



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

8 DECEMBER 2021



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL  
HELD 8 DECEMBER 2021 IN ST KILDA TOWN HALL**

The meeting opened at 7:00pm.

**PRESENT**

Cr Pearl (Chairperson), Cr Baxter, Cr Bond, Cr Clark, Cr Copsey, Cr Crawford, Cr Cunsolo, Cr Martin, Cr Sirakoff.

**IN ATTENDANCE**

Peter Smith, Chief Executive Officer, Brian Tee, Acting General Manager Development Transport and City Amenity, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Kylie Bennetts, General Manager City Growth and Organisational Capability, Kirsty Pearce, Head of Governance, Rebecca Purvis, Senior Governance Officer, Emily Williams, Council Meetings Officer, Jennifer Blunt, Acting Chief Financial Officer, Peter Lui, Head of Management Accounting and Financial Analysis, Dana Pritchard, Acting Manager Open Space and Community Resilience, Che Sutherland Acting Manager Partnerships and Transport, Luke Raines, Senior Project Manager, Kathryn Pound, Acting Manager City Strategy, Design and Sustainability, Claire Ulcoq, Open Space Planner.

*The City of Port Phillip respectfully acknowledges the Traditional Owners of this land. 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 Sirakoff/Baxter**

That the minutes of the Meeting of the Port Phillip City Council held on 1 December 2021 be confirmed.

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

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Peter Smith, Chief Executive Officer declared a material conflict in confidential item 17.2 *CEO Employment Matter - Key Performance Indicators*.

Councillor Copsey declared, out of an abundance of caution, a conflict in item 10.1 *Intention to sell: 351 St Kilda Rd, St Kilda - reporting of submissions in response to public notice & Part 1 of 10.4 Places for People: Public Space Strategy 2022 – 2032* due to owning a property in the general area.



#### 4. PUBLIC QUESTION TIME AND SUBMISSIONS

The following submissions were made verbally and can be listened to in full on our Website: <http://webcast.portphillip.vic.gov.au/archive.php>

##### Public Question Time:

- **Rhonda Small:** On Monday, 6 September 2021, the Acting Minister for Local Government Mary-Anne Thomas announced the new Local Council Lending Framework, giving councils access to lower interest rates financed through the Treasury Corporation of Victoria (TCV). Being able to borrow directly from the TCV means councils can fund general working capital needs as well as project-specific infrastructure.
  - 1 Has the City of Port Phillip applied to the TCV already to have the extent of its potential borrowing capacity assessed? If not, why not?
  2. How does the CFO view the potential of such low interest government loans for the City of Port Phillip to achieve timely implementation of the 10-year Council Plan, especially given for example: the state of key council assets, such as the South Melbourne Town Hall, the St Kilda library redevelopment, and the need for land acquisition to develop new public open space in areas of deficit?

*Jennifer Blunt, Acting Chief Financial Officer advised that Council has not applied to Treasury Corporation Victoria to have our potential borrowing capacity assessed. Council recently repaid its \$7.5 million dollar loan in full in November and currently has no loans outstanding. Council's borrowings are reviewed annually as part of the 10 year financial plan, annual budget and as needed for large significant projects. As per the updated 10 year financial plan, one of Council's key financial principles is to ensure appropriate use of borrowings and reserves and funding decisions are in accordance with key financial sustainability metrics. Council may build up general and specific reserves over time to enable Council to part fund periodic large capital expenditure items where this is considered more efficient than the use of borrowings. The 10 year financial plan proposed tonight fully funds Council's 10 year proposed capital program including funding for South Melbourne Town Hall and St Kilda Library redevelopment using Council's proposed annual operating surpluses and asset renewal reserves. The program for strategic land acquisitions is funded as per Council's proposed Public Space Strategy. The 10 financial year plan does not include any proposed future borrowings, however there is significant borrowing capacity to respond to capital and investment initiatives into the future with due consideration to Council's capacity to deliver any expansion in the capital program. Council will review and consider lending options, including low interest government loans, as and when borrowings are required and in accordance with Council's procurement policy.*

##### Council Report Submissions:

##### Item 7.1 Petition – Dangerous Hoon Driving, Excessive Noise and Toxic Fumes across Port Melbourne

- Dennis Jones
- Rudi Heitbaum
- Leah Heitbaum



**Item 10.4 Places for People: Public Space Strategy 2022-2032**

- Rhonda Small
- Jack Halliday
- Chris Sargood
- Justin Halliday

**Item 10.5 Planning Report – Rear 285-287 Coventry Street and 10 Hotham Street, South Melbourne (P647/2010A)**

- Adam Bament

**Item 10.6 81 Beacon Vista, Port Melbourne (902/2020)**

- Julia Frecker

**Item 10.7 Planning Report – 464-466 St Kilda Road, Melbourne (909/2020)**

- Diane D’Rosario
- Gary Glover
- Aliza Fischer Webberley

The following submissions were read out in summary by an officer:

**Item 10.4 Places for People: Public Space Strategy 2022-2032**

- Peter Moraitis

## 5. COUNCILLOR QUESTION TIME

- **Councillor Cunsolo:** As part of a previous petition, there was an action to conduct a traffic survey of Bay and Liardet Streets, Port Melbourne. Has this taken place, if not when can we expect it to happen?

*Brian Tee, Acting General Manager, Development, Transport and City Amenity advised that Council did resolve to undertake a traffic survey as part of the petition resolution. Council has engaged an independent traffic expert to undertake the traffic survey. The survey was delayed as COVID restrictions meant that you couldn’t have a regular traffic count during restrictions as it wasn’t under normal circumstances. The survey was delayed until November 2021, but has now commenced. We will get a report on 22 January, the findings of the survey will be brought back to Council in March 2022.*

## 6. SEALING SCHEDULE

Nil.



## 7. PETITIONS AND JOINT LETTERS

### 7.1 Petition – Dangerous Hoon Driving, Excessive Noise and Toxic Fumes across Port Melbourne

A Petition containing 53 signatures, was received from local residents.

**The following question was taken on notice during discussion of the item:**

Councillor Clark: Asked officers to explain the difference between the tactical cameras referred to in the officers comments and the petitioners request to install cameras including flashing lights.

*Dana Pritchard, Acting Manager Open Space and Community Resilience, took the question on notice.*

#### **MOVED Crs Cunsolo/Martin**

- 1 Thanks the petitioners for their advocacy on behalf of the community on this matter.
- 2 Receives and notes the Petition.
- 3 Instructs officers to investigate the requests in the petition, including consideration of an option to introduce speed humps at Station Pier and report back to Council in March 2022.
- 5 Notes that over the summer months (2021), police will install tactical cameras at Station Pier, trial a Mobile Processing Unit Van with CCTV capability at Station Pier and will deploy mobile speed cameras to Beaconsfield Parade and Pier Road.
- 6 Requests that Council officers work with Victoria Police to request regular police patrols at Station Pier over the summer months.

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

### 10.4 Places for People: Public Space Strategy 2022 - 2032

Councillor Copsey declared a conflict and left the meeting at 8:16pm.

#### **Purpose**

- 1.1 To present the *Places for People: Public Space Strategy 2022 – 2032* to Councillors for endorsement and adoption.

#### **PART 1**

#### **MOVED Crs Pearl/Cunsolo**

That Council:

- 3.1 Endorses and adopts Priority Action 17, Pakington Street Reserve, on page 16 of the *Places for People: Public Space Strategy 2022 – 2032* (Attachment 1).

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

*Councillor Copsey returned to the meeting at 8:17pm.*



## PART 2

### MOVED Crs Baxter/Crawford

- 3.2 Endorses and adopts the *Places for People: Public Space Strategy 2022 – 2032* (**Attachment 1**), inclusive of updates that respond to feedback received by the community.
- 3.3 Notes the supporting Public Space Strategy Technical Report (**Attachment 2**) and Public Space Strategy summary of engagement report (**Attachment 3**) which have informed the preparation of the *Places for People: Public Space Strategy 2022 – 2032*.
- 3.4 Notes that the *Open Space Strategy 2009* is now superseded by the adopted *Places for People: Public Space Strategy 2022 – 2032*.
- 3.5 Thanks the community for providing feedback on the draft Strategy and notes that a response to previous feedback will be received following Council's adoption of the Strategy.
- 3.6 Authorises the Chief Executive Officer to make minor editorial updates to the adopted Strategy, if required.
- 3.7 Notes that the implementation of the *Places for People: Public Space Strategy 2022 – 2032* will focus on addressing gaps in the public space network, particularly in the Balaclava/St Kilda East and South Melbourne neighbourhoods, by trailing temporary new public space, expanding existing public spaces and exploring opportunities to acquire land and close roads to deliver permanent new public space.

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

### 10.5 Planning report - rear 285-287 Coventry Street and 10 Hotham Street South Melbourne (P647/2010/A)

#### Purpose

- 1.1 To determine an application to amend a planning permit to allow the sale and consumption of liquor (Café and Restaurant Licence), endorse the associated red line plan and alter condition 16 to provide for amended operating hours.

#### MOVED Crs Copsey/Martin

- 3.1 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.
- 3.2 That a Notice of Decision to Amend a Permit be issued for construction of four (4) awnings and a fence, the display of business identification signage and additions and alterations to the building façade; at rear 285-287 Coventry Street and 10 Hotham Street, South Melbourne, **with the following changes.**

#### Amended Permit Preamble

The permit preamble amended to include reference to the sale and consumption of liquor. The permit preamble to be as follows (with changes shown underlined.)

Preamble:



Construction of four (4) awnings and a fence, the display of business identification signage and additions and alterations to the building façade; the sale and consumption of liquor (Café and Restaurant Licence), in accordance with the endorsed plans.

**Amended Conditions**

The conditions to be (with new conditions/parts of conditions **bold and underlined** and conditions/parts of conditions to be deleted - ~~strikethrough~~).

*Amended Plans required*

1. Before the development and/or use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) ~~The revised provision of bicycle parking facilities which allow the locking of bicycles by their frames;~~ **The approved site plan amended to generally match:**
    - **the layout shown on the red line plan including identifying the relocated gate to Hotham Street as per existing conditions and the associated revised bike parking area;**
    - **seating to match the patron numbers identified in condition 23.**
  - b) ~~The location and type of security and type of security lighting at the building entrances~~ **of building mounted lighting at the laneway entrance:**
    - **Positioned to illuminate both the patron entrance and the area of the laneway where the patron entrance and two car park entrances (rear vehicle access to 291 Coventry Street and 145 Cecil Street) converge;**
    - **Operate from dusk to at least 30 minutes after closing time (or a sufficient amount of time) to allow patrons and employees to safely exit the laneway.**
  - c) The awnings in the western elevation to be of manually retractable construction;
  - d) The kitchen exhausts extractor ducts detailed and fully dimensioned on the relevant elevations.
  - e) **Identification of bin storage facilities on site, consistent with conditions 6 and 9 of the permit.**

*No Alterations*

2. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

*Satisfactory continuation*

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

*Walls on or facing the boundary*



4. The walls on or facing the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

*Lighting baffled*

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

*Storage and disposal of garbage*

6. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

*No public address system*

7. Without the further consent of the Responsible Authority, no form of public address system or sound amplification equipment must be used on the premises so as to be audible outside the premises.

*Amenity*

8. The amenity of the area must not be detrimentally affected by the development through the:
  - a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin;
  - e) Change to television and/or radio reception;
  - f) In any other way

*Waste Management*

9. An adequate waste management arrangement must be provided for the premises, in accordance with ~~Council's Community Amenity Local Law No. 3~~ **Local Law No. 1 (Community Amenity)**

*No equipment and services*

10. No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

*No equipment or services*

11. No plant, equipment or other services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from a street (other than a lane) or public park without the written consent of the Responsible Authority.

*Mechanical exhaust*





12. The kitchen(s) mechanical exhaust system must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Regulatory Authority

*Vertical discharge for mechanical exhaust*

13. The kitchen(s) exhaust system must provide for a vertical discharge to the atmosphere at a point and velocity which allows for effective dispersal of fumes so as to not create a nuisance (as defined under the Health Act 1958) to the surrounding amenity.

*Treatment of fumes*

14. Fumes from any café/restaurant kitchen(s) must be treated within the mechanical exhaust system to ensure that any discharge does not create a nuisance (as defined under the Health Act 1958). Options available include carbon filters, ultra violet ozone producing lamps, electrostatic precipitation, odour neutralising system or other suitable method. The method of treatment must be designed, installed, operated and maintained to the satisfaction of the Responsible Authority

*Air Conditioning Noise*

15. Any air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:
  - a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary
  - b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

*Hours of operation*

16. The use may operate only between the hours of:

~~7am and 7pm, Monday to Friday~~

~~7am and 7pm, Saturday and Sunday~~

**Internally**

**ANZAC Day & Good Friday – 12 noon to 11pm**

**Any other day - 9am to 11pm**

**Externally**

**ANZAC Day & Good Friday – 12 noon to 9pm**

**On any other day 10am – 9pm**

*Regulation of deliveries and rubbish collection*

17. Deliveries to and from the site, including rubbish collection, must only take place between:
  - 7.00am and 5.00pm - Monday to Friday

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 8 DECEMBER 2021



7.00am and 5.00pm - Saturday

10.00am and 5.00pm - Sunday

## *Signs not altered*

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

## *Signs constructed to Council satisfaction*

19. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

## *Sign lighting to be baffled*

20. Any external sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

## *Time for starting and completion*

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

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

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

- 22. The gate to Hotham Street is to be closed at 6pm daily but must remain available as an emergency exit at all times.**

## **Number of patrons**

- 23. Without the further written consent of the Responsible Authority no more than 80 patrons internally, and 64 patrons within the outdoor area, must occupy the premises during operating hours.**

## **Music**

- 24. No music is to be played in the outdoor courtyard area at any time.**

## **Bottles**

- 25. Bottles must be bagged during operation times and must not be emptied into the external refuse bins after 9pm any day, before 8am Monday to Saturday, or before 10am on Sunday, except with further written consent of the Responsible Authority.**

## **Responsible Serving of Alcohol**

- 26. The Permit Operator must require that all employees of the premises engaged in the service of alcohol undertake a "Responsible Serving of Alcohol" course.**

## **Noise and Amenity Action Plan**

- 27. Prior to the commencement of the use, a Noise and Amenity Action Plan must be prepared and submitted for approval to the Responsible Authority which must contain the following:**



- a) The identification of all noise sources associated with the licensed premise (including, but not limited to, music noise, entries and exits to the premises and any external area allocated for smokers).
- b) Hours of operation for all parts of the premises, consistent with other relevant conditions of this permit.
- c) Details of music (indoors only) including the frequency and hours of operation.
- d) The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premise.
- e) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures, including but not limited to:
  - The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner and do not take/consume alcohol outside the premises.
  - Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.
- f) A telephone number provided for residents to contact the premises and linked to the complaints register;
- g) The maintenance of a complaints register, which must, on reasonable request, be made available for inspection by the Responsible Authority.
- h) Details of the waste management plan including storage and hours of collection for general rubbish and bottles, and delivery times associated with the licensed premise, consistent with any other relevant condition(s) of this permit.
- i) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- j) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premise.

A vote was taken and the MOTION was CARRIED

*The mayor adjourned the meeting due at 8:39 pm*

*The meeting resumed at 8:48pm.*



## 10.6 Planning report - 81 Beacon Vista, Port Melbourne (902/2020)

### Purpose

- 1.1 To consider and determine application P902/2020 for partial demolition, alterations and additions; the construction of ground and first floor additions to the existing dwelling at 81 Beacon Vista, Port Melbourne.

### MOVED Crs Martin/Copsey

- 3.1 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.
- 3.2 That a Notice of Decision to Grant a Permit be issued for partial demolition, alterations and additions and the construction of ground and first floor additions to the existing dwelling at 81 Beacon Vista, Port Melbourne.
- 3.3 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 plans submitted with the application (identified as TP00 - TP06.01, dated 16 June 2021) but modified to show:

- a) The first floor level roof form changed and height reduced to not more than 10.93m AHD, generally in accordance with discussion plans dated 19-10-2021 prepared by All Extension Design.
- b) A label clarifying the rainwater tank are to be connected to all toilets for flushing.

#### 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.

#### 3 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.

#### 4 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.



## **5 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.

## **6 Stormwater Treatment Maintenance Plan**

Prior to the endorsement of plans under condition 1 of this permit, a Stormwater Treatment Maintenance Plan detailing the on-going maintenance of the stormwater treatment devices must be submitted to and approved by the Responsible Authority, addressing the following points;

- A full list of maintenance tasks for each device,
- The required frequency of each maintenance task (e.g. monthly, annually etc.),
- Person responsible for each maintenance task.

The Stormwater Treatment Maintenance Plan can be part of the Water Sensitive Urban Design (Stormwater Management) response or can be contained in a stand-alone manual. When approved, the STMP will be endorsed and will form part of this permit.

## **7 Construction Management Water Sensitive Urban Design**

The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;

- 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.

## **8 Covenant**

The development approved by this permit must not commence until the relevant written consents are obtained from Mirvac (Beacon Cove Pty Ltd) or its nominee pursuant to Restrictive Covenant PS414270M registered on the title of the Subject Land OR the requirement for consent by Mirvac or its nominee is removed from Restrictive Covenant PS414270M.

## **9 Time for Starting and Completion**

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

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



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

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

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

### **10.7 Planning report - 464-466 St Kilda Road Melbourne (909/2020)**

#### **Purpose**

- 1.1 To consider and determine planning permit application 909/2020 for the demolition and reconstruction of the existing building on the site, construct a building and carry out works associated with a multi storey (16 storey) mixed use building (retail and office - no permit required for use) and associated reduction in car parking requirement in a Commercial 1 Zone, Design and Development Overlay, Special Building Overlay, and Heritage Overlay at 464 - 466 St Kilda Road, Melbourne.

#### **MOVED Crs Martin/Copsey**

- 3.1 That Council adopt recommendation "Part A" and "Part B"

#### **Recommendation "Part A"**

- 3.2 That a Notice of Decision to Grant a Permit be issued for demolition and reconstruction of the existing building on the site, construct a building and carry out works associated with a multi storey (16 storey) mixed use building (retail and office - no permit required for use) and associated reduction in car parking requirement in a Commercial 1 Zone, Design and Development Overlay, Special Building Overlay, and Heritage Overlay and alter access to a road in a Road Zone Category 1 at 464 - 466 St Kilda Road, Melbourne with the following conditions:
- 3.3 That the decision be issued as follows:
  - 1 Amended Plans Required**

Before the use or 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 but modified to show:

    - a) The front, side and rear setbacks to be increased as follows:
      - A minimum 13.7m front setback provided from St Kilda Road.
      - A minimum 4.5m setback provided from the northern boundary.
      - Levels 3 and above, setback a minimum of 5m from the rear boundary to Queens Lane.



- b) The covered roof removed from the plant and services area on the roof of the building. No part of the building to be roofed above 65m AHD with the exception of staircase access, lift overrun and associated mechanical services.
- c) Plans with surface and floor levels to Australian Height Datum (AHD) and the basement entrance incorporating a flood proof apex constructed no lower than 5.6 metres to AHD (**Melbourne Water condition**)
- d) Details of the information/interpretation board required by condition 5.
- e) All redundant crossover on St Kilda Road and Queens Lane shown to be reinstated to kerb and channel.
- f) Dimensions of bicycle parking.
- g) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed building with details of the glare and solar reflectivity of the building. The building designed to comply with condition 18 (Glare).
- h) Any changes required by conditions 6 (Sustainable Management Plan), 12 (Waste Management Plan), 14 (Landscape Plan) or conditions 23 to 28 (Melbourne Water conditions).
- i) A notation on the plans that written confirmation by a Licensed Land Surveyor will be provided to the Responsible Authority verifying that the development does not exceed 65 metres AHD. This must be provided at relevant stages during the construction of the building as nominated by the Responsible Authority and before the building is occupied.

**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.

**3 No Change to External Finishes**

All external materials, finishes, and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

**4 Project Architect**

Unless otherwise agreed by the Responsible Authority, Gray Puksand must be retained as the supervising architect for the development.

**5 Information / Interpretation Board**

Prior to the completion of the development an Information / Interpretation Board must be constructed which briefly outlines the history of the building, including early photograph/s and note the reconstruction of the building. The board must be located in a publicly accessible and visible location (this could be in the forecourt, or within or adjacent to the entrance foyer).

**6 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 Stantec submitted with the application but updated to address the following:



- The applicant is to provide a copy of the green star registration.
- Provide JV3 modelling as part of the application.
- Solar panels constituting the 40 kW system are to be located on architectural roof plans.
- The SMP updated to modify the music modelling to remove the treatment options for Water Sensitive Urban Design and alternative WSUD treatment provided

## **7 Incorporation of Sustainable Design Initiatives**

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

## **8 Implementation of Sustainable Design Initiatives**

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

## **10 Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)**

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.

## **11 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.

**12 Waste Management Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan (prepared by Leigh Design) submitted with the application.

**13 Regulation of Deliveries and Rubbish Collection**

Without the further written consent of the Responsible Authority, deliveries and rubbish collection, must not occur during the hours of 8.00am and 9.30am and 4.30pm to 6.00pm daily.

**14 Landscape Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Plan (prepared by Site Image) submitted with the application. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

**15 Completion of Landscaping**

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

**16 Landscaping Maintenance**

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

**17 Car Parking Allocation**

Without the further written consent of the Responsible Authority, a minimum of 237 car parking spaces are to be provided generally in accordance with the plans prepared by Gray Puksand (plans no's TP00 to TP012, TP100 to TP113, TP200 to TP213, TP300 to TP304, TP310 to TP314, TP350 to TP356, TP400 to TP403, TP500 to TP506 dated 21/04/2021).

Without the further written consent of the Responsible Authority, all 237 car parking spaces must be for the use of the office and food and drinks premises within the development with a minimum of 10 spaces to be allocated for visitor parking.

**18 Car Parking and Bicycle Parking Layout**

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

- Constructed
- Properly formed to such levels that may be used in accordance with the plans



- Surfaced with an all-weather surface or seal coat (as appropriate)
- Drained and maintained
- Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane
- Car parking allocation plan
- Clearly marked to show the direction of traffic along access land and driveways.

All to the satisfaction of the Responsible Authority.

**19 Piping, Ducting, Service Units**

All service pipes/service units (excluding down pipes, guttering and rainwater heads) must be concealed from view from the public realm and any screening devices suitably integrated into the design of the building to the satisfaction of the Responsible Authority.

**20 Green Travel Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

- a) objectives that must be linked to measurable targets, actions and performance indicators
- b) a description of the existing active private and public transport context
- c) initiatives that would encourage employees and visitors of the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the sit
- d) timescale and costs for each action
- e) the funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions, including nominating a tenant(s) as a 'green travel champion'
- f) a monitoring and review plan, requiring annual review for at least three years to track progress against the annual targets, actions and performance indicators
- g) the promotion of various alternative transport smartphone applications, such as Tram Tracker
- h) promotion of existing car-share schemes, bicycle parking facilities for employees/visitors, railway stations, tram stops, bus stops, taxi ranks, and bicycle paths
- i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3
- j) establishment of a car-pooling database for employees.

**21 Glare**

Glazing materials used on all external walls must be of a type that does not reflect more than 20 per cent of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

**22 Noise Limits for Commercial, Industrial and Trade Premises**

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 Division 1 and 3 of Part 5.3 - Noise, of the Environment Protection Regulations 2021 to the satisfaction of the Responsible Authority.

**Melbourne Water Conditions 23 to 28**

- 23** Finished floor levels of the building must be constructed no lower than 5.6 metres to Australian Height Datum (AHD)
- 24** The basement entrance must incorporate a flood proof apex constructed no lower than 5.6 metres to AHD.
- 25** Any opening to the basement including windows and vents must be constructed no lower than 5.6 metres to AHD.
- 26** 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 ramp.
- 27** The open space areas within the property must be maintained at natural surface levels and no fill or retaining walls should be used in the development of this land.
- 28** 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

**Transport for Victoria Conditions 29 to 31**

- 29** The endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 30** The Green Travel Plan must not be amended without the prior written consent of the Responsible Authority and the Head, Transport for Victoria.
- 31** Prior to occupation of the building all disused or redundant vehicle crossings along St Kilda Road must be removed, and the area reinstated to kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

**32 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 as well as any on street parking signage and line marking changes and to the satisfaction of the Responsible Authority.

**33 Satisfactory Continuation**

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

**34 Time for Starting and Completion**

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

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within six (6) years of the date of this permit.

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



### **Notation**

#### **Heritage Victoria Consent for removal of vehicle crossings to St Kilda Road**

Prior to any works commencing on the removal of the vehicle crossings to St Kilda Road, consent must be granted by Heritage Victoria for the works associated with the removal of the Vehicle crossings

#### **Recommendation “Part B”**

- 3.4 Within 12 months of the issue of the planning permit, a report to be prepared for Council to assess the current function of Queens Lane, between Hanna Street and Kings Way, including recommendations as necessary regarding traffic movement and functionality.

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

## **8. PRESENTATION OF CEO REPORT**

### **8.1 Presentation of CEO Report – Issue 81**

#### **Purpose**

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

#### **MOVED Crs Martin/Copsey**

That Council:

- 3.1 Notes the CEO Report Issue 81 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in October 2021.

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

## **9. INCLUSIVE PORT PHILLIP**

Nil.

## **10. LIVEABLE PORT PHILLIP**

### **10.1 Intention to sell: 351 St Kilda Rd, St Kilda - reporting of submissions in response to public notice**

Councillor Copsey declared a conflict and left the meeting at 9:02pm.

#### **Purpose**

- 1.1 To report the submissions in response to a notice published in accordance with *section 114 of the Local Government Act 2020* (“Act”) advising of Council’s intention to sell its land at 351 St Kilda Road, St Kilda.



## **MOVED Crs Baxter/Crawford**

That Council:

- 3.1 Notes that it has formally sought and received feedback in relation to its intention to sell 351 St Kilda Rd, St Kilda.
- 3.2 Notes the submissions of response received by the end of the notice period (of 11.59pm on 31 October 2021).
- 3.3 Thanks the submitters for their submissions.
- 3.4 Formally considers the submissions received at a subsequent meeting of Council, once Officers have had the opportunity to consider the feedback.

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

*Councillor Copsey returned to the meeting at 9:02pm.*

## **10.3 Palais Theatre & Luna Park Precinct Revitalisation - Approval to commence statutory road closure process**

### **Purpose**

- 1.1 The purpose of this report is to:
  - a) Commence the road closure process for Lower Esplanade, St Kilda, in accordance with the Local Government Act 1989, Section 207 (Power of Council over traffic), Schedule 11, Clause 9 (Power to place obstructions or barriers on a road permanently); and
  - b) Subject to Council's decision, inform the local community of the road closure process and provide an opportunity for community members to make submissions, between 15 December 2021 and 23 January 2022, for Council's consideration.

## **MOVED Crs Bond/Copsey**

That Council:

- 3.1 Proceeds with the statutory process for a
  - a) permanent partial road closure of Lower Esplanade, St Kilda, between Jacka Boulevard and Cavell Street, and;
  - b) change in road function of Lower Esplanade, St Kilda, converting the current one-way roadway to a two-way roadway  
in accordance section 207, schedule 11, clause 9 of the Local Government Act 1989.
- 3.2 Gives public notice to affected stakeholders of the proposal for the road closures of the following roads:
  - c) permanent partial road closure of Lower Esplanade, St Kilda, between Jacka Boulevard and Cavell Street, and;



- d) change in road function of Lower Esplanade, St Kilda, converting the current one-way roadway to a two-way roadway  
and invites submissions in accordance with Section 223 of the Local Government Act 1989.

- 3.3 Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Council meeting to be held on 16 February 2022.

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

## **11. SUSTAINABLE PORT PHILLIP**

Nil.

## **12. VIBRANT PORT PHILLIP**

Nil.

## **13. WELL GOVERNED PORT PHILLIP**

### **13.1 Progress on Rating Strategy and Waste Strategy Reviews**

#### **Purpose**

- 1.1 For Council to note the progress of reviews of the Rating Strategy and the Don't Waste It! Waste Management Strategy and to endorse key topics for community engagement.

#### **MOVED Crs Copsey/Martin**

That Council:

- 3.1 Notes the progress on the City of Port Phillip Rating Strategy review and the Don't Waste it! Waste Management Strategy review, including principles, issues, options, and community engagement approach and timing.
- 3.2 Endorses the additional principle for inclusion in the Rating Strategy: *Impacts of Change - That Council is committed to ensure the impact of change is identified, communicated and managed appropriately, including where necessary phasing in changes to reduce its impact.*
- 3.3 Notes that current rating strategy and rating structure do not provide Council with enough flexibility to:
  - 3.3.1 Effectively deal with issues associated with valuation shifts between property classes
  - 3.3.2 Effectively deal with changes in rates distribution within the residential property class
  - 3.3.3 Raise sufficient income to fund new waste services and above rates cap increase in waste costs.
- 3.4 Endorses community engagement on Rating Strategy Option Five, which consists of the following proposals:



- 3.4.1 Shifting our rating system from Net Annual Value (NAV) to Capital Improved Value (CIV)
- 3.4.2 Introducing Differential Rating
- 3.4.3 Separating the cost of private benefits/direct waste services (Kerbside Bins Collection, Communal FOGO & Glass, Hard & Green Waste, and Resource Recovery Centre) from General Rates (approximately \$12 million) to a Fixed Waste Charge.
- 3.5 Endorses community engagement on other Waste Charge considerations, including charging for non-rateable assessments and waste bin upsize, rebates for smaller waste bins, rebates to properties with private bin collections, and rebates to residential carparks and storage areas.
- 3.6 Notes that officers are currently finalising a revised draft waste management strategy that is based on an Accelerated Transition Plan for waste services and that the funding of this strategy is a key issue influencing the Rating Strategy.
- 3.7 Endorses community engagement on the Accelerated Transition Plan for waste services including:
  - 3.7.1 Fortnightly collection of 120-litre FOGO bin to eligible Single Unit Developments commencing 1 January 2023.
  - 3.7.2 Fortnightly collection of FOGO bin (sized to be determined) to eligible Multi-Unit Developments commencing 1 July 2023.
  - 3.7.3 Expanded communal FOGO access for all other properties across the City commencing 1 July 2023.
  - 3.7.4 The expansion of communal glass recycling across the entire City to commence 1 January 2023.
  - 3.7.5 An intention to move to an Enhanced Diversion Plan within six to 12 months, with fortnightly garbage and weekly FOGO collection.
- 3.8 Endorses community input on other Waste Strategy considerations including:
  - 3.8.1 Which properties to be provided FOGO kerbside bin and those that are provided access to the communal service.
  - 3.8.2 The location of communal FOGO and Glass collection points.
  - 3.8.3 The appetite for the transition to a fortnightly garbage collection service including timing, and approach for different properties (i.e. access to kerbside or communal services).
- 3.9 Endorses working with the residents in the Elwood kerbside FOGO service area to pilot a move to fortnightly garbage collection and weekly FOGO collection as part of the foreshadowed Enhanced Diversion Plan for waste services.
- 3.10 Notes the community engagement outcomes analysis and report will be brought back to Council in March 2022 and will further inform the draft rating strategy to be endorsed for public consultation in April 2022 and the revised Waste Management Strategy.

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



### **13.2 Council Plan and Budget 2022/23 - Direction Setting**

#### **Purpose**

- 1.1 To provide an update on changes in our strategic and operating environment and to seek approval of the 10-Year Financial Outlook and the parameters for the review of the Council Plan and development of the Budget 2022/23.

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

That Council:

- 3.1 Considers and notes the outcomes from a preliminary review of the operating environment and strategic risks (Attachment 1).
- 3.2 Endorses the 10-Year Financial Outlook (Attachment 2) and parameters, noting the significant challenge of rates capping and the rates cap gap primarily driven by new waste services, other waste costs escalating above CPI, legislative electrical line clearance requirements, and looking after our assets.
- 3.3 Endorses not applying to the Essential Services Commission for a variation to the rate cap for 2022/23.
- 3.4 Notes that to maintain our current level of waste services and or introducing new waste services will require the introduction of a Waste charge or reduction in other services to maintain financial sustainability on top of the substantial efficiency savings target of \$88m over 10 years (which is not guaranteed to be achieved).
- 3.5 Notes the progress of the reviews on the Rating Strategy and the Don't Waste It! Waste Management Strategy presented on this night and proposed next steps, including the proposed introduction of a waste charge and review of strategic options relating to our rating strategy which will be consulted on with our community as part of the Council Plan and Budget consultation process.
- 3.6 Notes Officers are progressing with grant funding application from the Federal Government's Preparing Australia Program to assist with the Elwood Foreshore Facilities renewal and enhancement project funding.
- 3.7 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.

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





## EN BLOC MOTION

### MOVED Crs Pearl/Martin

That Council moves the following items en bloc:

- 10.2 Cobden Street Pocket Park - Approval to commence statutory road closure process
- 13.3 Changes to Planning delegations (9 December 2021) until the first sitting of the Planning Committee
- 13.4 Administrative Updates to Delegations in Council's Local Law Procedure & Protocols Manual
- 13.5 Councillor Expenses Monthly Reporting - October 2021
- 13.6 Records of Informal Meetings of Council

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

### 10.2 Cobden Street Pocket Park - Approval to commence statutory road closure process

#### Purpose

- 1.1 The purpose of this report is to:
  - a) Seek Council's endorsement to commence the road closure process for Cobden Street and Kings Place in accordance with the Local Government Act 1989, Section 207 (Power of Council over traffic), Schedule 11, Clause 9 (Power to place obstructions or barriers on a road permanently); and
  - b) Subject to Council's decision, inform the local community of the road closure process and provide an opportunity for community members to make submissions, between 15 December 2021 and 23 January 2022, for Council's consideration.

### MOVED Crs Pearl/Martin

That Council:

- 3.1 Proceeds with the statutory road closure process for a
  - a) permanent road closure of Cobden Street, South Melbourne, extending from chainage 023 of 049 north of Kings Way; and
  - b) permanent partial road closure of Kings Place, South Melbourne, extending from chainage 000-084 northeast of Kings Way. Kings Place will become a one-way roadway with a nominal width of 3.6 m.in accordance section 207, schedule 11, clause 9 of the Local Government Act 1989.
- 3.2 Gives public notice to affected stakeholders of the proposal for the road closures of the following roads:
  - c) permanent road closure of Cobden Street, South Melbourne, extending from chainage 023 of 049 north of Kings Way; and



- d) permanent partial road closure of Kings Place, South Melbourne, extending from chainage 000-084 northeast of Kings Way. Kings Place will become a one-way roadway with a nominal width of 3.6 m.

and invites submissions in accordance with Section 223 of the Local Government Act 1989.

- 3.3 Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at an Ordinary Council meeting to be held 16 February 2022.

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

### **13.3 Changes to Planning delegations (9 December 2021) until the first sitting of the Planning Committee in 2022.**

#### **Purpose**

- 1.1 To delegate to the Chief Executive Officer (including the power to on delegate), the power to enable specific planning activities to be undertaken during the period of time between the last Ordinary Council meeting being 9 December 2021 until the first sitting of the Planning Committee in 2022.

#### **MOVED Crs Martin/Pearl**

That Council:

- 3.1 Delegates to the Chief Executive Officer (including the power to on delegate), effective for the period 9 December 2021 until the first sitting of the Planning Committee only, the power to:
- 3.1.1 Determine an application where:
- The application has not been refused under delegation and 16 or more objections are received.
  - The application raises strategic or substantive policy issues.
  - The application involves substantive non-compliance with the Planning Scheme or Council Policy, but officers consider the application should be supported.
  - The application involves non-compliance with residential parking requirements.
  - The application involves the total demolition of a building in a heritage overlay.
  - The application involves non-compliance with Performance Measure 1 (Line of sight) of the Heritage Policy.
  - The application involves land use for accommodation in the Fishermans Bend Urban Renewal Area.
  - The application involves all development including development for the purposes of accommodation in the Fishermans Bend Urban Renewal Area.
  - The application exceeds 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.
  - The application is in relation to all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.



- 3.1.2 To provide comments to the Minister for Planning where the Minister is the Responsible Authority or Planning Authority for a statutory planning application or planning scheme amendment.
- 3.1.3 To instruct Council's Statutory Planners and/or Council's solicitors in relation to any application for review lodged with VCAT, or an application for a planning scheme amendment or an application before an Advisory Committee.
- 3.1.4 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 comprising accommodation.
- 3.1.5 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.
- 3.1.6 To determine all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
- 3.1.7 All determinations made during the period 9 December 2021 until the first sitting of the new Planning Committee will be reported to the Planning Committee in the January/February Statutory Planning Delegations Decisions Report or earlier as applicable.
- 3.2 Notes that this delegation does not preclude planning matters being considered by Council at its Ordinary Meeting of Council.
- 3.3 Prepares, and affixes the Common Seal of the Port Phillip City Council to, an Instrument of Delegation to the CEO that accords with this resolution.

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

#### **13.4 Administrative Updates to Delegations in Council's Local Law Procedure & Protocols Manual**

##### **Purpose**

- 1.1 To present to Council an amended Instrument of Delegation from Council to Members of Council Staff in accordance with Clause 73 of the City of Port Phillip Local Law No.1 (Community Amenity).

##### **MOVED Crs Pearl/Martin**

That Council:

- 3.1 Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in Council's Procedures and Protocol's Instrument of Delegation from Council to Members of Council Staff (at Attachment 1), the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that instrument.
- 3.2 Notes that the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any policies of Council that it may from time to time adopt.

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



## 13.5 Councillor Expenses Monthly Reporting - October 2021

### Purpose

- 1.1 To report on the expenses incurred by Councillors, in accordance with the Councillor Expenses and Support Policy for the month of October 2021.

### MOVED Crs Pearl/Martin

That Council:

- 3.1 Notes the monthly Councillor expenses report for October 2021 (Attachment 1) and that this will be made available on Council's website.

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

## 13.6 Records of Informal Meetings of Council

### Purpose

- 1.1 The purpose of this item is to report to Council written records of Informal Meetings of Councillors at the City of Port Phillip.

### MOVED Crs Pearl/Martin

That Council

- 2.1 Receives and notes the written records of Informal Meetings of Councillors (attached).

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

## 14. NOTICES OF MOTION

Nil.

## 15. REPORTS BY COUNCILLOR DELEGATES

Councilor Copsey reported to Council as the representative for the South Eastern Climate Change Alliance (SECCA) and provided an update on the launch of the asset vulnerability assessment tool that SECCA has been working on. Port Phillip is at the leading edge of this, not only in our region but probably in the State and Cr Copsey acknowledged the incredible work that the Port Phillip Officers have put into the development of this fantastic tool. It's going to give our Council an edge when it comes to assessing the potential impacts of climate on our Council Assets which means in a bayside municipality having some areas that are unfortunately already vulnerable to heat stress. It's very important in our asset management planning, so I think that Council is going to be very well informed thanks to the excellent efforts of officers. Also that experience is going to be able to be shared across other Councils, the State and the country. Congratulations to the SECCA team for advancing this incredibly important work supporting this and to Council officers for being involved.



Councillor Baxter reported to Council as delegate on Association of Bayside Municipalities (ABM) after attending an extremely informative session about preparing local Councils along Port Phillip Bay for the Summer period. Council officers are working very closely with the ABM and other local Councils about how we can best prepare for summer, our officers probably hold the best knowledge in this area, given the unique challenges we face in Port Phillip each year. It goes to show the real value that this Council and its community gets from these memberships being able to share that knowledge.

Councillor Crawford reported to Council as the delegate for the Linden New Arts. Their infamous and famous post card show is open over the holiday period, if anyone is looking for something exciting to do or looking for art work to buy. Lots of creative and exciting things going on in the Municipality at the moment, including the Gasworks Launch which has an excellent program coming up, very worth checking out their website.

Cr Crawford also commented on having attended Committee of Melbourne events, including one on the Federal Election 2022 and some insight polling around what's happening and where they think things will go, and acknowledged that this has been a valuable membership to the City this year.

Councillor Sirakoff advised Council that the next two Sundays at the St Kilda Esplanade Markets has special events including a special guest. Hopefully everybody can go along and buy something special for their friends, family and those people they had within their COVID bubble over the past 12-18 months.

## 16. URGENT BUSINESS

### MOVED Crs Copsey/Baxter

That Council considers an item of urgent business relating to the M.O Moran Reserve Dog Park Project Options.

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

### 16.1 M.O Moran Reserve Dog Park Project Options

#### MOVED Crs Bond/Cunsolo

That Council:

- 3.1 Approve a budget commitment for this project of \$158,576.20 (excluding GST) to provide adequate facilities for a successful dog park with funding from open space reserve

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

## 17. CONFIDENTIAL MATTERS

### MOVED Crs Pearl/Bond

That in accordance with the Local Government Act 2020, 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 3 of the Act, for the reasons indicated:

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 8 DECEMBER 2021



Report No.	Report Title	Confidential reasons
16.2	Urgent business item in relation to the proposed relocation of the 2021 MPavilion into the Montague Precinct of Fishermans Bend	<i>(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</i>
17.1	South Melbourne Market Independent Committee	<i>(f). personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.</i>
17.2	CEO Employment Matter - Key Performance Indicators	<i>(f). personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.</i>

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

The meeting closed to member of the public at 9.27pm.

The meeting was reopened to the public at 9.56pm.

As there was no further business, the meeting concluded at 9.57pm.

Confirmed: 2 February 2022

Chairperson \_\_\_\_\_