



**ORDINARY  
MEETING OF  
COUNCIL**

**MINUTES**

**19 JULY 2017**



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

The meeting opened at 6:30pm.

### PRESENT

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

### IN ATTENDANCE

Peter Smith Chief Executive Officer, Claire Ferres Miles General Manager Place Strategy and Development, Carol Jeffs General Manager Community Development, Fiona Blair General Manager Infrastructure and Amenity, Melissa Harris Acting General Manager Organisational Performance, Doron Karliner Chief Governance Officer, Michelle Rysanek Senior Property Project Manager, Lili James Manager Safety and Amenity, Brett Walters Manager Sustainability and Transport, Joanne McNeill, Manager Asset Management and Property, Anthony Traill Manager Open Space and Recreation, Katrina Terjung Manager Strategy and Growth, Laura Cattapan Coordinator Access and Inclusion, Terry Wright Coordinator Animal Management and Local Laws, David Graffen Coordinator Property Management, Rocky Camera Coordinator Planning Canal Ward, Marc Jay Coordinator City Permits, Shona Sekene Footpath Trading Administrator, George Borg Manager City Development, Damian Dewar Manager Place and Design, Rebecca Doherty Precinct Director Domain.

*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.*

## I. APOLOGIES

### Moved Crs Bond/Simic

That apologies were received and leaves of absence were granted to Cr Brand and 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 5 July 2017 be confirmed.

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



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

Nil.



## 4. PETITIONS AND JOINT LETTERS

### Item 4.1

An electronic Petition was received on 1 June 2017 from 673 signatories requesting the St Kilda Seabaths Roof Terrace remain totally as public space.

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

That Council:

1. Considers the petition in determining its position on the Seabaths rooftop terrace planning permit application currently before the Victorian Civil and Administrative Tribunal.

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



**Item 4.2**

The following speakers made verbal submissions in relation to this item:

**Igor Vainer**

- Stated that he has been a trader in Carlisle Street for 26 years and believes that the safety of the street has deteriorated.
- Stated that when police are called to Carlisle Street to deal with an incident involving alcohol affected people, they have limited power to intervene as the local law allows alcohol consumption on Carlisle Street.
- Stated the petition received 809 signatures over a three week period and that the majority of signatories made reference to safety concerns on Carlisle Street.

**David Besser**

- Stated that his family has lived in the area for 50 years and that recently his friends and family are scared to visit the area due to safety concerns.
- Stated that he understands there are multiple problems contributing to anti-social behaviour in Carlisle Street, but that banning alcohol consumption is one aspect that Council can control.

A Petition was received on Friday 7 July from Igor and Rosie Vainer and 809 signatories from the Carlisle Street Shopping Village requesting a change to the Local Law No.1.

**Moved Crs Pearl/Bond**

That Council:

Receives the Petition and notes that officers will provide a response at a future Council meeting.

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



## 5. SEALING SCHEDULE

Nil.



## 6. PUBLIC QUESTION TIME

### Isaac Hermann

- Commended Council on Elwood Canal resource working group, CEO forum and the asset team new direction. Stated that he looks forward to bi-monthly updates and the flood management plan review community consultations. Mr Hermann asked what dates have been agreed for these consultations.
- Mr Hermann requested an update on the delays of the Elwood Canal's one way valve installations. What needs to be done to expedite this measure?
- Regarding the Municipal Emergency Management Plan – sub plan one and four. In the event of significant flooding, where should the residents of Elwood seek emergency shelter, group shelter or relief shelter? Where are these located? Has Council allocated enough resources to address this gap in municipal emergency planning?

The Mayor, Cr Bernadene Voss, thanked Mr Hermann for his presentation.

- Brett Walters Manager Sustainability and Transport, responded that the bi-monthly community forum to inform Elwood residents about flood related matters has a tentative date of 24 August for the first meeting. Draft terms of reference have been circulated to Canal Ward Councillors for feedback. Once finalised, invitations will be sent to the proposed participants.
- Joanne McNeill Manager Asset Management and Property – added that the review of the Melbourne Water flood management plan is under development with Melbourne Water. Regarding emergency relief centres and sub plans one and four, both sit within the Municipal Emergency Management Plan. Sub plans one & four are currently under review.

### Rhonda Small

- Why are there no questions around the St Kilda Festival in the Have Your Say survey on Council's Event Strategy?
- Carol Jeffs General Manager Community Development advised while there is no specific question on the St Kilda Festival in the survey, the Event Strategy covers events including St Kilda Festival and other smaller events and Council would be happy to receive feedback on all events.

### Paul Hickey

- Mr Hickey spoke to his complaint around the process that he experienced to replace a damaged front fence on his property in Middle Park. Mr Hickey stated that the process took 17 months to complete and he experienced multiple frustrations during this time in his dealings with Port Phillip City Council.
- Asked Council, how can experiences such as his be tolerated? What is going to be done so that others do not have to go through the same process? Will he be compensated for his

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out of pocket expenses during this process? What will be done to improve the customer service experience so that process are clearly explained, followed through, and rate payers are treated in a respectful manner when asking Council for help?

The Mayor, Cr Bernadene Voss, thanked Mr Hickey for his presentation.

- Peter Smith, CEO, apologised to Mr Hickey for his experience. Mr Smith requested a meeting with Mr Hickey to discuss his experience and to consider any options for compensation.



## 7. COUNCILLOR QUESTION TIME

Councillor Pearl asked if officers could please provide an update on the request from the local clubs at J L Murphy Reserve for the installation of video surveillance equipment on a Council building in a bid to prevent vandals targeting facilities in the area? What is the current timeline?

Anthony Traill, Manager Open Space and Recreation, stated that the clubs and Council are working together on the offer to install video surveillance equipment to J.L. Murphy Reserve pavilion. It is important to ensure the installation complies with any legislative requirements with advice on this expected within the next three weeks.

Regarding St Kilda Road North Precinct and Developer Contribution Plans for the area, Councillor Pearl asked given the unprecedented rate of growth in the area, could officers please provide detail on what developer contribution plans exist in the precinct to foster services and community growth?

Katrina Terjung, Manager Strategy and Growth, stated that there is no current Developer Contribution Plan operating in the St Kilda Road North precinct. When the St Kilda Road North precinct plan was undertaken there was a comprehensive assessment of the infrastructure needs that would be generated by new development in that precinct and at that time Council did commission some advice as to whether a Developer Contribution Plan would be of merit. The advice back to Council was that the level of funds generated by a Developer Contribution Plan would be of low benefit. The Department of Planning is looking at a simplified version of Developer Contribution Plans, recognising that the issue of Developer Contribution Plans in established areas is problematic.

Councillor Pearl – further asked that given the rate of change in the St Kilda North Precinct, has Council's position on this changed so that we would now consider a Developer Contribution Plan for the area?

Katrina Terjung Manager Strategy and Growth advised the original analysis did take into consideration change over a 20 year period. Whilst the rate of growth has been rapid, this does not change the fact that the quantum of new development vs existing development would be of the same breakdown in the initial analysis.



## **8. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 8.1 Acceptance of the Port Phillip Older Persons Consultative Committee Annual Report January 2016 - April 2017 and amendment to the Terms of Reference.
- 8.2 Local Law No. 1 Review
- 8.3 Victorian Pride Centre - Review of Submissions in Response to Public Notice, as Required by Section 189 and 223 of the Local Government Act 1989, for the Intention to Transfer Property at 3/77 Fitzroy St, St Kilda to the Victorian Pride Centre
- 8.4 Proposed Lease - Royal Melbourne Yacht Squadron
- 8.5 Proposed Discontinuance and Sale of Road Part R2975 Between 17 Coventry Place and 378 Coventry Street, South Melbourne
- 8.6 245 - 251 Normanby Road, South Melbourne
- 8.7 127 Ruskin Street Elwood
- 8.8 Assembly of Councillors
- 8.9 Westgate Tunnel Environmental Effects Statement Submission
- 8.10 Planning Scheme Amendment C143: Heritage Controls for 19 Salmon Street and 299 Williamstown Road, Port Melbourne - Consideration of late submission
- 8.11 Footpath Trading - Prince of Wales



**8.1 Acceptance of the Port Phillip Older Persons Consultative Committee Annual Report January 2016 - April 2017 and amendment to the Terms of Reference.**

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

Coralie Ling

- Chairperson of the Older Persons Consultative Committee.
- Acknowledged previous Council representative Councillor Horvath and current representative Councillor Gross.
- Commented on two recent forums held on living alone and elderly abuse.
- Stated the Committee's interest in the built environment and its impact on elderly people, Fishermans Bend and sustainability.
- Stated the Committee's concern about the lack of understanding in the federal My Aged Care program and expressed the Committee's desire to address that.
- Commented on the range of events planned for the Seniors Festival in October this year.
- Thanked Council for sponsoring the Festival.

**Purpose**

The report is to present to Council the following:

- Port Phillip Older Persons Consultative Committee (OPCC) January 2016 – April 2017 Annual Report.
- Amendment to the OPCC Terms of Reference.

**Moved Crs Simic/Pearl**

That Council:

- 1.1 Receives the Older Persons Consultative Committee Annual Report January 2016 – April 2017.
- 1.2 Thanks and acknowledges the Committee Members for their work and achievements.
- 1.3 Endorses the amended Older Persons Consultative Committee Terms of Reference (attachment 1).

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



## 8.2 Local Law No. 1 Review

### Purpose

To present the amended and new clauses proposed to be included in Council's Local Law No.1 (Community Amenity) and to commence the statutory process for inclusion of these clauses into Local Law No.1 (Community Amenity).

### Moved Crs Pearl/Bond

That Council:

- 1.1 Approves the commencement of the statutory process for the making of the proposed new and amended clauses and for these clauses to be incorporated into the Principal Local Law No. 1 (Community Amenity) (Attachment 1).
- 1.2 Gives public notice of the exhibition of the draft clauses and amendments proposed to be incorporated in the Principal Local Law No 1 (Community Amenity), via the Government Gazette and public advertisement, and invite written submissions in relation to the draft Local Law to be received by the Council for consideration until the close of business Friday 8 September 2017 as per Sections 119 and 223 of the Local Government Act 1989.
- 1.3 Notes that any submissions received pursuant to Section 223 of the Local Government Act 1989 will be considered at an Ordinary meeting of Council to be held on 4 October 2017 in the Council Chambers, Port Melbourne Town Hall, in relation to the new and amended clauses proposed to be incorporated into the Principal Local Law, Local Law No.1 (Community Amenity).
- 1.4 Considers the final clauses and amendments to the Local Law No 1 at its Ordinary Meeting of Council on the 1 November 2017.

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



**8.3 Victorian Pride Centre - Review of Submissions in Response to Public Notice, as Required by Section 189 and 223 of the Local Government Act 1989, for the Intention to Transfer Property at 3/77 Fitzroy St, St Kilda to the Victorian Pride Centre**

**Purpose**

To hear and consider public submissions from interested parties as required by Section 223 of the *Local Government Act 1989* in response to the notice published in accordance with Section 189 of the *Local Government Act 1989* in *The Age*, on CoPP web-site and in the *Local Leader* newspaper advising of City of Port Phillip's intention to sell the land located at 3/77 Fitzroy St, St Kilda to the Victorian Pride Centre.

**Moved Crs Copsey/Crawford**

That Council:

- 1.1 Notes that under clause 189 and 223 of the *Local Government Act 1989* a public notice inviting submissions from interested parties in relation to the City of Port Phillip's intention to sell the land owned by the City of Port Phillip located at 3/77 Fitzroy St, St Kilda to the Victorian Pride Centre Limited was published in *The Age*, on the CoPP web-site and in the local *Leader* newspaper.
- 1.2 Notes that no submissions were received by or on the closing date and time of 5pm, 7 July 2017.
- 1.3 Having followed all the required statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989*, authorises the CEO to sell the land and transfer it to the Victorian Pride Centre in line with the conditions of the Collaboration Deed (agreement) executed by the Victorian Pride Centre and City of Port Phillip.
- 1.4 Authorises the CEO to affix the common seal of Port Phillip City Council to any transfer of the land and any other documents required to be signed in connection with the sale of the land and transfer to the Victorian Pride Centre.
- 1.5 Authorises the CEO to create or save any easements, rights or interests over the land so they are not affected by the sale and transfer.

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



#### 8.4 Proposed Lease - Royal Melbourne Yacht Squadron

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

Rhonda Small

- Raised a question in relation to the current market valuation for the ground rental.

#### Purpose

To seek Council's approval to complete the statutory procedures and to enter into a new lease with the Royal Melbourne Yacht Squadron (RMYS) for premises at 2 Jacka Boulevard, St Kilda.

#### Moved Crs Pearl/Bond

That Council:

- I.1 Having received no submission in response to a notice of intention to lease the premises at 2 Jacka Boulevard, St Kilda to the Royal Melbourne Yacht Squadron, resolves to conclude the statutory procedures under Sections 190 and 223 of the Local Government Act 1989 and to enter into a new lease.
- I.2 Authorises the Chief Executive Officer or delegate to execute a new lease agreement on the terms outlined in Attachment 1, including but not limited to the following terms outlined below:
  - I.2.1 Proposed Tenant: Royal Melbourne Yacht Squadron
  - I.2.2 Demised Premises: 2 Jacka Boulevard St Kilda
  - I.2.3 Permitted Use: Sail club and associated activities
  - I.2.4 Commencement Date: 1 March 2017
  - I.2.5 Term: 21 Years
  - I.2.6 Rent: \$40K per annum plus GST at commencement representing a commercial valuation of ground rent
  - I.2.7 Capital investment: \$1.1M within the first 5 years
  - I.2.8 Maintenance: All maintenance and asset renewal to be undertaken by the tenant
  - I.2.9 Community benefits: Annual reporting on Community benefits including
    - making the slip and boatyard available to all community members
    - provision of three days per year of at cost community use of facilities
    - provision of a low/no cost opportunity for schools, people with disabilities and general community to participate in sailing including the number of events and

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participation

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



### 8.5 Proposed Discontinuance and Sale of Road Part R2975 Between 17 Coventry Place and 378 Coventry Street, South Melbourne

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

#### Richard Cherry

- From SJV Planning attended on behalf of owners of 376 Coventry Street.
- Responded to Council's comments in its report in relation to pedestrian and vehicular access, and light, air and ventilation to the property.

#### Andrew Moses

- Co-applicant
- Drew Council's attention to the conclusion of the independent Traffics Group report that stated that the current laneway is not suited to vehicular access and the property has other access points through other laneways.
- Requested Council approve the application.

#### **Purpose**

The purpose of this report is to advise Council that public notification has been undertaken as part of the statutory process, and to present a summary of the written submission to Council for consideration.

#### **Moved Crs Bond/Copsey**

That Council:

- 1.1 Hears and considers the written submission made under section 223 of the Local Government Act 1989 with respect to the proposed discontinuance and sale of road between 17 Coventry Place and 378 Coventry Street, South Melbourne, part R2975 (Road).
- 1.2 Directs that Council officers prepare a further report at a forthcoming Council meeting on 16 August 2017 to enable a final decision to be made as to whether the Road should be discontinued and the land sold.

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



**8.6 245 - 251 Normanby Road, South Melbourne**

**Purpose**

Demolish existing buildings, construct a mixed use 40 level building comprising retail, offices and 321 dwellings and associated car and bicycle parking, use the land for accommodation (dwellings) and alter access to a Road Zone Category 1 (i.e. remove two vehicle crossings on Normanby Road).

**Moved Crs Bond/Baxter**

- 14.1 That Council advises the Department of Environment, Land, Water and Planning that:
  - 14.1.1 Council does not support the application in its current form based on the matters set out in Sections 7 and 9 of this report;
  - 14.1.2 In the event the Minister determines to grant a permit for the application, any permit issued should incorporate the conditions set out in the Attachment to this report.

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



## 8.7 127 Ruskin Street Elwood

### Purpose

Partial demolition to the rear of the existing dwelling, construction of two storey addition to the rear of the dwelling, and construction of a carport, deck, swimming pool and side and rear boundary fences.

### Moved Crs Crawford/Baxter

- 14.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 14.2 That a Notice of Decision to Grant a Permit be issued for Partial demolition to the rear of the existing dwelling, construction of a two storey addition to the rear of the dwelling, and construction of a carport, deck, swimming pool and side and rear boundary fencing
- 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 March 2017 but modified to show:

- a) The sill of the first floor windows along the southern (side) elevation associated with the master bedroom constructed to a height of 1.7 metres above the FFL or screened to a height of 1.7 metres above the FFL by obscure glazing or louvres allowing upward views but preventing downward and horizontal overlooking of adjacent properties. If louvred screens are proposed, a cross section elevation drawing of screens to the windows must be provided which:
  - i. Clearly delineate any solid parts of the screen and any louvre parts of the screen;
  - ii. Clearly illustrate how any louvre system may allow upward views but will prevent horizontal and downward views to neighbouring properties;
  - iii. Show the exact width and thickness of each louvre, the exact spacing between each louvre and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the window.



- b) The location of the mechanical equipment and safety equipment associated with the swimming pool.
- c) The carport wall along the southern (side) boundary reduced to a maximum length of 6.12 metres.
- d) The overall height of the first floor addition reduced by a minimum of 150mm.

**2 No alterations**

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

**3 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.

**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.

**Melbourne Water condition**

- 5** Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

**End Melbourne Water condition**

**6 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.

**7 Satisfactory continuation**

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

**8 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.

**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 Piping and ducting**

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

**11 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.
- a. 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.

- **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).

**Melbourne Water footnotes**

- Flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's



drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. However, to determine if a property is subject to flooding from the local Council drainage system you will need to contact the relevant Council for flood information.

- 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 31997.

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



## 8.8 Assembly of Councillors

### Purpose

The purpose of this item is to report to Council written records of Assemblies of Councillors at the City of Port Phillip as required by section 80A (2) (a) and (b) of the *Local Government Act 1989*.

### Moved Crs Baxter/Pearl

That Council:

- 1.1 Receives and notes the written records of Assemblies of Councillors (attached) as required by section 80A (2)(a) and (b) of the *Local Government Act 1989*.

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



## 8.9 Westgate Tunnel Environmental Effects Statement Submission

### Purpose

To seek endorsement of the City of Port Phillip's Environmental Effects Statement (ESS) submission to the West Gate Tunnel Project Inquiry and Advisory Committee on the anticipated environmental, social and transport effects of the proposed West Gate Tunnel Project (Project).

### Moved Crs Simic/Bond

That Council:

- I.1 Endorses the Officer's submission, included as Attachment 1 dated 10 July 2017, to the West Gate Tunnel Project Inquiry and Advisory Committee on the environmental effects of the proposed Project.
- I.2 Notes
  - I.2.1 City of Port Phillip's Environmental Effects Statement (EES) submission demonstrates Council's commitment to minimising the negative impacts of the construction and operation of the Project on the community;
  - I.2.2 There is a lack of justification or rationale for implementing the Project and it will ultimately reduce the funding pool for other, more critical projects, such as Melbourne Metro 2 and trams to Fishermans Bend Urban Renewal Area (FUBRA);
  - I.2.3 The Project does not meet the goals of the State Government's *Plan Melbourne* or *Fishermans Bend Vision* documents prioritising sustainable transport and creating 20 minute Neighbourhoods;
  - I.2.4 The Project should include Transport Demand Management measures to lock in capacity for high value goods and people movement such as freight and public transport.
  - I.2.5 When operational, the Project will provide a short term decrease in the number of vehicles using the West Gate Freeway Bridge but will ultimately encourage driving and provide little long term benefit for commuters. The project will reduce air quality, add greenhouse gases, result in loss of valuable inner city development land, reduce liveability, reduce the amount of in quality open space and increase regional transport inequality.

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



**8.10 Planning Scheme Amendment C143: Heritage Controls for 19 Salmon Street and 299 Williamstown Road, Port Melbourne - Consideration of late submission**

**Purpose**

- To consider a late submission received to Amendment C143 to the Port Phillip Planning Scheme, made in relation to the land known as 299 Williamstown Road, Port Melbourne.
- To formulate a response in relation to the late submission requesting removal of the subject land from the proposed Heritage Overlay, as the basis for Council's position at the upcoming Panel hearing.

**Moved Crs Bond/Crawford**

That Council:

- 1.1 Considers the late submission made to Amendment C143 in relation to the land known as 299 Williamstown Road, Port Melbourne
- 1.2 Endorses the following changes to Amendment C143, as the basis for Council's position to the Panel in response to the issues raised in the late submission:
  - Remove 299 Williamstown Road Port Melbourne from the Amendment.
  - Amend the Heritage Overlay Map and Schedule to the Heritage Overlay in relation to proposed HO472, to only include land at 19 Salmon Street, Port Melbourne.
  - Amend proposed Citation 2366, forming part of the Incorporated Document *Port Phillip Heritage Review*, to exclude the reference to 299 Williamstown Road.
- 1.3 Writes to all submitters and Planning Panels Victoria to inform them of Council's decision.

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



### 8.1.1 Footpath Trading - Prince of Wales

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

Tom Walker

- Urged Council to accept the recommendations in the report.

#### Purpose

To determine a Footpath Trading application by the Prince of Wales Hotel to vary Council's Footpath Trading Guidelines (2013) to allow the retention of footpath trading adjacent to the building.

#### Moved Crs Bond/Pearl

That Council:

- I.1 Varies the Footpath Trading Guidelines at The Prince of Wales Hotel, 29 Fitzroy Street, St Kilda to:
  - a) Allow the retention of the existing 2.0 metre wide footpath trading area against the building.
  - b) Provide for queuing arrangements for The Bandroom adjacent to the footpath trading area.
- I.2 Resolves that the Footpath Trading Permit issued under I.1 must include the following conditions:
  - a) Install solid barriers with in-ground sockets prior to a queue forming to separate The Bandroom patrons from pedestrians.
  - b) Operate in accordance with the approved Night Management Plan.

#### Cr Pearl requested a DIVISION.

For	Against
Cr Bond	Cr Simic
Cr Pearl	Cr Copsey
Cr Voss	Cr Baxter
Cr Crawford	

A vote was taken and the MOTION was CARRIED.



**9. NOTICES OF MOTION**

Nil.



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

Councillor Copsey – Provided an update on the Cultural Development Fund grants that were granted on 19 July 2017.



## II. URGENT BUSINESS

Nil.



## 12. CONFIDENTIAL MATTERS

### Moved Crs Pearl/Bond

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 Contractual matter – City of Port Phillip & Melbourne Metropolitan Rail Authority in relation to the proposed Domain Station**

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

89(2)(d) Contractual Matters

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

The Meeting was closed to members of the public at 8.45pm.

The Meeting was reopened to members of the public at 9.20pm.

As there was no further business the meeting closed at 9.20pm.

Confirmed: 2 August 2017

Chairperson \_\_\_\_\_