
  - Develop a new Graffiti Management Plan for the Port Phillip City Council which would include the establishment of a community reference group to assist with the development of the new Graffiti Management Plan.
  - Represent Port Phillip Council on the Municipal Association of Victoria Graffiti Working Group which will focus on a coordinated partnership approach to the management of graffiti which will be comprised of representatives from local government, the Municipal Association of Victoria, Victoria Police, Metro Trains, Public Transport Victoria, VicTrack, V/Line, Yarra Trams and the Department of Justice and Regulation.
  - Work with the Department of Justice and Regulation to investigate and if found by Council to be appropriate, establish a Community Correctional Service - Graffiti Removal Program in the City of Port Phillip.
  - Develop, identify and implement opportunities for increased education and engagement to prevent graffiti.





2. Notes that the City of Port Phillip's Street Art Program has been successful in reducing graffiti in hot spot areas and agrees to increase the current Street Art Program from five murals to ten per annum.
3. Notes the additional cost of implementing these actions will be \$135,000, which would be \$105,000 for a full time Graffiti Management Officer and \$30,000 to increase the Street Art Program.

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



## 9. NOTICES OF MOTION (Cont.)

### Item 9.2

#### **Moved Crs Gross/Copsey**

That Council:

Submits the following motion to the 20 October 2017 Municipal Association of Victoria (MAV) State Council meeting:

- I. That the MAV negotiate with all public asset owners to improve graffiti removal service levels (either directly or by contracting individual councils to do on their behalf) to a level consistent with community expectations, and report back to a future MAV State Council on the result.

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



## 9. NOTICES OF MOTION (Cont.)

### Item 9.3

#### **POINT OF ORDER**

*Cr Pearl called a Point of Order on this Notice of Motion under Section 12 (a) (i) of Meeting Procedure Local Law Number 2/2009 which states that “the mover of a motion or amendment put to a meeting must ensure that the motion is within the powers or functions of Council.*

#### **RULING OF POINT OF ORDER**

*The Mayor Cr Voss then ruled on the Point of Order and advised the meeting that the motion will be allowed as it is within the powers or functions of a Council..*

*The reasons given by the Mayor for making this ruling were that the following sections of the Local Government Act 1989 were relevant to the proposed motion:*

*Section 3C(2)(a) – an objective of Council is to promote the social, economic and environmental viability and sustainability of the municipal district.*

*Section 3D(2)(d) – a role of Council includes advocating the interests of the local community to other communities and governments.*

*Section 3E(1)(a) – a function of Council includes advocating and promoting proposals which are in the best interests of the local community.*

#### **Moved Crs Crawford/Gross**

That Council:

1. Welcomes the State Government's Victorian Renewable Energy Targets (VRET) and supports passage of the legislation in the Victorian Parliament.
2. Notes the VRET initiative will assist the municipality in reducing its carbon footprint and attracting local investment in renewable energy.
3. Calls on the Minister for Energy, Environment and Climate Change and the Shadow Minister for Renewables to work together to deliver this legislation.

#### **AMENDMENT**

#### **Moved Cr Simic/Baxter**

That Council:

Adds the following three parts to the motion moved by Councillors Crawford and Gross:

4. Recognising that moving away from coal is urgent if we want to limit the damaging impact of global warming.
5. Calls on the State Government to develop a plan for transition away from coal, which safeguards the future health and prosperity of the community. This requires developing a strategy to support affected communities.
6. Write to the Minister for Energy, Environment and Climate Change and the Shadow Minister for Renewables outlining our support of the VRET and advocating for a full transition away from coal.



**A vote was taken and the AMENDMENT was LOST.**

**Cr Copsey requested a DIVISION be taken**

<b>FOR</b>	<b>AGAINST</b>
Copsey	Voss
Brand	Crawford
Simic	Bond
Baxter	Pearl
	Gross

**A vote was taken and the AMENDMENT was LOST.**

### **SUBSTANTIVE MOTION**

**Moved Crs Crawford/Gross**

That Council:

1. Welcomes the State Government's Victorian Renewable Energy Targets (VRET) and supports passage of the legislation in the Victorian Parliament.
2. Notes the VRET initiative will assist the municipality in reducing its carbon footprint and attracting local investment in renewable energy.
3. Calls on the Minister for Energy, Environment and Climate Change and the Shadow Minister for Renewables to work together to deliver this legislation.

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

**Cr Baxter called for a DIVISION**

<b>FOR</b>	<b>AGAINST</b>
Cr Baxter	Cr Pearl
Cr Crawford	Cr Bond
Cr Gross	
Cr Simic	
Cr Voss	
Cr Brand	
Cr Copsey	

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



## 9. NOTICES OF MOTION (Cont.)

### Item 9.4

#### **Moved Crs Pearl/Gross**

That Council:

1. Requires that any Councillor travel interstate or overseas for Council business and / or where the City of Port Phillip is being requested to pay for or reimburse any part of the travel must request approval from the Council at a Council Meeting.
2. Amends its Councillor Support and Expense Reimbursement Policy to delete reference to the Chief Executive Officer (or delegate) having the power to authorise domestic air or rail travel.
3. Requires that the Councillor request must include: the destination(s), travel dates, reason for travel, a clear explanation of the benefits of the proposed travel to the City of Port Phillip community, and the costs of the travel.
4. Within 8 weeks of return from the approved travel, the Councillor must, at a Council Meeting, present a summary of the travel, including the benefits of the travel for the City of Port Phillip.

*Cr Simic left the meeting at 9.51pm and returned at 9.52pm.*

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

**Cr Simic has called for a DIVISION**

#### **FOR**

Cr Gross  
Cr Pearl  
Cr Bond

#### **AGAINST**

Cr Crawford  
Cr Baxter  
Cr Simic  
Cr Voss  
Cr Brand  
Cr Copsey

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

*The Mayor adjourned the meeting at 10.13pm for a break.*

*The meeting resumed at 10.17pm.*

### **FORESHADOWED MOTION**

#### **Moved Cr Baxter/Copsey**

- I. That Council calls for a report from the officers on:
  - I.1 How Port Phillip is tracking against the recommendations made in the Ombudsman report into the transparency of local government decision making, released December 2016.
  - I.2 Any recommendations on how to improve Council's reporting on Councillor expenses.

*The Mayor ruled the Foreshadowed Motion out of order as it was not principally dealing with the same subject matter..*



## **10. REPORTS BY COUNCILLOR DELEGATES**

Cr Gross reported that he had attended a meeting of the Older Persons Consultative Committee and encouraged everyone to take part in the upcoming Seniors Festival.



## **II. URGENT BUSINESS**

Nil.



## 12. CONFIDENTIAL MATTERS

### Moved Crs Gross/Brand

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

#### 12.1 Melbourne Renewable Energy Project (MREP)

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

89(2)(d). Contractual matters.

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

As there was no further business the meeting closed at 11.05pm.

Confirmed: 4 October 2017

Chairperson \_\_\_\_\_