



**ORDINARY  
MEETING OF  
COUNCIL**

**MINUTES**

**18 OCTOBER 2017**



**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF THE PORT PHILLIP  
CITY COUNCIL HELD 18 OCTOBER 2017 IN ST KILDA TOWN HALL**

The meeting opened at 6:31 pm.

**PRESENT**

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

**IN ATTENDANCE**

Peter Smith, Chief Executive Officer; Damian Dewar, Acting General Manager Place Strategy and Development; Carol Jeffs, General Manager Community Development; Lili James, Acting General Manager Infrastructure and Amenity; Dennis O'Keefe, Acting General Manager Organisational Performance; Jo McNeill, Manager Asset Management & Property; David Graffen, Coordinator Property Management; Brett Walters, Manager Sustainability & Transport; Leigh Abernethy, Integrated Transport Strategy Program Coordinator; John Bartels, Coordinator Sustainable Transport; George Borg, Manager City Development; Phillip Beard, Principal Planner City Development; Richard Schuster, Coordinator Planning Lake Ward; Ross Williamson, Manager South Melbourne Market.

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

**I. APOLOGIES**

**Moved Crs Gross/Pearl**

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

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

**2. CONFIRMATION OF MINUTES**

**Moved Crs Simic/Baxter**

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 4 October 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**

Nil.



## **5. SEALING SCHEDULE**

Nil.



## 6. PUBLIC QUESTION TIME

Geoffrey Love

1. Will Council create a target and plan for reducing hard surfaces across the municipality?
2. Will Council create a target and plan for increasing open space in flood prone areas?
3. Will Council approach Bayside Council and Melbourne Water to implement the original plans for a flood-retarding basin in Elsternwick Park South?
4. What is Council's response to adopting a Developers Drainage Contribution Plan, as operated by Bayside Council?
5. Is Council aware of funding available through Melbourne Water's Living Links program? Will Council join the Living Links program and consider funding for the Elwood Canal Estuary Project?

*Brett Walters, Manager Sustainability & Transport, responded that regarding the target and plans for hard surfaces and open space, the Council is at a time when they are working on new strategy developments with the Sustainability Strategy about to begin, and there may be an opportunity to give input to these new plans. In the meantime, with respect to hard surfaces, the Council is currently working through the renewal and upgrade project to identify opportunities to reduce hard surfaces where the sub-surface drainage is amenable to such interventions.*

*Regarding the open space matter, Council has commenced the development of its new Open Space Strategy, involving public consultation, which will occur through the end of this year and into the next. Council is collaborating with the four Councils in the Elster Creek Catchment in the CEO Forum, which is an appropriate forum for Mr Love's issues to be raised.*

*Council is aware of Melbourne Water's Living Links program: individuals and community groups are able to approach them with suggested projects.*

*Jo McNeill, Manager Asset Management & Property, responded to the fourth question regarding the adoption of a Developers Drainage Contribution Plan, stating that this was something that the Council could contemplate, however prior to this better data was needed together with a more informed long-term asset management plan.*

Isaac Hermann

1. Where is the Council's response to Bayside City Council's C153 Planning Scheme amendment? The Council had indicated that they would be putting a submission to the amendment panel.
2. Why has flood safety signage been removed from the corner of Glen Huntly Rd and St Kilda St?

*Brett Walters, Manager Sustainability & Transport, responded that Council had received advice regarding C153, and that there is the opportunity to present at a public hearing in early December. The scope of the Amendment (hence the Panel's response) will be limited in terms of addressing or making recommendations on the broader Elster Creek catchment flooding & management issue.*



*Implementation of an Special Building Overlay is based on a standardised approach and ensuring future buildings are designed to mitigate flood risk. The Panel is constrained by what it is delegated to consider. Regarding the matter of signage, that question will have to be taken on notice.*

## **7. COUNCILLOR QUESTION TIME**

### Cr Baxter

1. Regarding the submission on Bayside City Council's C153 Planning Scheme Amendment, what would the Council need to do to proceed with this?

*Brett Walters, Manager Sustainability & Transport, responded the notification of the Council's intention to submit would need to be completed by 10 November 2017.*

2. Regarding the target and plan for permeability across the municipality, is it possible to get to a point where the Council could set a city-wide target, or does it have to be localised?

*Brett Walters, Manager Sustainability & Transport, responded that it is difficult to speculate on that at this point in time, with further analysis needed.*

### Cr Copsey

1. When will Council reinstate the Rotary children's playground on Jacka Boulevard?

*Jo McNeill, Manager Asset Management & Property, responded that the playground was removed to allow the Stokehouse to rebuild after a fire. It was stated as part of their lease that they were required to reinstate the playground, and they are late in their rebuild. The Council is currently working strongly with them to have this completed soon.*

2. Is Council aware of the residents who have contacted them looking for updates?

*Jo McNeill, Manager Asset Management & Property, responded that Council was in contact with the Rotary Club, and that any residents who had sent enquiries would be responded to individually.*



## **8. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 8.1 South Melbourne Market Annual Report 2016-17
- 8.2 Community Engagement on Setting The Direction for the Integrated Transport Strategy
- 8.4 I Bay Street, Port Melbourne
- 8.3 16 Dinsdale Street, Albert Park
- 8.5 Annual Report 2016/17
- 8.6 New Lease for Kiosk 2, 6 Jacka Boulevard, St Kilda
- 8.7 Proposed Sale of Residential Property
- 8.8 Quarterly Review of Financial Performance and consideration of unbudgeted initiatives
- 8.9 Review of Council delegations to Special Committees of Council
- 8.10 Assembly of Councillors





### **8.1 South Melbourne Market Annual Report 2016-17**

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

Mr Ross Williamson, manager South Melbourne Market, presented the report making special mention of the market's 150th birthday. He also emphasised recognition for the staff for their My Market Story initiative, collecting historic photographs and stories for a legacy of the market, and the promotion of sustainability initiatives resulting in a 98% reduction in green wastes.

#### **Purpose**

To present the South Melbourne Market 2016-17 Annual Report to Council for adoption.

#### **Moved Crs Simic/Gross**

That Council:

- I.1 Receives the annual report for the operation of the South Melbourne Market in 2016-2017 (Attachment 1).

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



## 8.2 Community Engagement on Setting The Direction for the Integrated Transport Strategy

### Purpose

This report is the second of a series of Council reports and presents the Integrated Transport Strategy Position Paper: Setting the Direction with the purpose of securing Council endorsement to release it for community consultation. The outcomes of this engagement will inform the progressive development of Council's Integrated Transport Strategy over the balance of the 2017-18 financial year.

### Moved Crs Gross/Simic

That Council:

- 1.1 Endorses the release of the '*Setting the Direction: A position paper for developing an integrated transport strategy*' to commence community consultation, included as **Attachment I**.
- 1.2 Notes that the intent of '*Setting the Direction: A position paper for developing an integrated transport strategy*' is to outline how Council will realise the type of city our community envisages in a way that best responds to the transport and parking problems of today whilst positioning it to address the challenges of the future.
- 1.3 Notes that the release of '*Setting the Direction: A position paper for developing an integrated transport strategy*' is the first step for Council in developing the Integrated Transport Strategy by June 2018 and has been informed by a strong evidence base of research and analysis.
- 1.4 Notes that a Council Report on the findings of the first stage of community consultation and the draft Integrated Transport Strategy is intended to be presented at a March 2018 Council meeting for decision.
- 1.5 Notes the progress update provided on the paid parking technology and integration program and that a Council Report will be presented for decision prior to the end of the calendar year on the Strategic Business Case for paid parking technology procurement and implementation with a Draft Paid Parking Policy.

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

**Cr Simic called for a DIVISION**

**FOR:**

Cr Baxter  
Cr Brand  
Cr Copsey  
Cr Simic  
Cr Voss  
Cr Crawford  
Cr Gross

**AGAINST:**

Cr Pearl

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



#### 8.4 I Bay Street, Port Melbourne

##### Purpose

Part demolition (existing roof, plant and ground floor courtyard), alterations and additions including the construction of a mezzanine, new balcony to Bay street; construction of a third level with external deck; reduction of the standard car and bike parking requirements; increase to the area for the sale and consumption of alcohol (general licence) including an increase in patrons from 270 to 550

##### Moved Crs Crawford/Brand

- 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 Part demolition (existing roof, plant and ground floor courtyard), alterations and additions including the construction of a mezzanine, new balcony to Bay street; construction of a third level with external deck; a reduction in the standard car and bike parking requirements; use of the second floor for the sale and consumption of alcohol (general licence) including an increase in patrons from 270 to 550 at I Bay Street, Port Melbourne.

##### 14.3 THAT THE DECISION BE ISSUED AS FOLLOWS:

###### Amended plans required

- I. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and reports will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) ~~Deletion of the fin elements to the second floor addition;~~ **The fin elements to the second floor addition to be setback a minimum of 2 metres from the site's street frontages.**
  - b) Details of the dimensions and material of the plant screening in accordance with the recommendations of the SLR Acoustic Report dated 27 September 2016 (Revision 3) and including a non-reflective material finish;
  - c) The acoustic works identified in Section 5 of the SLR Acoustic Report dated 27 September 2016 (Revision 3) relating to the main building structure, internal wall



linings and treatment, 2<sup>nd</sup> floor function room roof and facade treatments and plant area to be identified and notated;

- d) **Notations and illustrations clearly identifying the doors opening to the balcony at first floor and the deck at second floor are ~~swing type doors with automatic closers~~ fitted with automatic closers and an air-tight seal;**
- e) All plant, equipment (including air conditioning, heating units, hot water systems etc.) which are to be located externally.

#### **No Alterations (Development)**

2. 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.

#### **No change to external finishes**

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

#### **Demolition Method Statement**

4. Before the works permitted by this permit start, including any demolition works, a fully detailed 'demolition method statement' must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the permit. The 'demolition method statement' must:
- Fully describe and clearly demonstrate the methods of dismantling of the heritage fabric, restoration and repair and the subsequent reconstruction of the building.
  - Include reference to the staging of demolition and reconstruction works on the site.
  - Detail the necessary protection works required during the demolition works to protect those parts of the building to be retained.

Once approved by the Responsible Authority, all buildings and works must be in accordance with the demolition method statement.

#### **Sustainable Design Assessment**

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

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

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

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



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

**No equipment or services**

8. 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.

**Incorporation of Water Sensitive Urban Design initiatives**

9. 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.

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

10. 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:

- a) inspection frequency
- b) cleanout procedures
- c) 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.

**Noise Levels**

11. 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) to the satisfaction of the Responsible Authority.

**SEPP N-2**



12. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-2 (Control of Music Noise from Public Premises) with the following exceptions:
- a. Noise levels must comply with the internal SEPP N-2 noise limits at 40 Beach Street as stated in Table 1 of the approved SLR Report to the satisfaction of the Responsible Authority.

**Revised Acoustic report**

13. Prior to the commencement of the development, a revised Acoustic Assessment report must be submitted to the satisfaction of the Responsible Authority. The report must be generally consistent with the Version 3 report prepared by SLR Consulting Australia P/L dated 27 September 2016 but amended to include the Memorandum dated 27 March 2017 also prepared by SLR Consulting Australia P/L, and any other relevant change required by permit conditions contained herein.

**Acoustic report**

14. The buildings and works and use must be undertaken in accordance with the approved acoustic report prepared by SLR Global Environmental Solutions to the satisfaction of the Responsible Authority.

**Music**

15. Music (other than background music) is prohibited outside the building, including the rooftop deck. All music playback systems must include a limiting device calibrated to the indoor venue levels specified in the approved SLR report, to the satisfaction of the Responsible Authority.

**Balcony door details**

- 16. Rooftop deck doors and the first floor balcony door must remain closed after 11pm.**

**The rooftop deck and first floor balcony doors must be ~~swing type doors~~ fitted with automatic closers and air-tight seals to the satisfaction of the Responsible Authority.**

**Venue Management Plan**

17. Within three months of the date of the issue of this permit, a revised Venue 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:
- a) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
  - b) 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.
  - c) The measures to be taken by management and staff to ensure that patrons do not cause nuisance or annoyance to persons beyond the land.
  - d) Liaison with Victoria Police, the City of Port Phillip and local residents.
  - e) A telephone number provided for residents to contact the premises and linked to the complaints register;



- f) The maintenance of a complaints register, which must, on reasonable request, be made available for inspection by the Responsible Authority.
- g) Staff being trained in the responsible service of alcohol.

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

#### **Exit Signs**

18. Before the use commences signs must be erected near the entrance/exit and in the toilets requesting that patrons leave the building in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood to the satisfaction of the Responsible Authority.

#### **Hours of Operation**

19. **Without the further written consent of the Responsible Authority the following restrictions apply:**

~~The external bar service must cease operations at 11pm and all of the associated outside deck areas at second floor level must close at 12 midnight~~

~~The outdoor balcony at first floor level must close at 12 midnight.~~

~~The internal floor area at second floor level must close at 1am.~~

- a) **The external drink service bar must cease operation at 11 pm.**
- b) **The outside balcony at first floor level and outdoor deck areas at second floor level must close at:**
  - **Sunday to Thursday: 12 midnight**
  - **Friday and Saturday: 1am the following day**
  - **The eve of and public holidays: 1am the following day**
- c) **The internal floor area at second floor level must close at 1am.**

#### **Number of Patrons**

20. No more than a total of 550 patrons must occupy the premises during operating hours.

#### **Mechanical Exhaust**

21. Before the use starts the kitchen(s) mechanical exhaust system must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Responsible Authority. A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use to the satisfaction of the Responsible Authority.

#### **Vertical Discharge for Mechanical Exhaust**

22. The kitchen(s) exhaust system must provide for a vertical discharge to the atmosphere at a point and velocity which allows for effective dispersal of fumes so as to not create a nuisance (as defined under the Public Health and Wellbeing Act 2008) to the surrounding amenity to the satisfaction of the Responsible Authority.





### **Treatment of Fumes**

23. Fumes from any café/restaurant kitchen(s) must be treated within the mechanical exhaust system to ensure that any discharge does not create a nuisance (as defined under the Public Health and Wellbeing Act 2008). Options available include carbon filters, ultra violet ozone producing lamps, electrostatic precipitation, odour neutralising system or other suitable method. The method of treatment must be designed, installed, operated and maintained to the satisfaction of the Responsible Authority.

### **Storage and Disposal of Garbage**

24. Prior to the completion of the development, provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

### **Waste Management**

25. Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

Land use type.

- a) The estimated garbage and recycling volumes for the whole development.
- b) Bin quantity, size and colour.
- c) The garbage and recycling equipment to be used.
- d) Collection frequency.
- e) The location and space allocated to the garbage and recycling bin storage area and collection point.
- f) The waste services collection point for vehicles.
- g) Waste collection provider.
- h) Scaled waste management drawings.
- i) Signage.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

### **Port Melbourne Developer Contribution Levy**

26. Prior to the commencement of the development hereby permitted the permit holder must either:
- a) Pay or provide a bank guarantee, insurance bond or similar security to the satisfaction of the Responsible Authority for the full amount of the development levy applying to the land in accordance with the provisions of the Port Melbourne Mixed Use Area Development Contributions Plan (Streetscape Works) July 1999 which is an incorporated plan under the Port Phillip Planning Scheme ('the DCP'); or
  - b) Elect by notice in writing to Council to carry out the works ('the Works') generally in accordance with plans of the streetscape works provided by the owner and consented to by the Council.

(2) If the election referred to in (1)(b) is made, the following provisions must apply:



- (a) (i) Prior to the commencement of the Works, plans and specifications of the Works must be submitted to the Council for its approval. Once approved, the Works must be carried out only in accordance with such plans and specifications subject to any amendments that the Council may agree to.
- (ii) Unless otherwise agreed in writing by the Council, the Works must be completed to the satisfaction of the Council prior to the issue of a Certificate of Occupancy.
- (b) (i) As security for the carrying out of Works, on approval by the Council of the plans and specifications for the Works, the owner must lodge with the Council a bank guarantee or insurance bond for the value of the Works.
- (ii) The Councils must be entitled to call upon such security to meet the cost of carrying out or completing the Works as the case may be in the event that the Works have not been completed to its satisfaction by the completion date.
- (iii) The Bank Guarantee or insurance bond must be returned to the owner immediately upon Council advising the owner in writing that the streetscape works have been completed to its satisfaction.

- (3) If the works are carried out on or behalf of the Owner, the Owner must pay to the Council a supervision fee determined in accordance with the Subdivision Act 1998 for the supervision of the Works.

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

27. 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:

- 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 demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

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

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

- **Drainage Point and Method of Discharge**



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

- **Other Approvals May be Required**

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

- **Environmental Health**

The premises must comply with the Food Act 1984 and the Food Standards Code and must be registered with Council's Health Services Unit before the use starts.

- **Asset Protection**

Before the development starts (including demolition) an Asset Protection Permit must be obtained from Council's City Permits Unit.

- **Construction Management**

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

- **Days and Hours of Construction Works**

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 Local Law No. 1 (Community Amenity) 2013, Clause 31. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216.

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

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### **8.3 16 Dinsdale Street, Albert Park**

#### **Purpose**

Demolition of the existing buildings and construction of two double storey dwellings and a reduction in the car parking provision.

#### **Moved Crs Brand/Pearl**

- 14.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Refusal.
- 14.2 That a Notice of Refusal be issued for demolition of the existing building, removal of existing crossover, construction of two double storey dwellings and reduction in car parking requirements at 16 Dinsdale Street, Albert Park.
- 14.3 That the refusal be based on the following grounds:
  1. The proposal would provide insufficient car parking.
  2. The proposal would be contrary to the Local Policy Framework in relation to site responsive design and streetscape character, in particular Clauses 21.05-1, 21.05-2 and 22.04 and would be out of character with the heritage streetscape.
  3. The proposal would result in excessive impacts on the abutting properties particularly through excessive bulk, mass and outlook from the neighbouring rear private open space areas.

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

#### **Moved Crs Gross/Crawford**

- 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 Planning Permit.
- 14.2 That a Notice of Decision to Grant Planning Permit be issued demolition of the existing building, removal of an existing crossover, construction of two double storey dwellings and reduction in car parking requirements at 16 Dinsdale Street, Albert Park.
- 14.3 That the decision be issued as follows:

#### **Amended Plans**

- I. 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 generally in accordance with the plans forming part of the application but modified to show the following:

- a. The deletion of each dwelling's bedroom 3,
- b. The provision of overland flow/flood protection (such as a step or raised edge to the garden/paving areas) where closest to the rear living area of the west dwelling so as to protect those areas from possible inundation.
- c. The provision of full screening to 1.7m above FFL to each of the rear facing Bedroom 2 windows, in lieu of the currently depicted one metre high obscure glass and any additional rear facing windows resulting from condition 1 (a), to prevent oblique overlooking down into the abutting properties.
- d. Dedicated storage areas for each dwelling.
- e. The matters referred to in condition 6 of this permit.

Once approved, these plans become the endorsed plans under this permit.

**No Layout Change**

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

**External colours and Finishes**

3. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

**Equipment and Services Above Roof Level**

4. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

**Plant & Equipment**

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

**Environmentally Sustainable Design**

6. Before the permitted works begin, a modified SMP must be submitted and must demonstrate how environmentally-positive features will be incorporated into the building to the satisfaction of the responsible authority. The project must incorporate the sustainable design initiatives listed in the endorsed documents to the satisfaction of the Responsible Authority and must particularly address how the development achieves a minimum of 50% overall score and required minimums in relation to Energy, Water, Stormwater and IEQ



categories in BESS and that any inconsistencies in relation to water fixtures, heating and cooling are also addressed.

**Walls on or facing a boundary**

7. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

**Existing Crossover**

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

**Time Limits**

9. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within 2 years of the date of this permit.
  - (b) The development is not completed within 2 years of the date of commencement.

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**

- 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.
- The applicant/owner would 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.
- The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.
- Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:



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

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

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

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

- 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 Planning Permit.
- 14.2 That a Notice of Decision to Grant Planning Permit be issued demolition of the existing building, removal of an existing crossover, construction of two double storey dwellings and reduction in car parking requirements at 16 Dinsdale Street, Albert Park.
- 14.3 That the decision be issued as follows:

### **Amended Plans**

- I. 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 generally in accordance with the plans forming part of the application but modified to show the following:
  - a) ~~The deletion of each dwelling's bedroom 3.~~ **The setback of the uppermost level to increase by a minimum of 1.49m, as measured from the rear boundary.**
  - b) The provision of overland flow/flood protection (such as a step or raised edge to the garden/paving areas) where closest to the rear living area of the west dwelling so as to protect those areas from possible inundation.
  - c) The provision of full screening to 1.7m above FFL to each of the rear facing Bedroom 2 windows, in lieu of the currently depicted one metre high obscure glass and any additional rear facing windows resulting from condition 1 (a), to prevent oblique overlooking down into the abutting properties.
  - d) Dedicated storage areas for each dwelling.
  - e) The matters referred to in condition 6 of this permit.
  - f) **Townhouse 2's bathroom and ensuite windows facing the courtyard comprising obscure glass and being non-openable to a minimum height of 1.7m above finished floor level.**
  - g) **The south facing ensuite and north facing bathroom walls of townhouse 2 relocated an additional 250mm and 450mm respectively so as to comply with standard B19 of ResCode and in particular, the 55 degree arc within that standard.**

Once approved, these plans become the endorsed plans under this permit.





**No Layout Change**

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

**External colours and Finishes**

3. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

**Equipment and Services Above Roof Level**

4. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

**Plant & Equipment**

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

**Environmentally Sustainable Design**

6. Before the permitted works begin, a modified SMP must be submitted and must demonstrate how environmentally-positive features will be incorporated into the building to the satisfaction of the responsible authority. The project must incorporate the sustainable design initiatives listed in the endorsed documents to the satisfaction of the Responsible Authority and must particularly address how the development achieves a minimum of 50% overall score and required minimums in relation to Energy, Water, Stormwater and IEQ categories in BESS and that any inconsistencies in relation to water fixtures, heating and cooling are also addressed.

**Walls on or facing a boundary**

7. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

**Existing Crossover**

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

**Time Limits**

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



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

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**

- 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.
- The applicant/owner would 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.
- The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.
- Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:
  - Monday to Friday: 7.00am to 6.00pm; or
  - Saturdays: 9.00am to 3.00pm.

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

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



## **8.5 Annual Report 2016/17**

### **Purpose**

For Council to receive and consider the City of Port Phillip's Annual Report 2016/17

### **Moved Crs Baxter/Pearl**

That Council:

- I.1 Receives and considers the Annual Report 2016/17 (Attachment 1)

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



## 8.6 New Lease for Kiosk 2, 6 Jacka Boulevard, St Kilda

### Purpose

This report seeks Council's approval to commence the statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) to consider granting a lease to Ice Cream Delights Pty Ltd for Kiosk 2, 6 Jacka Boulevard, as a result of the Expression of Interest Evaluation Report TenderLink No. 14/02/17007.

### Moved Crs Gross/Copsey

That Council:

- I.1 Resolves that the statutory procedures be commenced under Section 190 of the Local Government Act 1989 (the Act) for a lease to be granted to Ice Cream Delights Pty Ltd for Kiosk 2, 6 Jacka Boulevard, St Kilda.
- I.2 Proposes a lease to Ice Cream Delights Pty Ltd to enable the operation of a kiosk and an outdoor area including the preparation, service and sale of food and non-alcoholic refreshments for up to five years for an annual fee commencing at \$70,000 inclusive of GST.
- I.3 Directs the public notice of the proposed lease be given under section 223 of the Act.
- 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 Act.
- I.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a Council meeting to be held on 6 December 2017.

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



## 8.7 Proposed Sale of Residential Property

### Purpose

To seek Council approval to commence the statutory process to sell 122 Nott Street, Port Melbourne – a residential property not required for Council service needs and of low strategic value.

### Moved Crs Pearl/Baxter

That Council:

- I.1 Resolves that the statutory procedures under the Local Government Act 1989 be commenced to sell 122 Nott Street, Port Melbourne.
- I.2 **Directs that the public notice of an Intention to Sell be given under Section 223 of the Act,**
- I.3 **Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act.**
- I.4 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 6 December 2017.

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



**8.8 Quarterly Review of Financial Performance and consideration of unbudgeted initiatives**

**Purpose**

To seek Council approval of a number of unbudgeted initiatives and to advise Council of the newly established quarterly budget review process.

**Moved Crs Copsey/Gross**

That Council:

- I.1 Notes the proposed process for the quarterly review of Financial Performance and unbudgeted discretionary initiatives to be completed at the end of the September, December and March.
- I.2 Approves up to \$1,023,000 of unbudgeted expenditure for the following initiatives:
  - I.2.1 Marriage Equality – Additional funds \$40,000
  - I.2.2 In our Backyard Taskforce \$150,000
  - I.2.3 Brookes Jetty Concept Design \$7,500
  - I.2.4 Social and Cultural Heritage Program \$125,000
  - I.2.5 St Kilda Road North Planning Scheme Amendment \$125,000
  - I.2.6 FBURA Precinct Planning \$200,000
  - I.2.7 Pier St, St Kilda Lockable Gates \$45,000
  - I.2.8 Fraud & Corruption Online Training Module \$40,000
  - I.2.9 OHS, Emergency Management and Security Improvements \$290,500
- I.3 Notes that at the end of August we are forecasting a year end cash surplus of \$0.61M which is \$0.25M above budget which will be used to partially fund these initiatives with the remainder coming from general reserves which we will seek to replenish from additional savings during the year.

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

**MINUTES - ORDINARY MEETING OF COUNCIL - 18 OCTOBER  
2017**



**Cr Copsey called for a DIVISION**

**FOR:**

Cr Baxter  
Cr Brand  
Cr Copsey  
Cr Simic  
Cr Voss  
Cr Gross

**AGAINST:**

Cr Pearl  
Cr Crawford

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



## **8.9 Review of Council delegations to Special Committees of Council**

### **Purpose**

This report details the delegations from Council to Special Committees of Council which have been established by Council pursuant to section 86 of the Local Government Act 1989.

This report recommends that Council reviews its delegated powers, duties and functions to these Special Committees.

### **Moved Crs Copsey/Gross**

That Council:

- 1.1 Confirms the existing Inner Melbourne Action Plan Implementation Committee Instrument of Delegation and Terms of Reference dated 1 February 2017 (Attachment 1).
- 1.2 Confirms the existing South Melbourne Market Committee Charter and Instrument of Delegation dated 14 July 2015 (Attachment 2), noting that a further report on the delegations to this Committee will be presented to Council in the December meeting cycle.
- 1.3 Confirms the existing Statutory Planning Committee Instrument of Delegation dated 25 June 2013 (Attachment 3), noting that currently the Committee is not meeting and that a further report on the delegations to and operations of this Committee will be presented to Council in the near future.
- 1.4 Adopts and affixes the common seal to the amended Instrument of Delegation from Council to the Council Neighbourhood Programs Committee and approves the Terms of Reference (Attachment 4).
- 1.5 Revokes the previous Instrument of Delegation and Terms of Reference of the Council Neighbourhood Programs Committee dated 22 October 2013.

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





### **8.10 Assembly of Councillors**

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

#### **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 Gross/Pearl**

That Council:

- I.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.**



## **9. NOTICES OF MOTION**

Nil.



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

### Cr Baxter

Reported that the Association of Bayside Municipalities are very pleased with the announcement from the state government regarding a ban on single use plastic bags.

### Cr Brand

Reported from the Linden New Arts Board that their CEO, Melinda Martin, has returned from a study trip to experience and research how small art galleries can have a big public impact.

### Cr Simic

Reported on the Port Philip Housing Association's forthcoming AGM on Thursday 23 November 2017, and their position of support in favour of marriage equality.

Reported that the South Melbourne Market Management Committee met yesterday with their achievements documented in the report presented at this evening's council meeting.

Reported that the Multicultural Forum met several weeks ago and discussed more ways to recognise multiculturalism in the community.



## **II. URGENT BUSINESS**

Nil.



## **12. CONFIDENTIAL MATTERS**

Nil.

As there was no further business the meeting closed at 8.51pm.

Confirmed:                    1 November 2017

Chairperson \_\_\_\_\_