



# **ORDINARY MEETING OF COUNCIL**

## **MINUTES**

**13 DECEMBER 2017**



## MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 13 DECEMBER 2017 IN PORT MELBOURNE TOWN HALL

The meeting opened at 6:33pm.

### PRESENT

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

### IN ATTENDANCE

Peter Smith Chief Executive Officer, Claire Ferres Miles General Manager Place Strategy and Development, Carol Jeffs General Manager Community Development, Fiona Blair General Manager Infrastructure and Amenity, Chris Carroll General Manager Organisational Performance, Katrina Terjung Manager Strategy, Damian Dewar Manager Place & Design, Lili James Manager Safety & Amenity, Joanne McNeill Manager Asset Management & Property, Vanessa Schernickau Manager Vibrant & Creative City, Rebecca Doherty Domain Precinct Director, Anthony Traill Manager Open Space and Recreation

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

## 1. APOLOGIES

Nil.

## 2. CONFIRMATION OF MINUTES

### MOVED Crs Simic/Bond

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 6 December 2017 be confirmed.

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



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

Councillor Bond declared an indirect conflict of interest in item 8.12 City of Port Phillip submission to MMRA and CYP draft Domain Precinct Development Plan, by way of an indirect interest because of receipt of an applicable gift.

Councillor Brand declared an interest in item 8.7 99 Hotham Street Balaclava due to his previous involvement in preparing a heritage citation for this property in 1991. This is not a conflict of interest.



## **4. PETITIONS AND JOINT LETTERS**

### **Item 4.1**

A letter and accompanying petition, signed by 72 residents was received by Council on 22 November 2017 calling on Council to install a zebra crossing (with flashing lights) on Chapel Street near Argyle Street, St Kilda.

### **MOVED Crs Copsey/Baxter**

That Council:

1. Receives, notes and refers the Petition to the Transport Safety Engineering team for assessment and investigations.
2. Advises the petition organisers Alexandre Rozin & Safiye Vurdu of the outcome.

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



## **5. SEALING SCHEDULE**

Nil.



## 6. PUBLIC QUESTION TIME

Steven Palos

With regard to the closure of Ferrars Street, Gladstone Street and Railway Place, what traffic management impact studies have been undertaken to arrive at the decision the three roads can be closed, and if these have been done, where do I access that traffic management impact study?

How are you wanting the residents and tenants and people that work in this area to have proper access and exit point of Meaden street, specifically pertaining to railway place?

What interaction has the Council had with the Minister of Planning Mr Richard Wynne in order to arrive at this decision, and why have you accessed the Local Government Act 1989 to force these road closures?

*Anthony Traill Manager Open Space and Recreation answered in response to question one, Council has been very clear and transparent with the community in its discussions around creating a park in this area over the last few years. We have had more than eight reports come up and in the original stages of the process and we had traffic management studies as attachments to public reports. Mr Traill took this question on notice to provide specific dates of these reports. Mr Traill acknowledged the road closures impact on the loop traffic of the area and creates one exit point for people in Meaden Street. Stated that the closure of these roads will encourage human behaviour of using differing drop off points in the area therefore limiting traffic movements into the area.*

*Council resolved to do a planning scheme amendment and engaged in community consultation in regard to the road closure process. This was done in accordance with the Local Government Act 1989.*

*Carol Jeffs General Manager Community Development reiterated that the Local Government Act road closure process is a standard process that is applied in these situations.*

Leslie Rosenblatt

Are you aware of the proportion of racist behaviour in this country which predominantly effects indigenous people. Muslim people, people of African descent, and of which expressed towards the Jewish community is miniscule by comparison?

Peter Tapp

How many events, and what, have been taken off the list of Catani Garden events? Over what period? What events are still there?

Made a statement detailing the distress he experiences from noise levels from events held at Catani Gardens and tabled decibel readings from the event held at Catani Gardens on Saturday the 9<sup>th</sup> of December.

*Anthony Traill Manager Open Space and Recreation took on notice the question regarding the removal of events from Catani Gardens.*

Rhonda Small

## MINUTES - ORDINARY MEETING OF COUNCIL - 13 DECEMBER 2017



What increases have occurred in affordable housing during the last 3 years?

Is there now 1.5mil accumulated in reserves over the last three years of the In Our Backyard policy that has not been transferred to the Port Phillip Housing Association as intended for the purpose of developing social and community housing?

Where are we up to with the progression of the 45-48 Marlborough Street development? What is the date of delivery?

In relation to policy five of In Our Backyard, it says that Council will seek to apply planning mechanisms that encourage the private sector to deliver affordable housing units and to investigate the planning scheme provisions that incentivise the delivery of social and affordable housing without compromising quality or amenity. What progress has been made in relation to these endeavours?

*Katrina Terjung Manager Strategy and Growth answered that Council is in the third year of implementation of the In Our Backyard strategy with targets of affordable housing and the delivery of 920 units over this time and with 120 of those units to be on Council owned land. The past two years have focussed on the set up of a number of projects and programmes that will deliver these houses and it was never expected that these would be provided in equal increments, but rather an initial planning phase is required. We have had a number of achievements in this process to date, however no units have been delivered on the ground as yet.*

*In relation to question two, the intention of the strategy was not to make a contribution to the Port Phillip Housing Trust, but rather to package cash and property contributions from Council together to see the delivery of new projects. The strategy identifies that land is in fact the greatest constraint to delivering new housing and if Council just allocated cash alone, projects are unlikely to be delivered. Council is working to identify a pipeline of Council properties to be released over the next 10 years to be packaged with the cash sitting in reserve which currently sits at \$1.5million.*

*In relation to the Marlborough Street development, Council is actively working with the Port Phillip Housing Association and we are currently at the stage of defining the exact design and approvals process that we will go through with a target date of the end of the 2017/18 financial year to have approval ready to go.*

*Peter Smith Chief Executive Officer stated that funding for the Marlborough Street development is dependent on State funding and while Council's target date for approval is June 2018 this is dependent on progress from the State.*

*In relation to question four, Ms Terjung stated that Council is actively working with the State government to recognise affordable housing as an entity in the planning system and to set up a framework for negotiating affordable housing agreements which will come into effect in 2018.*



## **7. COUNCILLOR QUESTION TIME**

Cr Pearl – regarding the closure of the 96 tram route in December 2017, can officers please indicate if Council advocated to the PTV or VicTrac or other agencies who are undertaking the works along the line whether or not these works could have been done in January when the disruption to locals businesses in the area would have been minimized?

*Damian Dewar Manager Place and Design responded that as soon as Council became aware of the planned disruption to this route Officers were in contact with PTV and Yarra Trams to express that undertaking works at this time would cause significant impact to the South Melbourne Market, Acland Street, Fitzroy Street and other areas of the community. Mr Dewar stated that Yarra Trams needed to complete the upgrade of the Ferrars St stop in order for schools to recommence in late January and that major works will be completed by 20 December.*

Cr Pearl clarified that he was referring to January 2017, not 2018.

*Damian Dewar responded that Council only became aware of the delay in the project deadline in November 2017.*

Cr Simic – regarding South Melbourne Market, can officers provide an update on the ban the bag campaign progress and what the coming steps will be in regards to that campaign?

*Fiona Blair Manager Infrastructure and Amenity responded that the campaign is progressing and discussions have taken place with stall holders in relation to how the South Melbourne Market can help them with implementation particularly around the provision of plastic bag alternatives.*

Cr Copsey – Can officers provide a response on whether Councils regulations in relation to building site waste are currently being ineffectively administered? Can officers please comment on what Council is doing to improve service in this area?

*Lili James Manager Safety and Amenity responded that Local Law No.1 has a number of laws that pertain to activities on building sites that are designed to manage and protect the local amenity. The Local Law No.1 also includes a procedure manual setting out Local laws and breach penalties. Local Law officers undertake proactive audits of building sites and skip bins throughout the municipality to check compliance with permit conditions. Breaches are routinely referred to contractors or Council for clean-up.*

Cr Bond advised that he has received many emails from concerned residents regarding crime, violence and anti-social behaviour in and around little Grey St Kilda. What actions are the City of Port Phillip taking to ensure that the board of the Port Phillip Housing Association and Port Phillip Housing Trust are putting in place an appropriate management plan and security arrangements that will immediately curtail the unacceptable impact on the local amenity by residents and visitors to the regal apartments?

*Peter Smith Chief Executive Officer responded that this is an operational issue and that he will take the question on notice and provide a response.*



## **8. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 8.1 Fishermans Bend - Submission to Draft Fishermans Bend Framework and Amendment GC81 (Planning Scheme Controls)
- 8.2 Proposal for Commercial Lease - Level 1, 202 Bank Street South Melbourne
- 8.3 Proposed Lease - Multicultural Arts Victoria
- 8.12 City of Port Phillip submission to MMRA and CYP draft Domain Precinct Development Plan
- 8.13 Itinerant Trading - Outdoor Cooking Trial
- 8.4 Council Plan and Budget: Direction setting
- 8.5 Montague Park Construction Tender Evaluation
- 8.6 17 Nott Street, Port Melbourne
- 8.7 99 Hotham Street, Balaclava
- 8.8 41 - 49 Bank Street South Melbourne
- 8.9 365 - 391 Plummer Street, Port Melbourne
- 8.10 17 Rocklea Drive, Port Melbourne
- 8.11 Planning Permits Delegate Report - October & November 2017
- 8.14 Change to planning delegations (14 Dec 2017 - 7 Feb 2018)
- 8.15 Parking Technology Transformation



## **8.1 Fishermans Bend - Submission to Draft Fishermans Bend Framework and Amendment GC81 (Planning Scheme Controls)**

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

### Trevor White

Asked what is the predicted impact on the City of Port Phillip's financial and organisational capacity to be involved in the Fishermans Bend planning and infrastructure whilst not increasing rates nor reducing services to residents and businesses in Canal, Lake and Gateway wards?

What is the predicted impact of traffic driving to and from Fishermans Bend as a destination given that traffic is already choking Beaconsfield Parade, Park Street, Canterbury Road, Grey Street, Lakeside Drive and Queens Parade?

How will the City of Port Phillip put pressure on the State Government to deliver proposed public transport, open space, community facilities and road infrastructure up front in the next 2-3 years not over 50 years at no cost to the City of Port Phillip?

What is the predicted impact of having 80,000 residents, 80,000 employees and visitors coming to and from Fishermans Bend on a daily basis going to be on the livability for residents and businesses and the rest of Port Phillip in particularly those people who live close to the proposed precincts?

### Rhonda Small

Stated that she believes the Council has done a fantastic job on Fishermans Bend.

Asked what can community members say in their submissions to reinforce the approach that Council has taken its approach to the framework.

## **Purpose**

To consider the draft Fishermans Bend Framework and associated planning scheme controls (Amendment GC81) released by the Victorian Government for comment, and determine whether to endorse a written submission that establishes Council's position on various aspects of the draft Framework and controls.

## **MOVED Crs Simic/Brand**

That Council:

- 1.1 Acknowledges the critical importance of the Fishermans Bend Urban Renewal Area to Melbourne's growth story, and to current and future generations of Port Phillip communities, and reinforces support for the 2016 Fishermans Bend Vision as 'a thriving place that is a leading example of environmental sustainability, liveability, diversity and innovation'.
- 1.2 Highlights that to enable the ambitious Fishermans Bend Vision to be realised:
  - the Framework Plan and supporting planning controls must be clear, strong and aligned to the Vision's priorities;



- a transparent and comprehensive funding and financing plan must be in place including all costs and revenue sources;
- governance arrangements need to be established that provide for the successful long term implementation of the Vision, including authentic community engagement and clear decision making roles for the City of Port Phillip in all planning, implementation and infrastructure delivery aspects; and
- there needs to be proactive government leadership, funding to deliver key catalyst infrastructure and established partnerships, to create a sense of place both in the early transition phase and for the long term.

**1.3** Adopts the written submission to the draft Fishermans Bend Framework and Amendment GC81 (Attachment 4), which:

- broadly supports the draft Framework as providing a positive policy setting towards achieving the Fishermans Bend Vision
- includes recommendations for specific changes to the draft Framework and planning controls that would strengthen the implementation of Fishermans Bend and ensure the vision is delivered
- shall be used as the basis for Council's position and presentation to the Planning Review Panel which has been appointed to consider Amendment GC81.

**1.4** Writes to the Premier Hon Daniel Andrews calling for the Victorian Government to fully involve Council in the immediate development of future governance arrangements, and a funding and finance plan, both of which are critical components to the delivery of Fishermans Bend, specifically:

**1.4.1** A transparent Funding and Financing Plan for Fishermans Bend reflecting;

- the full cost of infrastructure to be delivered and associated implementation programs, and projected revenue;
- a fully costed and funded Development Contributions Plan (or Infrastructure Contributions Plan) for the delivery of local infrastructure;
- State infrastructure funding through use of the full spectrum of revenue sources and value capture instruments including land tax, stamp duty, and other levies;
- financing arrangements that will ensure timely delivery of infrastructure; and
- identification of any potential funding gap or shortfall.

**1.4.2** Future Governance arrangements which recognise that:

- a partnership approach is essential to the successful renewal of Fishermans Bend;
- current and future communities must be genuinely engaged in ongoing planning for the precinct and throughout the



implementation process; and

- as the City of Port Phillip will be the custodian of much of the precinct on behalf of its community, it must have a formal role in all future decision-making forums, including on-going strategic and precinct planning, the determination of development applications and agreeing the pipeline of infrastructure to be delivered.

1.4.3 A Business Case to establish funding for catalyst infrastructure to service the Montague, Sandridge and Wirraway precincts, including delivery of the full tram network in the next five years.

1.5 Extends its appreciation to the members of the Fishermans Bend Community Forum who have met over the last two years, providing valuable insight and feedback that has informed Council's position and submission to the draft Framework and Amendment GC81.

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



## **8.2 Proposal for Commercial Lease - Level 1, 202 Bank Street SOUTH MELBOURNE**

### **Purpose**

To seek Council approval to commence the statutory process to lease Level 1, 202 Bank Street, South Melbourne.

### **MOVED Crs Pearl/Bond**

That Council:

- 1.1 Resolves that the statutory procedures under Section 190 of the Local Government Act 1989 (the Act) be commenced for a new lease of Level 1, 202 Bank Street, South Melbourne to Resolution Independent Pty Ltd subject to the following terms:

Premises	Level 1, 202 Bank Street, South Melbourne Approximately 232 m <sup>2</sup> with 26m <sup>2</sup> ground floor storage space and 1 car space to rear parking area.
Permitted Use	Office
Commencement	1 March 2018
Length of term	One year and eight months, with one further term of one year (aggregate two years and eight months)
Rent	\$48,500 plus GST with an increase of 3% on the anniversary of the commencement date
- 1.2 Directs the public notice of the proposed lease be given under Section 223 of the Act.
- 1.3 Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.
- 1.4 Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Council to meeting to be held in early 2018.

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



### **8.3 Proposed Lease - Multicultural Arts Victoria**

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

Jill Morgan

Ms Morgan, CEO of Multicultural Arts Victoria, stated that Multicultural Arts Victoria is very happy to be in the City of Port Phillip and they look forward to continuing the partnership.

#### **Purpose**

To seek Council approval to commence the statutory process for offering a new lease of part level 1, 208 Bank Street, South Melbourne.

#### **MOVED Crs Pearl/Bond**

That Council:

- 1.1 Resolves that the statutory procedures under the Local Government Act 1989 (the Act) be commenced for a new lease of part level 1, 208 Bank Street, South Melbourne to Multicultural Arts Victoria subject to the following terms:

Premises	Part of the west wing on level 1 of the South Melbourne Town Hall at 208 Bank Street, South Melbourne
	Approximately 300 m <sup>2</sup> exclusive possession with access to communal amenities.
	Prescribed access of 3 days to the main auditorium at no hire fee.
Permitted Use	Office
Commencement	1 March 2018
Length of term	Two years
Rent	\$20,135 per annum + GST per annum with annual CPI increases
- 1.2 Notes that the proposed rent of \$20,135 represents a discount of \$59,865 (74.8%) on the market rental valuation in recognition of the Council support for the community benefits provided by the tenant.
- 1.3 Directs the public notice of the proposed lease be given under Section 223 of the Act.
- 1.4 Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.
- 1.5 Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Council to meeting to be held in early 2018.

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



**MOVED Crs Simic/Baxter**

That Council:

- 1.1 Resolves that the statutory procedures under the Local Government Act 1989 (the Act) be commenced for a new lease of part level 1, 208 Bank Street, South Melbourne to Multicultural Arts Victoria subject to the following terms:
- |                |  |
|----------------|--|
| Premises       | Part of the west wing on level 1 of the South Melbourne Town Hall at 208 Bank Street, South Melbourne  |
|                | Approximately 300 m <sup>2</sup> exclusive possession with access to communal amenities.<br>Prescribed access of 3 days to the main auditorium at no hire fee. |
| Permitted Use  | Office   |
| Commencement   | 1 March 2018   |
| Length of term | Three years  |
| Rent           | \$20,135 per annum + GST per annum with annual CPI increases   |
- 1.2 Notes that the proposed rent of \$20,135 represents a discount of \$59,865 (74.8%) on the market rental valuation in recognition of the Council support for the community benefits provided by the tenant.
- 1.3 Directs the public notice of the proposed lease be given under Section 223 of the Act.
- 1.4 Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.
- 1.5 Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Council to meeting to be held in early 2018.

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



### **8.12 City of Port Phillip submission to MMRA and CYP draft Domain Precinct Development Plan**

Councillor Bond declared an indirect conflict of interest in item 8.12 City of Port Phillip submission to MMRA and CYP draft Domain Precinct Development Plan, by way of an indirect interest because of receipt of an applicable gift. At 8.12pm Cr Bond left the Chamber prior to any discussion on this item.

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

#### Alfred De Bruyne

Mr De Bruyne acknowledged the benefits that the station can make to the City and spoke to design considerations and architectural significance of the domain.

#### Fraser Read Smith

Mr Smith stated that he believes there is scope for a better development plan to evolve and spoke to key issues that were outlined in his written submission.

#### John Marsden

Mr Marsden stated that he believes the current proposal is flawed and spoke to concerns about the proposed location of the South African Soldiers Memorial.

### **Purpose**

To seek endorsement of the City of Port Phillip's Submission to the Melbourne Metro Tunnel Project draft Domain Precinct Development Plan.

### **MOVED Crs Pearl/Simic**

That Council:

- 1.1 Notes that the City of Port Phillip's submission to the Draft Domain Precinct Development Plan dated 27 November 2017 demonstrates Council's ongoing commitment to work in partnership with the Melbourne Metro Rail Authority (MMRA) and Cross Yarra Partnership (CYP) to achieve high quality and sustainable outcomes for the benefit of our community.
- 1.2 Endorses the City of Port Phillip submission to the Draft Domain Precinct Development Plan dated 27 November 2017 (Attachment 1) *subject to the following changes:*

To page 2, section 1 titled 'The location and prominence of the South African Soldiers Memorial' paragraph 5:

  - Siting of the South African Soldiers Memorial must be to Council and Heritage Victoria's satisfaction, such that all three principles are met.
  - With the now known station location and tram interchange, that have moved



further south than originally anticipated, and within the constraints of the re-shaped Albert Road Reserve, it has become self-evident that to meet all three siting criteria for the South African Soldiers Memorial, the option to relocate the Windsor Oak may need to be considered.

- It is noted that due to the scale of construction impacting the Domain Precinct and as a result of Council's partnership with MMRA, 15 oak seedlings have been propagated from cuttings of the Windsor Oak.
- Whilst tree relocation is possible with sufficient lead time and budget, it is recognised that relocation of any tree is a significant risk and the Windsor Oak may not survive. As custodian of this tree, any option to consider relocation must be to Council's satisfaction.
- Consolidate and/or minimise the station structures so they do not overshadow or diminish the memorial or impede access to it and its surrounds. This may include moving station exits to create a more appropriate and respectful, symmetrical setting of visual prominence for the Memorial.

It is important to note that the option to relocate the Windsor Oak and to site the South African Soldiers Memorial in a central symmetrical and visually prominent location, at-grade with the level of and immediately adjacent to the future St Kilda Road alignment, unlocks a cascade of significant opportunities. Visionary thinking could realise many of these opportunities and the issues arising from the Memorial's siting design dilemma in the Draft Domain Precinct Development Plan and Albert Road Reserve. Some opportunities may include:

- Western extension of the public pedestrian/bicycle underground concourse into the heart of the Albert Road Reserve, providing a 3<sup>rd</sup> exit/entry to the metro station and tram interchange
- Underground bicycle parking for 2,000 bikes and associated bicycle facilities
- Disabled car parking for seamless fully accessible access to both the metro station and tram interchange, at a level below the vehicle traffic level
- Service vehicle parking to service both the metro station and tram interchange
- Passenger lifts included and integrated within the structure
- Future retail tenancies fronting both sides of the public pedestrian/bicycle underground concourse
- Future retail and/or public/civic tenancies fronting Albert Road Reserve providing an active frontage/passive surveillance to the public space
- PTV sub-station

Council is ready and available to work quickly in partnership with MMRA and CYP to explore this cascade of opportunities to better understand the community benefits that could be achieved for the State Government, Council and our community now and into the future.

To page 7, section 5 titled 'Bicycle parking and facilities' paragraph 1:

It is critically important that the new Anzac Station is designed for our future urban mobility, and not for the city of today. With the City of Port Phillip population forecast to grow 23% by 2027, and to align with our Integrated Transport Strategy, the Melbourne Metro project as a city shaping legacy, must demonstrate a commitment to future urban mobility choices in our rapidly growing city, aligned with the principles of Mobility-as-a-Service (MaaS), and with a focus on public transport, bicycles and walking.



Anzac Station and the Draft Domain Precinct Development Plan is being designed for a 100 year legacy, a visionary civic hub of public space and mobility. This is a significant opportunity to provide a future-proofed legacy with the opportunity for a transformational game-changing outcome, a state-of-the-art underground concierge bicycle parking facility for a significant number of bikes and associated bicycle services, providing seamless mobility interchange bike-train-bike and bike-tram-bike.

1.3 Notes that Council officers will continue to work closely with the Melbourne Metro Rail Authority (MMRA) to resolve seven (7) key design elements of the Draft Domain Precinct Development Plan as described in the submission, namely:

- The location of the South African Soldiers Memorial
- Albert Road Reserve – civic space and design
- Heritage features of the design
- Car Parking
- Bike parking and facilities
- St Kilda Road boulevard legacy condition
- Tree removal and tree replanting program.

1.4 Authorises the General Manager Place Strategy & Development to make any necessary minor corrections and amendments and submit the submission on the Draft Domain Precinct Development Plan to MMRA on behalf of Council.

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

*The Mayor adjourned the meeting at 9.11pm for a short break.*

*The meeting resumed at 9.23pm.*



### **8.13 Itinerant Trading - Outdoor Cooking Trial**

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

Roger Wyndham

Mr Wyndham spoke in support of the report.

Elizabeth Thomson

Ms Thomson spoke in support of the report.

Fred Warschauer

Mr Warschauer spoke in support of the report and described his experiences as a land owner on Fitzroy Street.

#### **Purpose**

Following a request from a Fitzroy Street trader, officers were requested to investigate Council undertaking a trial of temporary outdoor cooking stations in partnership with local businesses in Fitzroy Street. This report outlines the opportunities and potential constraints of such an operation, to inform permitting a trial, its review, and any subsequent outdoor cooking policy.

#### **MOVED Crs Bond/Gross**

That Council:

- I.1 Supports a temporary outdoor cooking station trial for food premises across the municipality up to a maximum of 10 businesses, for a maximum period of 9 months per business, expiring 30 September 2018. This amended trial has been selected:
  - to provide food premises with equitable access to the trial across the municipality;
  - as this duration is aligned with the intent of the Food Act legislation for trading from temporary premises;
  - provides each business the opportunity to extend trading from this summer until the end of the winter period;
  - this duration (up to 9 months) is considered a sufficient trading opportunity to offset the investment cost; and
  - The review planned for mid-2018 will provide an opportunity to review the expiry date of the trial.
- I.2 Advertises for expressions of interest in a temporary outdoor cooking station trial.

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- 1.3 Authorises the General Manager, Place, Strategy & Development to permit a trial of temporary outdoor cooking stations under Local Law No 1 Community Amenity (2017), Itinerant Trading.

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

**MOVED Crs Bond/Pearl**

That Council:

- 1.1 Alters the order of the agenda so that Council can consider Notice of Motion 9.2 as the next item of business.

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



## 9. NOTICES OF MOTION

### Item 9.2

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

#### Ian Angus

Mr Angus asked on what basis have the State Government grants totaling \$1.3million over the last two years been allocated across our libraries? How much of this has been allocated to and spent on Middle Park library in 2016/17? Mr Angus stated he welcomes this Notice of Motion.

#### Clare McArdle

Ms McArdle asked what is the thinking behind the closure/change of Middle Park library? Why is the consultation proposed to finish at the end of the holidays instead of going through to the end of February?

#### Julie Johnson

Ms Johnson stated her support for the Notice of Motion and that a public meeting needs to be held during February once residents have returned from holidays.

#### Carolyn Hutchens

Ms Hutchens wished to confirm whether Councillors have received notifications of a petition on change.org expressing concern about the change of purpose of Middle Park library. Ms Hutchens spoke in relation to the importance of the Middle Park library to many areas of the community and urged Council to extend the consultation period.

#### Brenda Forbath

Ms Forbath commended Cr Brand for bringing the Notice of Motion to Council. Mr Forbath supported the need to have the public meetings on this issue in the latter half of February to accommodate as many residents as possible.

### **Moved Crs Brand/Copsey**

That Council:

1. Extends the length of the current consultation period for Middle Park Library from the 17<sup>th</sup> of December to the 16<sup>th</sup> of February 2018.
2. Hosts a public meeting to consider the feedback from the survey and discuss the ongoing Middle Park Library services.
3. Receives a report no later than end of March 2018 with the outcomes of the Middle Park Library consultation and the public meeting.

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



#### **8.4 Council Plan and Budget: Direction setting**

##### **Purpose**

To provide an update on changes in our operating environment and to seek approval of the 10-Year Financial Outlook and the parameters for the review of the Council Plan, the Strategic Resource Plan and development of the Budget 2018/19.

##### **MOVED Crs Copsey/Simic**

That Council:

- 1.1 Considers and notes the outcomes from a preliminary review of the operating environment and strategic risks (Attachment 1).
- 1.2 Endorses the 10-Year Financial Outlook (Attachment 2) and parameters, noting the significant challenge of rates capping and the rates cap gap.
- 1.3 Delegates authority to the CEO or their delegate to reflect any changes made by Council at tonight's meeting, which are not reflected in Attachment 2, and to make minor typographical corrections before final publication.
- 1.4 Confirms not applying to the independent economic regulator for a variation to the rates cap in 2018/19.

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



## **8.5 Montague Park Construction Tender Evaluation**

### **Purpose**

To seek Council's approval to award the construction contract for the Stage I – Montague Community Park Construction.

### **MOVED Crs Simic/Baxter**

That Council:

- I.1 Awards Contract 2104 to PTA Landscapes Pty Ltd for the Stage I – Montague Community Park Construction.
- I.2 Notes that the contract value is based upon a lump sum price of \$3,022,930.38 including GST. The proposed contract commencement date is 08 January 2018.
- I.3 Affixes the Common Seal of the Port Phillip City Council to Contract 2104 between Council and PTA Landscapes Pty Ltd.
- I.4 Notes the changes to the 10-Year Financial Plan:
  - (a) A net overall reduction in gross capital expenditure by \$2.0 million - primarily due to the reduction in the capping layer approved by the independent environmental auditor - compared to the 10-Year Financial plan;
  - (b) A net overall reduction of Council's contribution of \$0.7 million.
  - (c) Revised phasing of Stage I: \$0.3 million in 2016/17; \$4.3 million in 2017/18; \$0.9 million in 2018/19.

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



## **8.6 17 Nott Street, Port Melbourne**

### **Purpose**

Construction of a four storey mixed use building comprising ground floor car parking, office and dwelling, removal of four party wall easements and a reduction in the car parking requirements for the office.

### **MOVED Crs Crawford/Gross**

- 14.1** That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 14.2** That a Notice of Decision to Grant a Permit be issued for the construction of a four storey mixed use building, removal of four party wall easements shown as E-1 on Lot 2 on Lot 1 on Plan of Subdivision 015790 (Parent Title Volume 06812 Folio 279) and a reduction in the car parking requirements at 17 Nott Street, Port Melbourne.
- 14.3** That the decision be issued as follows:

#### **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. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The crossover to Nott Street to be 2.5m wide.
- b) Notation showing two convex mirrors on either side of the accessway.
- c) The first floor on the northeast elevation setback a minimum of 1.5m from the shared boundary for a minimum length of 1.18m, opposite the ground floor court yard at No. 19-25 Nott Street.
- d) Further details of the privacy screen on the northeast elevation to the third floor terrace and the privacy screens for the windows at first, second and third floor ensure it would prevent overlooking to No. 19-25 Nott Street (any screening must be demonstrated to be effective in accordance with the requirements of condition 1f below and to the satisfaction of the Responsible Authority).
- e) A 1.7m high privacy screen to prevent overlooking to No. 55-62 Beach Street (any screening must be demonstrated to be effective in accordance with the requirements of condition 1f below and to the satisfaction of the Responsible Authority).
- f) Cross section elevation drawings of all the privacy screens that:
  - I. Show the screens being fixed;
  - II. Are drawn to scale and fully dimensioned;



- III. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
  - IV. Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward or horizontal views to neighbouring properties; and
  - V. Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent secluded private open space/ windows are precluded, while allowing outlook horizontally and upward from the terrace.
- g) Provide an additional car stacker at ground floor level, to provide a total of four car spaces.
  - h) The first floor balcony deleted from the northeast elevation and located on the northwest elevation and any subsequent elevation changes. Should a window be replaced to the northeast elevation the window must be screened per the requirements of condition 1d).

All to the satisfaction of the Responsible Authority.

## **2. No Alterations**

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

## **3. Walls on or facing the boundary**

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

## **4. Sustainable Design Assessment**

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

## **5. Incorporation of Sustainable Design initiatives**

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

## **6. Implementation of Sustainable Design Initiatives**

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment (SDA) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction



of the Responsible Authority. The report must confirm that all measures and recommendations specified in the SDA have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

#### **7. 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.

#### **8. Incorporation of Water Sensitive Urban Design initiatives**

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

#### **9. Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

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

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

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

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

#### **10. Noise (SEPP N1)**

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.



### **11. Piping and ducting**

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

### **12. No equipment or services**

Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

### **13. 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.

### **14. Environmental Audit**

Before the use commences or before the construction or carrying out of buildings and works in association with the use hereby approved sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

### **15. SP52 Port Melbourne Developer Contribution Levy**

- (1) Prior to the commencement of the development hereby permitted the permit holder must either:
  - (a) Pay or provide a bank guarantee, insurance bond or similar security to the satisfaction of the Responsible Authority for the full amount of the development levy applying to the land in accordance with the provisions of the Port Melbourne Mixed Use Area Development Contributions Plan (Streetscape Works) July 1999 which is an incorporated plan under the Port Phillip Planning Scheme ('the DCP'); or
  - (b) Elect by notice in writing to Council to carry out the works ('the Works') generally in accordance with plans of the streetscape works provided by the owner and consented to by the Council.
- (2) If the election referred to in (1)(b) is made, the following provisions must apply:
  - (a) (i) Prior to the commencement of the Works, plans and specifications of the Works must be submitted to the Council for its approval. Once approved, the Works must be carried out only in accordance with such plans and specifications subject to any amendments that the Council may agree to.
  - (ii) Unless otherwise agreed in writing by the Council, the Works must be completed to the satisfaction of the Council prior to the issue of a Certificate of Occupancy.



- (b) (i) As security for the carrying out of Works, on approval by the Council of the plans and specifications for the Works, the owner must lodge with the Council a bank guarantee or insurance bond for the value of the Works.
- (ii) The Councils must be entitled to call upon such security to meet the cost of carrying out or completing the Works as the case may be in the event that the Works have not been completed to its satisfaction by the completion date.
- (iii) The Bank Guarantee or insurance bond must be returned to the owner immediately upon Council advising the owner in writing that the streetscape works have been completed to its satisfaction.
- (3) If the works are carried out on or behalf of the Owner, the Owner must pay to the Council a supervision fee determined in accordance with the Subdivision Act 1998 for the supervision of the Works.

Guidance for Officers re Conditions SP56-63: To determine when each of the below conditions should be used, confirm the status of the land with the Coordinator Property Services. In some cases, both a condition and a note are required. Generally, projections of less than 300mm are not subject to these requirements. The need for a legal agreement or licence should always be discussed with the applicant, to allow for the proposal to be redesigned without projections as an alternative.

#### **16. Time for starting and completion**

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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within two years of the date of commencement of works.
- c) The plan of removal of easement is not certified within two (2) years of the date of this permit.
- d) The certified plan is not registered at Land Registry within five (5) years of the date of the Plan of Subdivision being Certified by Council.

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

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

#### **Permit Notes:**

##### **Building Approval Required**

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



**Building Works to Accord With Planning Permit**

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

**Due Care**

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

**Days and Hours of Construction Works**

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

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

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

**Drainage Point and Method of Discharge**

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

**Noise**

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

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

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



## **8.7 99 Hotham Street, Balaclava**

Councillor Brand declared an interest in item 8.7 99 Hotham Street Balaclava due to his previous involvement in preparing a heritage citation for this property in 1991. This is not a conflict of interest.

### **Purpose**

Buildings and works including part demolition and construction of a three storey building comprising 29 dwellings (including re-use of the existing building for four dwellings) and 28 car spaces. Reduction (by a total of 6 spaces) from the required number of car spaces, being one resident space and five visitor spaces.

### **MOVED Crs Baxter/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.
- 14.2** That a Notice of Decision to Grant a Permit be issued for buildings and works including part demolition and construction of a three storey building comprising dwellings and a reduction in the required number of car spaces under Clause 52.06 of the Port Phillip Planning Scheme, at 99 Hotham Street, Balaclava.
- 14.3** That the decision be issued as follows:
  - 1 Amended Plans required**

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

    - a) Drawings of each typical dwelling demonstrating that cross ventilation, single-sided ventilation or a combination of both for habitable rooms will be achieved;
    - b) The location and capacity of the underground water storage nominated by the Sustainable Management Plan submitted with the application;
    - c) Retention of the minora sculpture facing Hotham Street in its current position and location;
    - d) Change to the finish of the east facing wall of the rear carstackers that are accessed from the west (rear) boundary;
    - e) The undercroft clearance on the south (side) of the central building module increased to a minimum of 3 metres;



- f) The width of the 'raised path' abutting the existing laneway to the south of the development, increased from 1m to a minimum of 1.2 metres and the footpath raised to 0.15m above the surface of and along the length of the abutting laneway through the provision of a kerb;
- g) Internal reconfiguration of townhouses on the south side of the central building component (Townhouses 20 to 29) including increase in storage capacity by a minimum of 1m<sup>3</sup> to each dwelling;
- h) Internal reconfiguration of Townhouses 15 and 16 including increase in storage by a minimum of 2m<sup>3</sup> and 1m<sup>3</sup> respectively;
- i) Privacy screens to second floor north facing terraces angled so that they do not extend beyond the setback envelope prescribed by Standard B17 at Clause 55.04-1;
- j) Bin storage and bicycle storage divided between service areas separating each building module;
- k) Internal columns of retained heritage building expressed at ground floor;
- l) 0.1m minimum gaps provided between the front courtyard fences and the retained columns located on either side of the '1.7m high transparent metal gate';
- m) The 25% transparent screening otherwise described as 'MC2', notated as being 100% solid;
- n) Privacy screens constructed to a minimum height of 1.7m above finished floor level at the following locations:
  - i. The first floor east facing (undefined room) window to Townhouse 4;
  - ii. The north facing ground floor bedroom windows to Townhouses 5 to 16 (inclusive) or the top of the fence opposite each of these bedroom windows nominated as a minimum 1.7m above finished floor level of the bedroom opposite; Please show me
  - iii. the north facing kitchen window to Apartment 18
  - iv. the west facing balcony to Apartment 18
  - v. The first floor, south facing lounge room windows to Townhouses 25 to 29
  - vi. The first floor, south facing bedroom windows to Townhouses 1, 2 and 3
- o) Elevation and/or cross section drawings of the screens required by condition 1n) of this permit and the metal louvre privacy screens, otherwise shown as 'SCR1', which demonstrate that overlooking of



neighbouring secluded private open space and/or habitable room windows within 9m and a 45 degree arc of the proposed windows and balconies is prevented (rather than limited). The drawings must:

- i. Be drawn to scale and fully dimensioned;
  - ii. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
  - iii. Clearly illustrate how any louvre or batten system will prevent (rather than limit) overlooking of neighbouring secluded private open space and/or habitable room windows;
  - iv. 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 overlooking of neighbouring secluded private open space and/or habitable room windows are prevented (rather than limited).
- p) Any changes required as a consequence of meeting the requirements of condition 4 (VicRoads), condition 7 (Sustainable Management Plan) and condition 18 (Waste Management Plan).
- q) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels.
- r) Paved areas notated as 'permeable paving' at the following locations:
- i. The walkways along the north of the building and between each building module notated; and
  - ii. The courtyards within the front setback and the south (side) setback.

## **2 No Alterations**

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

## **3 Satisfactory continuation**

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

## **4 VicRoads**

- i. Before the development starts, amended Ground Floor Plan must be submitted to and approved by Roads Corporation (VicRoads). The plans must be drawn to scale with dimensions and two copies must be provided. The amended plans must provide a passing area



at the ROW entrance to Hotham Street at least 6.1m wide and 7m long.

- ii. The passing area must be constructed to the satisfaction of the Roads Corporation (VicRoads) and /or the Responsible authority and at no cost to the Roads Corporation, prior to the occupation of any of the proposed dwellings.
- iii. The passing area must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

## **5 Melbourne Water**

- i. The layout of the site and size, design and location of buildings and works and finished floor levels of the dwellings and garages as shown on the submitted plans must not be altered without prior written consent from Melbourne Water.
- ii. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway.
- iii. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

## **6 Walls on or facing the boundary**

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

## **7 Sustainable Management Plan**

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

## **8 Incorporation of Sustainable Design initiatives**

The project must incorporate the sustainable design initiatives listed in the endorsed SMP to the satisfaction of the Responsible Authority.



**9 Implementation of Sustainable Design Initiatives**

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

**10 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.

**11 Incorporation of Water Sensitive Urban Design initiatives**

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

**12 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

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

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

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

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



**13 Arborist Report**

Before the development starts, a report and plan by a suitably qualified Arborist to comply with AS 4970 - 2009 (Tree protection on development sites) setting out how all retained trees on and adjacent to the site will be protected during demolition and construction, must be submitted to, approved by and be to the satisfaction of the Responsible Authority.

When approved the report and plan will be endorsed and form part of the permit. The tree protection measures outlined in the report must be complied with to the satisfaction of the Responsible Authority.

**14 Completion of Landscaping**

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

**15 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.

**16 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.

**17 Public Services**

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs



associated with any such modifications must be borne by the applicant/owner.

**18 Waste Management Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must be generally in accordance with the Waste Management Statement submitted as part of the application material but updated to show 8 x 240L bins in the refuse room and a charity bin in the Bin Store.

**19 Piping and ducting**

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

**20 No equipment or services**

Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

**21 Number of Dwellings**

Without the further written consent of the Responsible Authority, no more than 29 dwellings may be constructed on the land.

**22 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.

**23 Car Parking Space Allocation**

A minimum of 28 car parking spaces must be provided on the land for the development including a minimum of one space for each two bedroom dwelling and one space for three of the four one bedroom dwellings.

**24 Car Parking Stacker Maintenance and Provision**

The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.



Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a car stacker system management plan including but not limited to the following:

Allocation of car parking spaces according to vehicle size and type;

Ongoing maintenance of the car stacker system;

Instructions to owners/occupiers about the operation of the car stacker system; and

Communicating to prospective residents about the availability of car stacker spaces and sizes.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

## **25 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.

## **26 Time for starting and completion**

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

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

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

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

### **Permit Notes:**

- **Melbourne Water**

The applicable flood level is 13.45 metres to Australian Height Datum (AHD).

For the purpose of the Building Code of Australia – Building in Flood Hazard Areas, Melbourne Water, as the relevant floodplain management authority has determined that the maximum flow rate of flood water (velocity) for this property is below 1.5 metres per second. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

- **No Resident or Visitor Parking Permits**



The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

- **Building Approval Required**

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

- **Building Works to Accord With Planning Permit**

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

- **Due Care**

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

- **Days and Hours of Construction Works**

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

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

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

- **Drainage Point and Method of Discharge**

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

- **Noise**

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

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

- **Cross-over Permit Required**

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

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



## 8.8 41 - 49 BANK STREET SOUTH MELBOURNE

### Purpose

Construction of a twenty (20) storey (60 metre) mixed use building with basement, containing two retail premises (161sqm) at ground floor level and 174 dwellings at the upper levels and a reduction in the statutory car parking and loading requirements.

### MOVED Crs Crawford/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
- 14.2** That a Notice of Decision to Grant a Permit be issued for the construction of a mixed use building and a reduction in the statutory car parking.
- 14.3** That the decision be issued as follows:
- 1 Amended Plans Required**
- Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the advertised plans (identified as those drawn by Bruce Henderson Architects and received by Council 22 February 2017) but modified to show:
- a) The podium level (except for the glass architectural feature) reduced to a maximum height of 18m.
  - b) The dark tinted glass of the architectural feature in the podium replaced with a glass of a lighter or warmer colour. The glazing material must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface.
  - c) The finished floor level (FFL) of the ground floor to be a minimum 2.604AHD.
  - d) The east facing terraces/ balconies to apartments 2.08, 2.09 and 3.10 setback a minimum 4.5m from the eastern boundary.
  - e) The western wall of apartments 2.04, 3.04, 4.04 and 5.03 extended to the boundary with all west facing windows to these apartments to be removed.
  - f) The west facing terraces/balconies to apartments 2.06, 2.07, 3.08 and 3.09 setback a minimum 4.5m from the western boundary.
  - g) The south facing terraces/balconies to apartments 3.09 and 3.10 setback a minimum 2.72m (4.5m from the centerline of Little Bank Street) from the southern boundary.
  - h) All one bedroom apartments to have a minimum floor area internal floor area of 50sqm, excluding the balcony/terrace areas.



- i) The provision of an additional thirteen (13) parking spaces for visitor parking.
- j) The ground and first floor setback 2.2m from the southern boundary (Little Bank Street).
- k) The provision of a basement car park level comprising a minimum of 36 car parking spaces that would be lost by the provision of a 2.2m setback for the ground and first floor from the southern boundary (as recommended by condition lj above).
- l) Details of the proposed car stackers including dimensions for individual parking bays and clearance heights of the stackers (with a minimum 25% of car stackers to provide a clearance height of 1.8m), a sight distance triangle to Bank Street, swept path diagrams to parking spaces 16/17, 18/19/20, 81/82, 83/84, 85/86, 122 and 123, details of the height clearance for the vehicle access ramps, in accordance with Clause 52.06.
- m) The vehicle crossing to Bank Street reduced to a maximum width of 5.5m.
- n) The provision of an onsite loading facility within the ground floor car park in accordance with Clause 52.07 of the Port Phillip Planning Scheme.
- o) Details of an apex or flood barrier provided to all access to the basement.
- p) Details of Urban Art contribution.
- q) Details of external shading devices to the north, east and west facing apartments and the gym and common dining area.
- r) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
- s) Booster cupboard incorporated into the design of the building.
- t) Any changes required by Conditions 3, 9 and 12.

## **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 Management Plan**

Before the development starts a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by ADP consulting submitted with the application but updated to address the following:

- BESS report update to correctly refer to 174 apartments not 74.
- Details of practical ventilation should be included.



- NatHERS modelling – An insufficient number of apartments modelled. The height of the building, the nature of corner, and aligned apartments, changes in the number of bedroom, varied orientations, and the variations in location in height on the podium and tower provide at 9-15 significant thermal scenarios.
- The STORM assessment shown indicates the approximate 80% reliability for reuse of rainwater from non-trafficable roofs for toilet flushing. Please confirm this includes the full roof area including, the lift roof, and plant area, and revise STORM assessment accordingly.
- Planters are shown on Level 2 and 3 apartment courtyards that appear to have access only via individual apartments. Please clarify the access and maintenance regime for these.
- Considerable planters are indicated on the north-facing terraces adjacent to the Resident Lounge and Dining areas on Level 6. Should consider:
  - The reconfiguring the planters and bench seating adjacent to the Resident Lounge to provide a productive garden which potentially will allow access to residents
  - The provision of low (similar to planter height) garden storage locker to support the use of these planters.

#### **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 (Stormwater Management)**

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

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

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

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



## **6 Site Management Water Sensitive Urban Design**

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

## **7 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.

## **8 Urban Art Plan**

Before the development starts (other than demolition or works to remediate contaminated land), an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

## **9 Waste Management Plan**

Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by Sustainable Transport Surveys Pty Ltd and dated 18 April 2016 but modified to address the following:

- Council 240L bins can only be supplied if the retail outlets are being used for office space or something similar. Council will not issue 240L bins for retail food outlets. There will be an additional cost as Council normally only provides 120L bins.
- - Under 6.2, p. 10 'Bin Usage' a distinction will need to be made about different practices for the disposing of waste and recycling. Residents will



- need to bag their garbage, and recyclables will need to be loosely dropped into chutes because bagged recycling is contamination in the recycling stream. This will be important especially because residents are going to receive a copy of this WMP.
- - In the bin room on the plan, the two 240L retail garbage are being stored in the bin room. This will need to be removed and they are to be stored in the retail space as specified by the WMP. Additionally, two extra 1100L bins are shown on the plans. Extra bins are allowed on site as back-up but best to remove from the plans to match the WMP allocation of 6 total 1100L bins for residents.
  - - There will need to be a consideration for the volumes of hard waste that will need to be stored in between the 6 free hard waste collections per year. Some of the changes to the bin room mentioned in these comments are likely to provide more space to store this hard rubbish.

## **10 SEPP N1**

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

## **11 Noise Attenuation for Apartments**

External traffic noise intrusion within apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:

- a) Between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A);
- b) Between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A).

## **12 Landscape Plan**

Before the development starts (other than demolition or works to remediate contaminated land), an amended detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) Details of landscaping to the communal terrace area;
- b) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- c) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- d) Significant trees greater than 1.5m in circumference, 1m above ground;
- e) All street trees and/or other trees on Council land;



- f) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- g) Landscaping and planting within all open space areas of the site;
- h) Water sensitive urban design;
- i) Trees are not to be sited over easements.

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

### **13 Completion of Landscaping**

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

### **14 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.

### **15 Number of Dwellings**

Without the further written consent of the Responsible Authority, no more than 174 dwellings may be constructed on the land.

### **16 Parking and Loading Areas Must Be Available**

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

### **17 Lighting**

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

### **18 No equipment or services**

Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

### **19 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.

### **20 Vehicle Crossings – Removal**

Before the occupation of the development *allowed by this permit*, all disused or redundant vehicle crossings must be removed and the area re-instated with



footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

### **21 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.

### **22 Public Services**

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

### **23 Visitor Car Parking**

The number and location of visitor car parking spaces as shown on the endorsed plans may only be altered with the written consent of the Responsible Authority. Prior to the occupation of the building, all visitor car parking spaces must be line marked and designated as visitor car parking to the satisfaction of the Responsible Authority and must be designated as common property on any plan of subdivision.

### **24 Car Parking Space Allocation**

A minimum of 137 car parking spaces must be provided on the land for the development/use, including 2 spaces for the shop, 13 spaces for visitors and 122 car spaces for the dwellings to the satisfaction of the Responsible Authority. The spaces for the shop and the visitors' spaces must be clearly marked for these uses to the satisfaction of the Responsible Authority.

### **25 On-Site Bicycle Parking**

Before the development starts, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

### **26 Privacy Screens Must be Installed**

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



## **27 Time for Starting and Completion**

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

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of commencement of works.

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

### **Permit Notes:**

#### **No Resident or Visitor Parking Permits**

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

#### **Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

#### **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.

#### **Drainage Point and Method of Discharge**

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

#### **Other Approvals May be Required**

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

#### **Construction Management**

All construction activities associated with the development must comply with the requirements of Council's Local Law No. 1 (Community Amenity) 2013.

#### **Days and Hours of Construction Works**



Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

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

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

### **Significant Trees**

This permit does not authorise the pruning or removal of any significant trees and/or removal of vegetation. A permit must be obtained pursuant to Local Law No. 1 (Community Amenity) 2013, Clause 44. For further information contact Council's City Permits unit on Ph: (03) 9209 6216.

### **Laneways to be Kept Clear**

During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless the necessary permits have been obtained from Council's City Permits unit pursuant to Local Law No. 1 (Community Amenity) 2013.

### **Impact of Council and Neighbouring Trees**

The proposed development must take into account any existing Council trees, and those on neighbouring properties, and take measures to limit the impact of existing trees on the proposed development. This may involve installation of a tree root barrier on the subject property or construction methods sufficient to withstand future tree root growth.

To limit the impact of the development on existing trees, protection measures in accordance with AS4970-2009 (protection of trees on development sites) must be implemented during both demolition and construction. Measures may include temporary fencing, and mulching and irrigation of the fenced-off area, or engaging a project arborist to oversee all tree protection. For further information please contact council's tree management officers, on 9209 6777

## **AMENDMENT**

### **MOVED Crs Brand/Bond**

That Council:

- I.1 Under I Amended Plans required make the following changes:
  - I.1.1 Delete I (e) being the following words "The western wall of apartments 2.04, 3.04, 4.04 and 5.03 extended to the boundary with all west facing windows to these apartments to be removed".
  - I.1.2 Add I (u) being the words "At least 10% of all dwellings to have a minimum of three bedrooms".
  - I.1.3 Add I (v) being the words "Balcony areas to have a minimum depth of 1.6m and a minimum area of 8m<sup>2</sup>".

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



## SUBSTANTIVE MOTION

### MOVED Crs Crawford/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
- 14.2** That a Notice of Decision to Grant a Permit be issued for the construction of a mixed use building and a reduction in the statutory car parking.
- 14.3** That the decision be issued as follows:

#### **1 Amended Plans Required**

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the advertised plans (identified as those drawn by Bruce Henderson Architects and received by Council 22 February 2017) but modified to show:

- a) The podium level (except for the glass architectural feature) reduced to a maximum height of 18m.
- b) The dark tinted glass of the architectural feature in the podium replaced with a glass of a lighter or warmer colour. The glazing material must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface.
- c) The finished floor level (FFL) of the ground floor to be a minimum 2.604AHD.
- d) The east facing terraces/ balconies to apartments 2.08, 2.09 and 3.10 setback a minimum 4.5m from the eastern boundary.
- e) (Deleted)
- f) The west facing terraces/balconies to apartments 2.06, 2.07, 3.08 and 3.09 setback a minimum 4.5m from the western boundary.
- g) The south facing terraces/balconies to apartments 3.09 and 3.10 setback a minimum 2.72m (4.5m from the centerline of Little Bank Street) from the southern boundary.
- h) All one bedroom apartments to have a minimum floor area internal floor area of 50sqm, excluding the balcony/terrace areas.
- i) The provision of an additional thirteen (13) parking spaces for visitor parking.
- j) The ground and first floor setback 2.2m from the southern boundary (Little Bank Street).
- k) The provision of a basement car park level comprising a minimum of 36 car parking spaces that would be lost by the provision of a 2.2m setback



for the ground and first floor from the southern boundary (as recommended by condition 1j above).

- l) Details of the proposed car stackers including dimensions for individual parking bays and clearance heights of the stackers (with a minimum 25% of car stackers to provide a clearance height of 1.8m), a sight distance triangle to Bank Street, swept path diagrams to parking spaces 16/17, 18/19/20, 81/82, 83/84, 85/86, 122 and 123, details of the height clearance for the vehicle access ramps, in accordance with Clause 52.06.
- m) The vehicle crossing to Bank Street reduced to a maximum width of 5.5m.
- n) The provision of an onsite loading facility within the ground floor car park in accordance with Clause 52.07 of the Port Phillip Planning Scheme.
- o) Details of an apex or flood barrier provided to all access to the basement.
- p) Details of Urban Art contribution.
- q) Details of external shading devices to the north, east and west facing apartments and the gym and common dining area.
- r) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
- s) Booster cupboard incorporated into the design of the building.
- t) Any changes required by Conditions 3, 9 and 12.
- u) At least 10% of all dwellings to have a minimum of three bedrooms.
- v) Balcony areas to have a minimum depth of 1.6m and a minimum area of 8m<sup>2</sup>.

## **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 Management Plan**

Before the development starts a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by ADP consulting submitted with the application but updated to address the following:

- BESS report update to correctly refer to 174 apartments not 74.
- Details of practical ventilation should be included.
- NatHERS modelling – An insufficient number of apartments modelled. The height of the building, the nature of corner, and aligned apartments, changes in the number of bedroom, varied orientations, and the



variations in location in height on the podium and tower provide at 9-15 significant thermal scenarios.

- The STORM assessment shown indicates the approximate 80% reliability for reuse of rainwater from non-trafficable roofs for toilet flushing. Please confirm this includes the full roof area including, the lift roof, and plant area, and revise STORM assessment accordingly.
- Planters are shown on Level 2 and 3 apartment courtyards that appear to have access only via individual apartments. Please clarify the access and maintenance regime for these.
- Considerable planters are indicated on the north-facing terraces adjacent to the Resident Lounge and Dining areas on Level 6. Should consider:
  - The reconfiguring the planters and bench seating adjacent to the Resident Lounge to provide a productive garden which potentially will allow access to residents
  - The provision of low (similar to planter height) garden storage locker to support the use of these planters.

#### **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 (Stormwater Management)**

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

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

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

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

#### **6 Site Management Water Sensitive Urban Design**

The developer must ensure that:



- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
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## **7 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.

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Before the development starts (other than demolition or works to remediate contaminated land), an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

## **9 Waste Management Plan**

Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by Sustainable Transport Surveys Pty Ltd and dated 18 April 2016 but modified to address the following:

- Council 240L bins can only be supplied if the retail outlets are being used for office space or something similar. Council will not issue 240L bins for retail food outlets. There will be an additional cost as Council normally only provides 120L bins.
- - Under 6.2, p. 10 'Bin Usage' a distinction will need to be made about different practices for the disposing of waste and recycling. Residents will need to bag their garbage, and recyclables will need to be loosely dropped into chutes because bagged recycling is contamination in the



recycling stream. This will be important especially because residents are going to receive a copy of this WMP.

- - In the bin room on the plan, the two 240L retail garbage are being stored in the bin room. This will need to be removed and they are to be stored in the retail space as specified by the WMP. Additionally, two extra 1100L bins are shown on the plans. Extra bins are allowed on site as back-up but best to remove from the plans to match the WMP allocation of 6 total 1100L bins for residents.
- - There will need to be a consideration for the volumes of hard waste that will need to be stored in between the 6 free hard waste collections per year. Some of the changes to the bin room mentioned in these comments are likely to provide more space to store this hard rubbish.

## **10 SEPP N1**

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

## **11 Noise Attenuation for Apartments**

External traffic noise intrusion within apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:

- a) Between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A);
- b) Between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A).

## **12 Landscape Plan**

Before the development starts (other than demolition or works to remediate contaminated land), an amended detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) Details of landscaping to the communal terrace area;
- b) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- c) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- d) Significant trees greater than 1.5m in circumference, 1m above ground;
- e) All street trees and/or other trees on Council land;



- f) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- g) Landscaping and planting within all open space areas of the site;
- h) Water sensitive urban design;
- i) Trees are not to be sited over easements.

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

### **13 Completion of Landscaping**

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

### **14 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.

### **15 Number of Dwellings**

Without the further written consent of the Responsible Authority, no more than 174 dwellings may be constructed on the land.

### **16 Parking and Loading Areas Must Be Available**

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

### **17 Lighting**

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

### **18 No equipment or services**

Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

### **19 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.



## **20 Vehicle Crossings – Removal**

Before the occupation of the development *allowed by this permit*, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

## **21 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.

## **22 Public Services**

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

## **23 Visitor Car Parking**

The number and location of visitor car parking spaces as shown on the endorsed plans may only be altered with the written consent of the Responsible Authority. Prior to the occupation of the building, all visitor car parking spaces must be line marked and designated as visitor car parking to the satisfaction of the Responsible Authority and must be designated as common property on any plan of subdivision.

## **24 Car Parking Space Allocation**

A minimum of 137 car parking spaces must be provided on the land for the development/use, including 2 spaces for the shop, 13 spaces for visitors and 122 car spaces for the dwellings to the satisfaction of the Responsible Authority. The spaces for the shop and the visitors' spaces must be clearly marked for these uses to the satisfaction of the Responsible Authority.

## **25 On-Site Bicycle Parking**

Before the development starts, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

## **26 Privacy Screens Must be Installed**



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

## **27 Time for Starting and Completion**

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

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of commencement of works.

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

### **Permit Notes:**

#### **No Resident or Visitor Parking Permits**

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

#### **Building Approval Required**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

#### **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.

#### **Drainage Point and Method of Discharge**

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

#### **Other Approvals May be Required**

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

#### **Construction Management**



All construction activities associated with the development must comply with the requirements of Council's Local Law No. 1 (Community Amenity) 2013.

**Days and Hours of Construction Works**

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

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

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

**Significant Trees**

This permit does not authorise the pruning or removal of any significant trees and/or removal of vegetation. A permit must be obtained pursuant to Local Law No. 1 (Community Amenity) 2013, Clause 44. For further information contact Council's City Permits unit on Ph: (03) 9209 6216.

**Laneways to be Kept Clear**

During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless the necessary permits have been obtained from Council's City Permits unit pursuant to Local Law No. 1 (Community Amenity) 2013.

**Impact of Council and Neighbouring Trees**

The proposed development must take into account any existing Council trees, and those on neighbouring properties, and take measures to limit the impact of existing trees on the proposed development. This may involve installation of a tree root barrier on the subject property or construction methods sufficient to withstand future tree root growth.

To limit the impact of the development on existing trees, protection measures in accordance with AS4970-2009 (Protection of trees on development sites) must be implemented during both demolition and construction. Measures may include temporary fencing, and mulching and irrigation of the fenced-off area, or engaging a project Arborist to oversee all tree protection. For further information please contact Council's Tree Management Officers, on 9209 6777.

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

Prior to the above vote being put Cr Bond foreshadowed a motion if the above motion was carried.

**MOVED Crs Bond/Pearl**

That Council:

Should a permit be issued for this application, that the amended plans submitted under condition 1 of the permit not be approved other than by resolution of Council.

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



**8.9 365 - 391 Plummer Street, Port Melbourne**

**Purpose**

Demolition of the existing building and construction of a mixed-use development, comprising three (3) residential towers atop mixed-use podiums, including a supermarket, food and drinks premises, day spa and offices; use of a childcare centre, gymnasium and accommodation; the provision of car parking in excess of rates specified in the Parking Overlay; and alteration to access in a Road Zone Category 1.

**MOVED Crs Bond/Gross**

That Council:

Move the following items en bloc: 8.9, 8.10, 8.11 and 8.14

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

**MOVED Crs Bond/Gross**

**14.1** That Council advises the Minister (C/-o the Department of Environment, Land, Water and Planning) that:

- 14.1.1 Council does not support the application in its current form based on the matters set out in Sections 7 and 9 of this report.
- 14.1.2 In the event that the Responsible Authority determines to grant a permit for the application, any permit issued should incorporate the standard conditions attached to this report.
- 14.1.3 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council Solicitors on the VCAT Application for review.

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



### **8.10 17 Rocklea Drive, Port Melbourne**

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

#### **Purpose**

Demolish the existing buildings and construct a multi-storey building containing ground floor level retail and SoHo office/dwellings, apartments and communal facilities above, and associated car and bicycle parking, and construct and/or carry out works in the Capital City Zone and Design and Development Overlay. Use land for Accommodation (dwellings) in the Capital City Zone. Provide car parking in excess of the car parking rates specified in Table I of Schedule I to the Parking Overlay.

#### **MOVED Crs Bond/Gross**

That the Council resolve:

- 13.1 That Council advise the Planning List of the Victorian Civil and Administrative Tribunal, the Minister for Planning C/- the Department of Environment, Land, Water and Planning and the applicant, that it does not support the application 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 housing size diversity and provision of affordable housing in the Fishermans Bend Urban Renewal Area;
  - (b) The height of the podium and tower would exceed the five and eighteen storey mandatory height limit;
  - (c) A number of the dwelling floor and open space areas would be undersized;
  - (d) The proposal would not achieve a satisfactory level of sustainable design or Water Sensitive Urban Design.
  - (e) The proposal would not achieve noise attenuation levels in accordance with State Government guidance for buildings proximate to industry and major roads;
  - (f) The proposal would provide excessive car parking for the dwellings.
  - (g) The proposal would provide insufficient bicycle parking for the dwellings.
  - (h) The plans do not provide sufficient details of car space, ramp and loading bay ceiling heights, and mechanical car stackers.
  - (i) The car park exit lacks a corner splay in accordance with the design requirements of Clause 52.06-8 of the Planning Scheme;
  - (j) The tandem car spaces would be undersized;
  - (k) Vehicle access to and from the loading bay would be unsatisfactory;
  - (l) The application does not demonstrate satisfactory wind conditions on abutting streets and the podium roof top open spaces;



- (m) The plans do not show satisfactory access to and from the bicycle store or details of the type of bicycle parking spaces to Australian Standards;
  - (n) The proposed metal cladding would breach a restrictive covenant on the Title.
- 13.2 In the event the Tribunal determines to grant a permit for the application, any permit should incorporate the conditions for changes to the design, and the construction and on-going management of the proposal, 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.
- 13.4 Delegate the Manager City Development to instruct Council's Statutory Planners and/or Solicitors on the Tribunal Application for Review.

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



### **8.11 Planning Permits Delegate Report - October & November 2017**

#### **Purpose**

To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government 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.

#### **MOVED Crs Bond/Gross**

That Council:

- 2.1 receives and notes the October and November 2017 reports (Attachments 1 and 2) 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.**



#### **8.14 Change to planning delegations (14 Dec 2017 - 7 Feb 2018)**

##### **Purpose**

This report proposes to delegate to the Manager City Development powers to enable specific activities to be undertaken during the period of time between the last Council meeting of 2017 and the first Council meeting of 2018.

##### **MOVED Crs Bond/Gross**

That Council:

- I.1 Delegate to the Manager City Development the power effective for the period 14 December 2017 to 7 February 2018 only:
  - I.1.1 To provide comments to the Minister for Planning where the Minister is the Responsible Authority for a statutory planning application.
  - I.1.2 To instruct Council's Statutory Planners and/or Council's solicitors in relation to any application for review lodged with VCAT.
  - I.1.3 To determine planning permit applications or amendments or requests for extensions of time to planning permits within the Fishermans Bend Urban Renewal Area including applications relating to accommodation.
  - I.1.4 To determine planning permit applications that exceed six storeys in height in the area covered by Sub Precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North Precinct.
  - I.1.5 In relation to the St Kilda Seabaths to determine all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
- I.2 All determinations made during the period 14 December 2017 to 7 February 2018, will be reported to Council in the December/January Planning Delegations Council Report.

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



## **8.15 Parking Technology Transformation**

### **Purpose**

- To present Council with smart parking technology options included in the Parking Technology Strategic Business Case and to seek endorsement from Council to commence a public tender process to procure parking technology.

### **MOVED Crs Copsey/Gross**

That Council:

- 1.1** Notes that there is a need to manage parking differently in order to improve parking availability for people across different times of the week and year and to account for seasonal variations.
- 1.2** Considers as a Confidential Item listed for Council on 13 December 2017, smart parking technology options included in the Parking Technology Strategic Business Case to be procured through a public tender process.

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



## 9. NOTICES OF MOTION

### Item 9.1

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

#### Dvir Abramovich

Mr Abramovich spoke in support of the Notice of Motion brought by Councillor Voss and spoke in relation to the harms of anti-Semitism and racist behavior. Mr Abramovich urged Councillors to support the motion.

### **MOVED Crs Voss/Baxter**

That Council:-

1. Notes the Executive Council of Australia Jewry's recent report into anti-Semitism in Australia.
2. Reaffirms the City of Port Phillip's commitment to multicultural and multifaith inclusion and abhors any form of racism or anti-Semitic sentiments in the community which would pose a threat not only to the Jewish community but to our common values of democracy, freedom and human rights.
3. Unequivocally and publicly condemns all forms of anti-Semitism which include, but are not limited to:
  - Using falsehoods, stereotypes and allegations such as a Jewish conspiracy to dominate and control the media, economy and government, or that Jewish citizens are more loyal to Israel than to their own nation
  - Employing blood libels, images and symbols associated with age-old antisemitism that have provided justification for harm to Jews for thousands of years
  - Calling for the destruction of the Jewish people
  - Denying Israel's right to exist
4. Acknowledges that elected leaders in Australia need to be vigilant in speaking out against racism, including any anti-Semitic sentiments or actions.
5. Reaffirms Council's 2013 and 2015 endorsement of the Australian Human Rights Commission's anti-racism campaign, 'Racism, It Stops with Me' to:
  - Create awareness of racism and how it affects individuals and the broader community
  - Identify, promote and build on good practice initiatives to prevent and reduce racism
  - Empower communities and individuals to take action to prevent and reduce racism and to seek redress when it occurs
  - Refer the topic of Anti-Semitism to the next City of Port Phillip Multi-faith Network to consider appropriate actions that can be achieved within existing Council resources.

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



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

Nil.



## **II. URGENT BUSINESS**

### **MOVED Crs Copsey/Simic**

That Council:

Considers an item of urgent business in relation to the appointment of an acting Mayor.

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

### **MOVED Crs Simic/Baxter**

That Council:

Appoints Councillor Dick Gross to be acting Mayor for the period 15 December 2017 to 19 December 2017 inclusive.

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



## 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 CONFIDENTIAL: Parking Technology Transformation

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.

#### 12.2 I-13 Cobden Street, South Melbourne

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

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

#### 12.3 Contractual matter

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 matter.

#### 12.4 Contractual Matter

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 matter.

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

As there was no further business the meeting closed at 11.25pm.

Confirmed: 7 February 2017

Chairperson \_\_\_\_\_