



ORDINARY MEETING OF COUNCIL

MINUTES

1 MARCH 2017



MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 1 MARCH 2017 IN SOUTH MELBOURNE TOWN HALL

The meeting opened at 6:31 pm.

PRESENT

Cr Voss (Chairperson), Cr Baxter, Cr Bond, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, 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; Chris Carroll, General Manager Organisational Performance; Brett Walters, Manager Sustainability & Transport; Anthony Traill, Manager Open Space and Recreation; Dana Pritchard, Team Leader Events; Susan Strano, Coordinator Arts; Richard Schuster Coordinator Planning St Kilda & Albert Park; George Borg, Manager City Development.

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

Nil.

2. CONFIRMATION OF MINUTES

Moved Crs Bond/Gross

That the minutes of the Special Meeting of the Port Phillip Council held on 15 February 2017 be confirmed.

That the minutes of the Ordinary Meeting of the Port Phillip Council held on 15 February 2017 be confirmed.



A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Cr Pearl declared an indirect conflict of interest in relation to report 8.6 163 Mills Street, Albert Park, due to residential amenity.



4. PETITIONS AND JOINT LETTERS

Nil.



5. SEALING SCHEDULE

Nil.



6. PUBLIC QUESTION TIME

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

Isaac Hermann

- I. Regarding Bayside's Elsternwick Park North Redevelopment Consultations – will the City of Port Phillip continue to promote its resident's concerns in the strongest possible terms; and indeed, make representations to the Minister, Department of Environment, Land, Water & Planning?

A joint letter was received from Isaac Douglas Hermann, Geoffrey Love, Gina Fiske, Meni Christofakis, Helen Halliday.

The Mayor, Cr Bernadene Voss, responded that there were numerous questions, one in the letter, and others in his commentary after, which would be taken on notice.

Cr Gross asked if the letter would be treated as a joint letter?

The Mayor, Cr Bernadene Voss, responded that it would, however as we did not have prior notice of it until today, that it was classified as a public question for today's meeting; it would be brought back to the Council's attention, possibly at the next meeting.



7. COUNCILLOR QUESTION TIME

Cr Baxter asked what progress had been made regarding any proposed transition from impermeable paved surfaces in water sensitive areas such as Elwood, to permeable surfaces?

The Mayor, Cr Bernadene Voss, deferred to Brett Walters, Manager Sustainability & Transport, who responded that the subject of permeable surfaces has many facets and historically the Council has tried using different sources of permeable pavement in Acland Street, however without success. Other Municipalities currently are trialing permeable surfaces, and the Council hopes to look for opportunities learnt to consider for employing in our own footpath rehabilitation programs. Other things that are being done to address this include incremental rollouts of nature strips to reduce the impermeable surfaces. The Council needs to develop criteria around cost, maintainability, durability and serviceability around these things as they are rolled out. The Council does not currently have a dedicated program of permeable paving rollout, but are certainly exploring ways to apply it.

Cr Gross asked if the Council had taken into account an article that was published in the local Government Focus about white pavement and its impact on the environment.

Brett Walters, Manager Sustainability & Transport, responded that currently an application of the product is being trialed. The substance is known as ascrete, a white version of bitumen, and the application is being trailed in various spaces such as Sydney and the US. Early indication is that it's of medium costing, and the Council is watching the trials' progress.

Cr Simic asked for an update on the Council's proposition that Pill Testing be trialed in the city as raised in the 1 February Council meeting.

The Mayor, Cr Bernadene Voss, deferred to Vanessa Schernickau, Acting General Manager Community Development, who responded that a letter regarding this had been written on 22 February, and had been sent to the Minister of Police and the Minister for Health; presently the Council were awaiting a response in regards to their request to pilot Pill Testing. A briefing is coming to Council on 8 March, where there is an opportunity for Council to share a response to the Drug Law Reform on Illicit Drugs, as requested from the State Government.

Cr Simic asked for a confirmation that as of yet there had been no response to the letters.

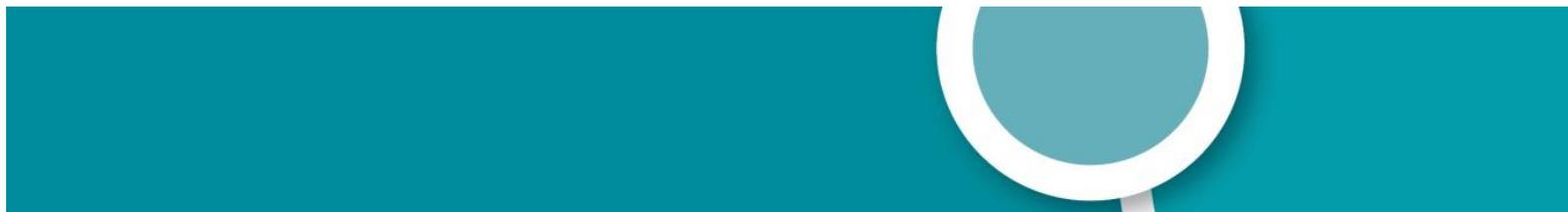
Vanessa Schernickau, Acting General Manager Community Development, confirmed that this was correct.

Cr Simic asked what is the justification for the City of Port Phillip charging a 1.5% surcharge for credit card payments?

The Mayor, Cr Bernadene Voss, deferred to Chris Carroll, General Manager Organisational Performance, who responded that there was a Council decision upon this in previous years. Essentially there is a cost to Council for the processing credit card facilities, and there was a decision made that it would be appropriate to pass that back on to those who use credit card facilities as a method of payment.

Cr Gross asked if the mercantile fee that we pay is 1.5%.

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Chris Carroll, General Manager Organisational Performance, responded that he would have to check the exact fee, but that his understanding was that we were only recovering the cost, not charging an additional fee on top.

The Mayor, Cr Bernadene Voss, stated that we would take that question on notice for further follow-up.

Cr Simic asked what the cost to council would be if they were not to pass on the cost to consumers.

Chris Carroll, General Manager Organisational Performance, responded that he would have to take that on notice, but that the cost would be in the hundreds of thousands of dollars.

Cr Bond responded that when the Council made the decision to impose the fee, it was a saving of \$230,000 - \$250,000 to the City of Port Phillip.

Cr Pearl asked for an update on the installation of CCTV in Fitzroy St.

The Mayor, Cr Bernadene Voss, deferred to Vanessa Schernickau, Acting General Manager Community Development, who responded that Council Officers personally visited the St Kilda Police Station to check on the cameras that had been installed, six out of seven cameras were operating, and that the one dysfunctional camera is being followed-up. The cameras are extremely accurate, with the ability to zoom in to a level of detecting someone's eye colour. The police are reporting that they are already observing incidents that they will be following up.

Cr Pearl enquired regarding details of the number of residents who currently receive paper versus electronic rate notices, what the cost to rate payers was regarding this, and what council is doing to encourage electronic access for those who have this option.

The Mayor, Cr Bernadene Voss, deferred to Chris Carroll, General Manager Organisational Performance, who responded that precise details would have to be taken on notice. However, as of last year residents were given the opportunity to access and pay their rates electronically, and the savings to Council have been significant.

Cr Baxter asked what initiatives is the Council employing to encourage people to access these documents electronically.

Chris Carroll, General Manager Organisational Performance, replied that electronic access to these documents was being promoted through the rates notices themselves.



8. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 8.1 CEO Report - Issue 31 March 2017
- 8.2 Long Term Market Applications 2017/18
- 8.3 Local Area Traffic Management Scheme - Grand Prix
- 8.4 Port Phillip City Collection Policy
- 8.5 54 Acland Street, St Kilda
- 8.6 163 Mills Street, Albert Park
- 8.7 220 Ingles Street, Port Melbourne - Stage 18
- 8.8 19 Salmon Street, Port Melbourne – Application for Review at VCAT
- 8.9 Planning Permits Delegate Report - January 2017



8.1 CEO REPORT - ISSUE 31 MARCH 2017

Purpose

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

Moved Crs Bond/Simic

That Council:

- I.1 Notes the CEO Report Issue 31 (provided as Attachment I) including changes against budget during January 2017 and also changes to the project portfolio for January 2017.

A vote was taken and the MOTION was CARRIED unanimously.



8.2 LONG TERM MARKET APPLICATIONS 2017/18

Purpose

To present the report of outdoor market Expression of Interest (EOI) evaluation and provide recommendations.

Moved Crs Crawford/Copsey

That Council:

- I.1 Approves the application for Hank Marvin Market on a Saturday between 9am - 3pm at Alma Park East, with a liquor licence, from 5 August 2017 until July 2018.
- I.2 Approves the application of St Kilda Twilight Market for Thursday nights between 5pm-10pm at O'Donnell Gardens, without a liquor licence, for a total of ten markets during the months of December 2017 to February 2018.

A vote was taken and the MOTION was CARRIED unanimously.



8.3 LOCAL AREA TRAFFIC MANAGEMENT SCHEME - GRAND PRIX

Purpose

The purpose of this report is to provide Councillors the background of the Australian Formula 1 Grand Prix and to advise of a change to the declared arterial roads for the event in 2017 and in future years.

Moved Crs Bond/Gross

That Council:

- I.1 Notes the history of the Formula 1 Grand Prix held at the Albert Park Reserve, and the challenges of growth and change the City will experience in years to come.
- I.2 Notes the changes that will be implemented on state arterial roads during the 2017 and future Formula 1 Grand Prix events held at Albert Park Reserve, and applying generally from late 2017 as determined by the relevant authority (VicRoads) being:
 - (a) the maintenance of through traffic on Canterbury Road and Albert Road during all four event days of each Formula 1 Grand Prix event going forward, to ensure traffic congestion is minimised. Temporary 40km/h speed limits, and additional police presence will be in place on both Canterbury Road and Albert Road to ensure pedestrian safety. During previous events, these roads were open during the first two days and closed on Saturday and Sunday; and
 - (b) the likelihood that through traffic will be maintained on Canterbury Road and Albert Road from late 2017 for the duration of the Melbourne Metro construction period. It is noted that the change to St Kilda Road to one traffic lane in each direction for Melbourne Metro will necessitate a strategic review by Vic Roads of all state declared arterial roads and proposed road closures in the precinct.

A vote was taken and the MOTION was CARRIED unanimously.



8.4 PORT PHILLIP CITY COLLECTION POLICY

Purpose

To submit the Port Phillip City Collection Policy 2017 for endorsement

Moved Crs Brand/Bond

That Council:

- I.1 Endorses the Port Phillip City Collection Policy 2017 (Attachment I).

A vote was taken and the MOTION was CARRIED unanimously.



8.5 54 ACLAND STREET, ST KILDA

Purpose

To extend the 'red line' licensed area on the ground floor so as to include the internal toilet area, to increase patron numbers by 50 patrons (from 84 to 134) and for a waiver of car parking for the increased patron numbers.

Moved Crs Bond/Pearl

- 13.1 That the Responsible Authority, having caused the application to be advertised and noted the objections and submissions of support, is of the opinion that the proposed amendment to Planning Permit 551/1994 would not cause unreasonable detriment to any person.
- 13.2 It is recommended, in relation to Application No. 551/1994/B, that the Council issues a Notice of Decision to Amend a Planning Permit by way of new conditions and by way of endorsing amended plans allowing an increase in patron numbers and increase in red line area at 54 Acland Street, St. Kilda.

- 13.3 It is recommended that the Council approve the following amendments:

Plans

Amend the endorsed plans to show:

- The 'red line' liquor licence area covering the front terrace, the bar/café area behind and the internal toilets.
- A maximum patron number for the front terrace of 36 and a maximum patron number of 98 for the internal area of the premises.

New conditions:

I. Security Management Plan

Within three months of the date of the issue of amended planning permit 551/1994/A, a Security Management Plan must be prepared and submitted for approval to the Responsible Authority which must provide for the following to the satisfaction of the Responsible Authority:

- (i) An attendant or doorman responsible for monitoring the number of patrons on the premises after 11.00pm.
- (ii) The keeping of a register recording the number of patrons on the premises each hour between 11.00pm and closing time.
- (iii) 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 use the nearby footpaths at any time for congregating or socialising.
- (iv) The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner and maintain satisfactory clearance for other pedestrians on the footpath.



- (v) The measures to be taken by management and staff to ensure that patrons do not cause nuisance or annoyance to persons beyond the land.
- (vi) Liaison with Victoria Police, the City of Port Phillip and local residents.
- (vii) A telephone number provided for residents to contact the premises and linked to the complaints register;
- (viii) The maintenance of a complaints register, which must, on reasonable request, be made available for inspection by the Responsible Authority.
- (ix) Staff being trained in the responsible service of alcohol.
- (x) Measures to be taken by staff to ensure that any rubbish from the premises, should it be located in nearby streets or footpaths, is removed as quickly as practical.

Once submitted and approved, the Security Management Plan must be carried out to the satisfaction of the Responsible Authority.

2. Closure of front windows.

The front windows must be closed when live music is played on the premises, and between 11pm and 9am daily.

14. Time Limit

This permit will expire if the increase in patron numbers and the increase in the area where liquor is able to be consumed is not acted upon within 2 years of the date of this amended permit.

Renumber existing permit conditions 1 to 10 as 3 to 12.

Replacement Conditions:

8. Patron Numbers

Without the further written consent of the Responsible Authority, no more than 36 patrons must occupy the front terrace and no more than 98 patrons must occupy the front café/bar area.

A vote was taken and the MOTION was CARRIED unanimously.



8.6 163 MILLS STREET, ALBERT PARK

Cr Pearl declared an indirect conflict of interest, pursuant to section 78E of the Local Government Act 1989, due to residential amenity and vacated the Chamber at 7.40pm.

Purpose

Partial demolition; alterations and additions; external painting of a building, waiver of the loading bay requirements and the sale of packaged liquor (associated with use of the premises as a shop) with operating hours of 7.00am to 9.00pm daily.

Moved Crs Bond/Gross

- 13.1 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
- 13.2 That a Notice of Decision to Grant a Permit be issued for partial demolition; alterations and additions; the sale of packaged liquor in association with use of the premises as a shop at 163 Mills Street, Albert Park.
- 13.3 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 three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:

- a) A south-eastern demolition elevation.
- b) A south-eastern proposed elevation
- c) Removal of the servery window.
- d) 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).

2. No Alterations

The layout of the site and the size, levels, design and location of buildings and works, external materials, finishes and colours as shown on the endorsed plans and the red line plan indicating areas in which liquor may be sold and consumed as shown on the endorsed plans must not be modified for any reason without the prior written consent of the



Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

3. Hours of Operation

Without the further written consent of the Responsible Authority the sale of liquor is permitted only between the hours of 11am and 9pm daily.

4. SEPP N-1

Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area).

5. Footpath Trading Area.

No liquor may be consumed in any footpath trading area associated with the premises without the further permission of the Responsible Authority.

6. 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.
- c) The use is not commenced within two (2) years of the completion of the development.

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

- a) before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- b) 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**

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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.

A vote was taken and the MOTION was CARRIED unanimously.

Cr Pearl returned to the Chamber at 7.46pm.



8.7 220 INGLES STREET, PORT MELBOURNE - STAGE 18

Purpose

The consideration of Stage 18 of a staged subdivision. The subdivision creates lot A and S53, being the balance of the site.

Moved Crs Gross/Bond

- 14.1** That a Planning Permit be issued for Stage 18 of a staged subdivision of the site at 220 Ingles Street, Port Melbourne
- 14.2** That the decision be issued as follows:
- 1. 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.
 - 2. 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
 - 3. South East Water**

The Plan of Subdivision must be accompanied by an Owners Corporation Schedule. All lots shown on the Plan of Subdivision (Lot A) must be included in the Owners Corporation Schedule.

or

The owner of the subject land can enter into an agreement with South East Water for the provision of separate services to each individual lot.
 - 4. 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.

5. 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.

6. 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 **285187**.
- (d) Further application for electricity supply to each lot may be required and all electrical installations in the subdivision shall comply with the requirements of "Victorian Service and Installation Rules and the Distribution Code".

A vote was taken and the MOTION was CARRIED unanimously.



8.8 19 SALMON STREET, PORT MELBOURNE – APPLICATION FOR REVIEW AT VCAT

Purpose

To advise of the lodgement of an application for review against the Minister for Planning’s Notice of Decision to Grant a Permit for a townhouse development at 19 Salmon Street, Port Melbourne.

Moved Crs Baxter/Simic

That Council:

- 14.1** Notes the lodgement of an application for review against the Minister for Planning’s Notice of Decision to Grant a Permit for a townhouse development at 19 Salmon Street, Port Melbourne.
- 14.2** Authorises the Manager City Development to instruct Council’s Solicitors on this Application for Review.

A vote was taken and the MOTION was CARRIED unanimously.



8.9 PLANNING PERMITS DELEGATE REPORT - JANUARY 2017

Purpose

To present the meeting with a summary of all planning permits issued under delegation.

Moved Crs Gross/Bond

- 2.1 That Council receive and note the January 2017 Delegate Report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED unanimously.



9. NOTICES OF MOTION

Item 9.1 Homelessness in the City of Port Phillip

Moved Crs Copsey/Simic

That Council:-

1. Reaffirms the City of Port Phillip's proud history of and commitment to providing help and support to people experiencing homelessness.
2. Notes City of Melbourne's proposed local law changes will impact people experiencing homelessness.
3. Recognises that the City of Melbourne's proposed local law changes have created fear and misunderstanding within an already marginalised group of people.
4. Observes that rather than addressing and responding to the causes of homelessness, City of Melbourne's proposed local law changes punish individuals and forces them to leave familiar environments, displacing them to adjoining local government areas.
5. While recognising the limitations of our already stretched services, commits to supporting those affected by the City of Melbourne's proposed local law changes that will impact people experiencing homelessness, as far as practicable.
6. As outlined in City of Port Phillip's Homelessness Action Plan and Social Justice Charter, affirms the City of Port Phillip's support for every legal centre, homelessness service provider, homelessness peak body and other organisations that have written to the City of Melbourne opposing the proposed local law changes.
7. Requests that officers prepare a report examining baseline information about people experiencing homelessness in the City of Port Phillip and considering the impacts of the City of Melbourne's proposed local law changes could have on the City of Port Phillip.
8. Requests that officers prepare and lodge a submission on behalf of the City of Port Phillip to the consultation currently being conducted by the City of Melbourne into its proposed local law changes, outlining the points above and any other relevant matters.

A vote was taken and the MOTION was CARRIED.



10. REPORTS BY COUNCILLOR DELEGATES

Cr Baxter reported upon the Association of Bayside Municipalities Day on the Bay with the SV Pelican research boat. The purpose of which was to see the issues facing the bay and waterways, particularly in relation to plastics.

Cr Gross reported on Metropolitan Waste Management Group:

1. Good forum for discussing minimising waste;
2. Urban area is underrepresented;
3. Fishermans Bend features prominently.

Cr Gross reported that he met with the MAV for strategic planning meetings, and is convinced of the importance of the organisation.

Moved Crs Baxter/Bond

That Council receives the reports.

A vote was taken and the MOTION was CARRIED unanimously.



II. URGENT BUSINESS

Nil.

As there was no further business the meeting closed at 8.48pm.

Confirmed: 15 March 2017

Chairperson _____