



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

15 FEBRUARY 2017



MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 15 FEBRUARY 2017 IN ST KILDA TOWN HALL

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Carol Jeffs Interim Chief Executive Officer, Claire Ferres Miles General Manager Place Strategy and Development, Vanessa Schernickau Acting General Manager Community Development, Fiona Blair General Manager Infrastructure and Amenity, Melissa Harris Acting General Manager Organisational Performance, Dennis O'Keeffe Interim Chief Financial Officer, Doron Karliner Chief Governance Officer, Brett Walters Manager Sustainability & Transport, Joanne McNeill Manager Asset Management & Property, Damian Dewar Manager Place & Design, George Borg Manager City Development, Richard Schuster Coordinator Planning St Kilda & Albert Park, Margaret Commane Senior Urban Planner, Donna D'Alessandro Planning Coordinator Gateway Ward, Simon Gutteridge Principal Planner Fishermans Bend Urban Design Area.

The City of Port Phillip respectfully acknowledges the Yalukit Willam 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

Moved Crs Baxter/Bond

That an apology was received and a leave of absence granted to Cr Gross.

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

Moved Crs Bond/Baxter

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 1 February 2017 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Cr Baxter declared an indirect conflict of interest due to conflicting duties because he is an employee of the Commonwealth Bank of Australia.

Cr Pearl declared an indirect conflict of interest by way of indirect financial interest because he holds shares in Australia and New Zealand Banking Group Ltd and personal relationships with people who may have been involved from financial institutions involved in this tender.



4. PETITIONS AND JOINT LETTERS

Item 4.1 Flooding in Elwood

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

Isaac Hermann

- Asked in relation to the joint letters of the 3 & 23 January concerning flooding in Elwood:
 1. Asked is the Council supporting the measures outlined in the letter to Council on 23 January 2017?
 2. Asked will the Council prioritise remedial works for the Barkly/Meredith Streets corner?
 3. Stated whilst a long-term solution should be sought, an interim measure of installing a one-way valve at the Barkly Street canal outfall should be prioritised. One-way valves have been utilised successfully throughout Brighton and Bayside.

A Joint Letter was received from Isaac Douglas Hermann, Michael Newton and Andrew Serratore.

Moved Crs Crawford/Baxter

That Council:

Receives and notes the Joint Letter and requests that a further report be presented to a future Council meeting.

A vote was taken and the MOTION was CARRIED.



Item 4.2 Flooding in Elwood

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

Geoffrey Love

- Stated recent significant flood damage had caused stress to Elwood residents.
- Stated the Joint letter was a submission to the City of Port Phillip budgets, in line with Elwood Floods Action Group (eFLAG) submissions to previous budgets.
- Stated there should be an alignment with policy and expenditure – comparison of budget figures, expenditure on pavement verse expenditure on flooding. Proposition to suspend spending on paving and direct funds towards more permeable surfaces, which are accordingly more urgent.

A Joint Letter was received from Meni Christofakis, Geoffrey Love and Isaac Hermann.

Moved Crs Crawford/Baxter

That Council:

Receives and notes the Joint Letter and requests that a further report be presented to a future Council meeting.

A vote was taken and the MOTION was CARRIED.



5. SEALING SCHEDULE

Nil.



6. PUBLIC QUESTION TIME

Teresa Warren

- Asked, in relation to the recent redevelopment of Acland Street:
 1. Why are there only two small seats at the platform stops? Which are too low to sit at, particularly for elderly people
 2. Why are the litter bins so high? They are unsightly and dysfunctional.
 3. Stated her disappointment that most of the street furniture has been removed, and currently there is inadequate provision.
- Asked that these things be rectified.

The Mayor, Cr Voss, deferred to Damian Dewar, Manager Place & Design, who responded that the design and delivery of the Acland Street design was in partnership with Public Transport Victoria (PTV) and Yarra Trams and they have very clear requirements for the amount of seating, bins and other things they require as part of the service levels they provide to their customers. Through the design process there was a balance required, keeping the platforms as open as possible while providing a minimum level of service. As part of that they understood there was to be additional seating in the plaza, adjacent to platforms that people could access. Council's Metro Access Officer was asked to assess the design and there was no feedback that the seating was too low, although changes were made as a result of other recommendations (eg: width). Mr Dewar will contact Ms Warren to clarify the height of the seats and whether that was taken into consideration.

Mr Dewar confirmed that the bins are the standard height for bins of that volume, however we do need bigger bins as so many people access Acland Street to deal with that capacity. Over the next 12 months Council will be assessing how Acland Street performs and this kind of feedback is very pertinent to us, being able to assess how it is performing and whether we need to make adjustments.

Mr Dewar stated, with regard to the removal of street furniture, this was done to complement the installation of other street furniture which has meant there has been a reorganisation of where furniture is placed and believes that overall there is no loss of seating. However as there is feedback, it is something we could look at in the future.

Isaac Hermann

- Commended the Councillors who experienced first-hand the flood waters in Elwood on 29 December 2016.
- Questioned the Council's accountability and responsibility in following up Melbourne Water's Flood Management Plan of March 2012. Details figures regarding the city's flooding "hot spots" and asked what actions the Council has undertaken to improve the issue.
- Questioned the Council's Flood Management Plan.
- Asked whether the Council will establish a target for increasing permeability, and outline measure to achieve.

The Mayor, Cr Voss, stated that the questions would be taken on notice.



7. COUNCILLOR QUESTION TIME

Cr Copsey asked what is Council's responsibility and other agencies' in relation to recent poor water quality in Port Phillip Bay where swimming was not advised? What can Council do to ensure people are getting timely and accurate information about when it is safe to swim in the Bay?

The Mayor, Cr Voss, deferred to Fiona Blair, General Manager Infrastructure and Amenity, who responded that the Environmental Protection Authority (EPA) are responsible for monitoring water quality at all Port Phillip Bay beaches, with support from all Bayside Council's including the City of Port Phillip. The EPA run their Summer Beach Watch Program, one part of which is a forecasting program, which provides two updates a day on 36 Bay beaches based on observed and predicted rainfall and other factors (eg: sunlight, pollution reports, etc). When there is a forecast of poor water quality for weekends and public holidays when we would normally have Lifesavers patrolling beaches, Lifesaving clubs will be alerted and in place of the usual flags they will put up "No Swimming" signs with information from the EPA. Information on water quality is also published online, via twitter and an SMS alert service, along with reports in the media. The second component is a weekly sampling program, with the results provided to Councils. If there are issues, Council Officers will place out signs advising on the conditions of the water. Additionally City of Port Phillip has information on the website, referring people to the EPA and along our beach areas we have standard signs providing information about our beaches and booklets containing information from how often we clean the beaches to where to find information (eg: EPA website).

Cr Simic stated that in September 2015, Port Phillip, Bayside and Kingston City Councils sent a joint letter to the Minister for Roads outlining concerns about heavy vehicle movements on Route 33 and requesting that truck curfews be extended to Saturday morning. The Minister undertook to provide information in October 2015, has this information been provided? And if not, can we please request this?

The Mayor, Cr Voss, deferred to the Interim CEO, Ms Carol Jeffs, who responded this has not been completed yet, but is due to be completed, however we will have to take on notice the exact timing.

Cr Pearl asked, in relation to traffic and truck traffic in particular on Beaconsfield Parade, what is the maintenance cycle on the road? How often is the road checked and repaired? And what is the replacement cycle of that road?

The Mayor, Cr Voss, deferred to the Interim CEO, Ms Carol Jeffs, who advised that the question would be taken on notice.

Cr Pearl stated, in relation to Fitzroy Street CCTV, why temporary CCTV cameras were brought in for the St Kilda Festival because they potentially would not link in with the Police system. How did this come about and how can it be improved in the future?

The Mayor, Cr Voss, deferred to Vanessa Schernickau, Acting General Manager Community Development, who responded that during a meeting with Victoria Police to discuss the opportunity to use the Fitzroy Street CCTV cameras, at the Festival the Police have their own CCTV which is streamed at the Operations centre which include the Foreshore and other key points. The Fitzroy Street CCTV cameras were unable to be a part of that because those cameras stream to the St Kilda Police Station and is a completely separate system.

Cr Pearl stated this seemed very inefficient when Council has spent all this money installing CCTV in Fitzroy Street and then we have to install temporary ones for a Festival.

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The Mayor, Cr Voss, deferred to Vanessa Schernickau, Acting General Manager Community Development, who responded that they had asked the same question in terms of efficiencies of scale and costs involved. We do have twelve months to review the situation.

Cr Pearl asked, in relation to an historic fountain on corner of St Kilda Road and Albert Road, what will happen to this with the Melbourne metro project?

The Mayor, Cr Voss, deferred to Damian Dewar, Manager Place & Design, who confirmed that the water fountain is a heritage asset which will be stored and relocated by Melbourne Metro as part of the project in the precinct.

Cr Simic asked about the use of herbicides in public spaces. What does Council use?

The Mayor, Cr Voss, deferred to Fiona Blair, General Manager Infrastructure and Amenity, who advised that Council uses "Roundup" using appropriate Occupational Health and Safety methods. We have been trialling some different methods around our Childcare Centres and playgrounds and a different product will now be used in these areas.

Cr Simic asked if will this be extended to other public areas as well?

The Mayor, Cr Voss, deferred to Fiona Blair, General Manager Infrastructure and Amenity, who advised not at this stage because it is not as effective and therefore more costly, currently it is primarily being used in areas where there is more sensitive activity in terms of children.



8. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 8.1 CEO Report - Issue 30 February 2017
- 8.2 Provision of Banking and Bill Payment Services Tender
- 8.3 Proposed Road Discontinuance and Sale Melville Street
- 8.4 Proposed Discontinuance and Sale of Road Part R2975 Between 17 Coventry Place and 378 Coventry Street, South Melbourne
- 8.5 Proposed Discontinuance and Sale of Road at the Rear of 159 Graham Street, Port Melbourne
- 8.6 Outcomes of 30 November 2016 Audit and Risk Committee meeting
- 8.7 82 Wright Street and 61 & 63 Neville Street, Middle Park
- 8.8 165-167 Gladstone Street, South Melbourne
- 8.9 November and December 2016 Delegate Reports



8.1 CEO REPORT - ISSUE 30 FEBRUARY 2017

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

Les Rosenblatt

Had three questions in relation to the CEO Report:

1. Noted the surplus of \$4.5 million and asked how will the process occur with regard to the best deployment of the surplus?
2. Regarding the St Kilda Life Saving Club redevelopment, there appeared to be budget blowout from \$1.6 million to \$3.125 million, why is this the case?
3. Regarding the Beach Street queuing lane, there appears to be a budget blowout from \$250K to \$866K, why is this the case?

The Mayor, Cr Voss, deferred to Carol Jeffs, Interim CEO, who responded that the budget surplus will get considered in the subsequent year's budget process where there are several options including reserves.

The Mayor, Cr Voss, deferred to Fiona Blair, General Manager Infrastructure and Amenity, who advised that there was a deferral of funds from the previous year and Council incorrectly budgeted for the funding from State Government, which we thought would come in last year, but actually came in this year.

The Mayor, Cr Voss, clarified that the project came in on budget, or slightly under.

The Mayor, Cr Voss, deferred to Claire Ferres Miles, General Manager Place Strategy and Development, who advised that \$250K was allocated for this year, with \$750K to \$1 million allocated in next year's budget. Council proceeded with some early works and the project went to tender and work will commence in May so the money allocated for next year's budget has been brought forward.

Purpose

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

Moved Crs Pearl/Simic

That Council:

- 1.1 Notes the CEO Report Issue 30 (provided as Attachment 1) including changes against budget during December 2016 and also changes to the project portfolio for December 2016.

A vote was taken and the MOTION was CARRIED unanimously.



8.2 PROVISION OF BANKING AND BILL PAYMENT SERVICES TENDER

Cr Baxter declared an indirect conflict of interest due to conflicting duties because he is an employee of the Commonwealth Bank of Australia and vacated the Chamber at 7.31pm.

Cr Pearl declared an indirect conflict of interest by way of indirect financial interest because he holds shares in Australia and New Zealand Banking Group Ltd and personal relationships with people who may have been involved from financial institutions involved in this tender and vacated the Chamber at 7.31pm.

Purpose

To seek Council approval to enter into an agreement with Commonwealth Bank of Australia (CBA) for the provision of banking and bill payment services for the City of Port Phillip.

Moved Crs Crawford/Bond

That Council awards Contract No. 2042 for the provision of Banking and Bill Payment Services to Commonwealth Bank of Australia (ABN 48 123 123 124) and authorises the Chief Executive Officer or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution to:

- 1.1 Execute the agreement with Commonwealth Bank of Australia for the provision of banking and bill payment services for a term of five years.
- 1.2 Authorise all payments under the agreement.
- 1.3 Affix the Common Seal of the Port Phillip City Council to Contract No 2042 between Council and the Commonwealth Bank of Australia.

A vote was taken and the MOTION was CARRIED.

Cr Baxter and Pearl returned to the Chamber at 7.36pm.



8.3 PROPOSED ROAD DISCONTINUANCE AND SALE MELVILLE STREET

Purpose

This report seeks Council's approval to commence the statutory procedures pursuant to the Local Government Act 1989 to discontinue and sell the road at the rear of 70 Albert Street, Port Melbourne, being part of the land contained in certificate of title volume 982 folio 265 (Road).

Moved Crs Bond/Pearl

That Council acting under clause 3 of Schedule 10 of the Local Government Act 1989:

- I.1 Resolves that the statutory procedures be commenced to discontinue the road at the rear of 70 Albert Street, Port Melbourne (Road) as shown on Attachment I.
- I.2 Directs the public notice of the proposed discontinuance be given under sections 207A and 223 of the Local Government Act 1989.
- I.3 Resolves that the public notice required to be given under sections 207A and 223 of the Local Government Act 1989 should state that if the Road is discontinued, it will be sold by private treaty to the owner of 70 Albert Street, Port Melbourne for an amount of \$7,500 plus GST.
- I.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 Local Government Act 1989.
- I.5 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 3 May 2017.

Further, should no submissions be received, Council:

- I.6 Resolves that, having followed all the required statutory procedures pursuant to sections 207A and 233 of the Local Government Act 1989 pursuant to its power under clause 3 of Schedule 10 of the Local Government Act 1989, and being of the opinion that the Road, is not reasonably required for public use, it discontinues the Road.



- 1.7 Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Local Government Act 1989 is to be published in the Victoria Government Gazette.
- 1.8 Directs that, once discontinued, the Road be transferred to the adjoining owner for no less than the market value.
- 1.9 Directs that the common seal of Council is affixed to any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owner.
- 1.10 That any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale.
- 1.11 That the adjoining owner be required to consolidate the title to the Road with the title to the property known as 70 Albert Street, Port Melbourne, being the land contained in certificate of title volume 2282 folio 344, within 12 months of the date of transfer of the discontinued Road.

A vote was taken and the MOTION was CARRIED.



**8.4 PROPOSED DISCONTINUANCE AND SALE OF ROAD PART R2975
BETWEEN 17 COVENTRY PLACE AND 378 COVENTRY STREET,
SOUTH MELBOURNE**

Purpose

This report seeks Council's approval to commence the statutory procedures pursuant to the Local Government Act 1989 to discontinue and sell the road between 17 Coventry Place and 378 Coventry Street, South Melbourne, part R2975, being part of the land contained in Memorial Book X Number 653 (Road).

Moved Crs Bond/Brand

That Council acting under clause 3 of Schedule 10 of the Local Government Act 1989:

- 1.1 Resolves that the statutory procedures be commenced to discontinue part of the road R2975 between 17 Coventry Place and 378 Coventry Street, South Melbourne (Road), as shown on Attachment I.
- 1.2 Directs the public notice of the proposed discontinuance be given under sections 207A and 223 of the Local Government Act 1989.
- 1.3 Resolves that the public notice required to be given under sections 207A and 223 of the Local Government Act 1989 should state that if the Road is discontinued, it will be sold by private treaty to the respective owners of 17 Coventry Place and 378 Coventry Street, South Melbourne for an amount of \$31,500 each, plus GST.
- 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 Local Government Act 1989 in relation to this matter.
- 1.5 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 3 May 2017.

Further, should no submissions be received, Council:

- 1.6 Resolves that, having followed all the required statutory procedures pursuant to sections 207A and 233 of the Local Government Act 1989 pursuant to its power under clause 3 of Schedule 10 of the Local Government Act 1989, and being of the opinion that the Road, is not reasonably required for public use, it discontinues the Road.



- 1.7 Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Local Government Act 1989 is to be published in the Victoria Government Gazette.
- 1.8 Directs that, once discontinued, that part of the Road which is shown as:
- i. Lot 1 on title plan no. TP954315P attached as Attachment 1 to this report be transferred to the registered proprietor of 378 Coventry Street, South Melbourne; and
 - ii. Lot 2 on title plan no. TP954315P attached as Attachment 1 to this report be transferred to the registered proprietor of 17 Coventry Place, South Melbourne, for no less than the market value.
- 1.9 Directs that the common seal of Port Phillip City Council is affixed to any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owners.
- 1.10 That any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale.
- 1.11 That the adjoining owners be required to consolidate the title to the Road with the titles to their respective abutting properties within 12 months of the date of transfer of the discontinued Road.

A vote was taken and the MOTION was CARRIED.



**8.5 PROPOSED DISCONTINUANCE AND SALE OF ROAD AT THE
REAR OF 159 GRAHAM STREET, PORT MELBOURNE**

Purpose

To seek Council's approval to commence the statutory procedures pursuant to the Local Government Act 1989 to discontinue and sell the road at the rear of 159 Graham Street, Port Melbourne, being part of the land contained in certificate of title volume 11365 folio 535 (Road).

Moved Crs Baxter/Bond

That Council acting under clause 3 of Schedule 10 of the Local Government Act 1989:

- 1.1 Resolves that the statutory procedures be commenced to discontinue the road at the rear of 159 Graham Street, Port Melbourne (Road), shown as lot 1 on the title plan contained in Attachment 1.
- 1.2 Directs the public notice of the proposed discontinuance be given under sections 207A and 223 of the Local Government Act 1989.
- 1.3 Resolves that the public notice required to be given under sections 207A and 223 of the Local Government Act 1989 should state that if the Road is discontinued, it will be sold by private treaty to the owners of 159 Graham Street, Port Melbourne for an amount of \$23,800 plus GST.
- 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 Local Government Act 1989.
- 1.5 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 3 May 2017.

Further, should no submissions be received, Council:

- 1.6 Resolves that, having followed all the required statutory procedures pursuant to sections 189, 207A and 233 of the Local Government Act 1989 pursuant to its power under clause 3 of Schedule 10 of the Local Government Act 1989, and being of the opinion that the Road, is not reasonably required for public use, it discontinues the Road.



- 1.7 Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Local Government Act is to be published in the Victoria Government Gazette.
- 1.8 Directs that, once discontinued, the Road be transferred to the adjoining owners for no less than the market value.
- 1.9 Directs that the common seal of Port Phillip City Council is affixed to any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining owner.
- 1.10 That the adjoining owner be required to consolidate the title to the Road with the title to the property known as 159 Graham Street, Port Melbourne, being the land contained in certificate of title volume 11633 folio 420, within 12 months of the date of transfer of the discontinued Road.

A vote was taken and the MOTION was CARRIED unanimously.



8.6 OUTCOMES OF 30 NOVEMBER 2016 AUDIT AND RISK COMMITTEE MEETING

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

Les Rosenblatt

Does the public have any access to the reports that were mentioned by the committee? Particularly interested in whether the minutes of these meetings are publicised in any way, and whether the type of information that is provided, is transparent? How do we understand what your self-assessment survey is based on?

The Mayor, Cr Voss, deferred to Melissa Harris, Acting General Manager Organisational Performance: the audit and risk committee records a whole range of information, through various documents. Published charters on council websites, large breadth and depth of information available online. Key findings are also available through the agendas. Particular lines of enquiry from the community may be taken up directly.

Purpose

The purpose of this report is to bring to the attention of Council the matters addressed at the 30 November 2016 meeting of the City of Port Phillip Audit and Risk Committee.

Moved Crs Bond/Baxter

That Council:

- I.1 Receives and notes the report outlining the matters addressed at the 30 November 2016 Audit and Risk Committee meeting.

A vote was taken and the MOTION was CARRIED.



8.7 82 WRIGHT STREET AND 61 & 63 NEVILLE STREET, MIDDLE PARK

Purpose

Demolition of dwelling at No. 61 Neville Street, partial demolition of the dwelling (rear section) at No. 82 Wright Street and alterations and additions to No. 82 Wright Street comprising a ground floor extension featuring basement. The proposed extension occupies part of Nos. 61 and 63 Neville Street.

Moved Crs Baxter/Brand

- 14.1** That the Responsible Authority, having caused the application to be advertised and having received no objections, issue a Planning Permit.
- 14.2** That a Planning Permit be issued for demolition of the dwelling at No. 61 Neville Street, partial demolition of the dwelling (rear section) at No. 82 Wright Street and alterations and additions to No. 82 Wright Street comprising a ground floor extension featuring basement on the land known as part of Nos. 61 and 63 Neville Street and No. 82 Wright Street.
- 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 (2) copies must be provided. The plans must be generally in accordance with the plans Council date stamped 24 November 2016 but modified to show:

- a) The extension (including roof and eaves) redesigned to be contained within the title boundaries.
- b) A notation added to the plans confirming the windows to Neville Street and the laneway will not open outwards.
- c) All plant, equipment and domestic services (including air conditioning, heating units, hotwater systems etc.) which are to be located externally.
- d) Demolition elevations.
- e) Demolition of No. 61 Neville Streets verandah and front fence included on the existing ground floor plan or on a separate demolition plan.
- f) The existing ground floor plan amended to include the entire dwelling at No. 63 Neville Street to be removed or a separate demolition plan provided.
- g) Permeable and impermeable surfaces.
- h) At least 20% permeability provided on site.
- i) A revised Water Sensitive Urban Design Report in accordance with Condition 8.



- j) The water sensitive urban design initiatives included in the revised Water Sensitive Urban Design Report required pursuant to Condition 8.

2 External Finishes

Concurrent with the endorsement of plans, a full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file), must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

3 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.

4 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.

5 Satisfactory continuation

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

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 No equipment or services

No plant, equipment or domestic 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 the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

8 Water Sensitive Urban Design

Concurrent with the endorsement of plans, a revised 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.

9 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.

10 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; and
- 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.

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 Damage to Existing Street Tree

The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction.



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

13 Section 173 Agreement re: Re-subdivision

Before demolition starts, the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- a. The land to be re-subdivided to form two larger lots (being Nos. 80 and 82 Wright Street) within three months of demolition commencing and registered within 6 months of demolition commencing.

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987. A dealing number must be provided to the Responsible Authority.

14 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.

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**

Developers

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.

Owner Builders

An owner builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 8.00pm; or
- Saturdays, Sundays and public holidays: 9.00am to 6.00pm.

An Out of Hours permit may be considered pursuant to Community Local Law No. 3, Clause 24. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216.

- **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.

- **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.



8.8 165-167 GLADSTONE STREET, SOUTH MELBOURNE

Purpose

71 lot subdivision of building under construction.

Moved Crs Copsey/Bond

- 14.1 That a Planning Permit be issued for a 71 lot subdivision of the site at 165-167 Gladstone Street, South Melbourne.
- 14.2 That the decision be issued as follows:

1. Amended plans required

Before the plan of subdivision can be certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the plans are endorsed they will then form part of the permit. The plans must be substantially in accordance with the plans described as PS 738898E Version A but modified to show:

- (a) The creation of a 1.25m wide Road, to be vested in the City of Port Phillip, along the north eastern boundary. The Road is to be restricted in height to 5.7m above the site level and unlimited in depth.

2. No Alterations

The size, layout, level and location of the lots as shown on the endorsed plan of subdivision shall not be altered or modified without the consent of the Responsible Authority.

3. Agreement under Section 173 of the Planning and Environment Act 1987. Re: Carparking and Environmental Audit requirements.

Prior to the Certification of the subdivision, the owner shall enter into an agreement with the Responsible Authority pursuant to *Section 173 of the Planning and Environment Act 1987* under which it specifically covenants that:-

- (a) The car park lots (lots P1 to P25) must only be sold to the owner or purchaser of the retail or dwelling lots (lots IR and lots 101 to 705);
- (b) The car park lots (lots P1 to P25) must only be leased to the occupier of the retail or dwelling lots (lots IR and lots 101 to 705);
- (c) No more than one car park lot may be owned or leased in conjunction with any retail or dwelling lot unless a planning permit has issued to exceed the maximum car spaces set out in the Schedule I of the Parking Overlay;



- (d) The site must be maintained in accordance with the conditions of the Statement of Environmental Audit contained in the Audit Report prepared by Coffey, dated 28 April 2016. The Environmental Management Plan must continue to be implemented by the Owners Corporation in relation to maintaining the building elements and vapour mitigation system that provide a barrier between building users and residual contaminated soil/vapour; and
- (e) It shall pay the Responsible Authority's Solicitor/client costs in respect to the preparation and registration of the agreement.

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

3. Melbourne Water

- (a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- (b) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988

4. South East Water

- (a) The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
- (b) The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction

5. Telecommunications

The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre

6. Telecommunications

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:



- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

7. Public Open Space Requirement

Prior to the issue of the Statement of Compliance, the applicant or owner must make a financial contribution to open space of 8% of the site value in accordance with the schedule to Clause 52.01 of the Port Phillip Planning Scheme. The payment must be made no less than 7 days prior to the issue of a Statement of Compliance.

8. Environmental Audit

Prior to the issue of the Statement of Compliance, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement of Environmental Audit have been satisfied.

9. Construction of Road

Prior to issue of the Statement of Compliance, the area of Road is to be fully constructed to Council's specifications to the satisfaction of the Responsible Authority.

10. Completion of Works

Prior to issue of the Statement of Compliance, construction of the proposed buildings on the subject site authorised by Permit No. 2013/002601 is to reach a stage of practical completion, with building works which define boundaries complete to the satisfaction of the Responsible Authority.

11. Time for starting and completion

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

- (a) The subdivision is not certified within two (2) years of the date of this permit.
- (b) 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 period referred to in (a) if a request is made in writing before the permit expires or within six (6) months afterwards



Notes:

- (a) The Council has made this decision having particular regard to Sections 58, 59, 60, and 62 of the Planning and Environment Act 1987.
- (b) The following South East Water agreement options are available:
 - i. Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
 - ii. Application to enter into an agreement-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
 - iii. Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision).
- (c) If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **283528**.

A vote was taken and the MOTION was CARRIED.



8.9 NOVEMBER AND DECEMBER 2016 DELEGATE REPORTS

Purpose

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

Moved Crs Bond/Simic

- 4.1 That Council receives and notes the report regarding the summary of all Planning Decisions issued for November and December 2016 (refer attachments 1 and 2) 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.



9. NOTICES OF MOTION

Nil.



10. REPORTS BY COUNCILLOR DELEGATES

10.1 COUNCILLOR ATTENDANCE AT COMMITTEE MEETINGS REPORT

Purpose

The purpose of this report is for Councillors to advise the community and fellow Councillors of the outcomes of particular meetings that they have attended as Council representatives

Cr Simic advised he attended a Port Phillip Housing Association (PPHA) meeting as member of Board of Directors where a new CEO had recently been appointed to help steer the organisation through a significant phase of growth. Currently the portfolio has over 1000 homes and they are dedicated to providing housing that is appropriate, secure and attractive.

Cr Baxter advised he attended two internal committee meetings, one for the Friends of Suai/Covalima who have been doing excellent work in pulling together a group of election observers for later in the year. The second internal meeting was the Port Phillip Multifaith Network where Council planning consultation took place, along with discussions about this group and others can help welcome refugees to City of Port Phillip.

Cr Brand advised he attended the Board meeting of Linden Art Gallery which is embarking on a program of renovations with the Gallery being temporarily sited for a year in the Domain Gardens.

Cr Copsey advised she attended the Cultural Development Fund Reference Committee which is the grants fund which Council uses to provide Community Grants to support artists and organisations to develop and realise creative ideas and projects in the City and applications to the 2017/18 opened on Monday and are open until 24 March 2017 with an information session being held on Monday 20 February at St Kilda Town Hall.

Cr Baxter thanked Mayor, Cr Voss, for her service for four years as City of Port Phillip's Municipal Association of Victoria (MAV) representative. The work that Cr Voss has done on the Board, particularly with the Strategic Plan and Governance has been much appreciated.

The Mayor, Cr Voss, thanked Cr Baxter for his comments and wished Cr Dick Gross all the very best in taking over as the new representative.



II. URGENT BUSINESS

Nil.



12. CONFIDENTIAL MATTERS

Moved Crs Bond/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: Proposed Development

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)(e). Proposed developments.

A vote was taken and the MOTION was CARRIED.

The meeting was closed to the public and the Chamber vacated at 8.04pm

The meeting was reopened to the public at 8.50pm

As there was no further business the meeting closed at 8.50pm.

Confirmed: 1 March 2017

Chairperson _____