



ORDINARY MEETING OF COUNCIL

MINUTES

2 AUGUST 2017



**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 2 AUGUST 2017 IN PORT MELBOURNE
TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

Cr Voss (Chairperson), Cr Baxter, Cr Bond, Cr Brand, Cr Copsey, Cr Crawford, Cr Gross, 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, Chris Carroll General Manager Organisational Performance, Doron Karliner Chief Governance Officer, George Borg Manager City Development, Donna D'Alessandro Planning Coordinator, Simon Gutteridge Principal Planner, Joanne McNeill Manager Asset Management and Property, Anthony Traill Manager Open Space and Recreation, Anthony Savenkov Property Project Manager, Dana Pritchard Coordinator Major Events and Activations, Marc Jay Coordinator City Permits, Doug Martin Coordinator Health Services.

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

Nil.



2. CONFIRMATION OF MINUTES

Moved Crs Simic/Copsey

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 19 July 2017 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Bernadene Voss declared an indirect conflict of interest with item 8.3 Event Fireworks Exemption by way of close association.



4. PETITIONS AND JOINT LETTERS

Item 4.1

A Petition was received from 102 residents and businesses around Bowen Crescent, St Kilda Road, Melbourne, which has also been submitted to VicRoads, the Metro Tunnel Project and various councillors and members of the Victorian Parliament.

Moved Crs Copsey/Pearl

That Council:

1. Notes that the Melbourne Metropolitan Rail Authority (MMRA) has responded directly to the petition response.
2. Continues to work with MMRA to minimise the amenity impact of construction works for residents and businesses in the Domain precinct.

A vote was taken and the MOTION was CARRIED.



5. SEALING SCHEDULE

Nil.



6. PUBLIC QUESTION TIME

Craig Morris

As President of the Port Melbourne Bowling Club, Mr Morris sought assistance from Council to help the Port Melbourne Bowling Club.

Advised that the club currently has two grass greens which cost approximately \$70,000 to \$80,000 annually to maintain. The club wishes to turn one of the grass greens into a synthetic green in order to have a more durable surface suitable for school groups to use without causing damage to the green. At the moment, the facilities are not able to be used year round. Hoped that Council will support the club and embrace their goals.

Mr Anthony Traill Manager Open Space and Recreation responded that is he is happy to meet with Mr Morris to look at planning and discuss the operation of the facility. He stated that synthetic greens have lower annual maintenance costs and can open up opportunities for people with disabilities to use the surface.

Rhonda Small

Referred to VCAT directions hearing on 7 July 2017 in relation to the St Kilda Seabaths rooftop.

Stated that at the hearing, the applicant requested a delay until after their application has gone to Council. Is it possible for Council to confirm when this application will come to Council for decision?

Ms Claire Ferres Miles General Manager Place Strategy and Development confirmed Council has received notification that the request by the applicant has been refused by the Minister. Therefore, the report will not proceed to the 16 August Council meeting until further information is received by Council.

Vicki Meyers

Wished to know why the City of Port Phillip does not enforce VicRoads angle parking regulation stating angle parking should be front in rather than facing out? Are there any other regulations that the City of Port Phillip does not enforce? Ms Meyers used the example of Arthur Street, St Kilda to demonstrate the issue of incorrect parking.

Ms Fiona Blair General Manager Infrastructure and Amenity stated that parking officers do enforce Victorian road rules and the Road Safety Act. She advised that officers are able to exercise discretion when enforcing these regulations. If there is no risk to public safety, then at times discretion is exercised in areas such as angle parking vehicle direction. Ms Blair agreed to discuss this further with Ms Meyers.



7. COUNCILLOR QUESTION TIME

Cr Simic

Referred to the February survey conducted to measure resident support for truck curfews on Beaconsfield Parade, Ormond Esplanade and Beach Road. Have officers received the outcome of this survey? If not, when will the findings of the survey be made available?

Ms Claire Ferres Miles General Manager Place Strategy and Development responded that officers have continued to request this information from VicRoads however Council has yet to receive the information. The Mayor has also requested this information from the VicRoads CEO John Merritt. VicRoads has advised that there were some technical issues with the survey.

Cr Copsey

Referred to a homophobic flyer recently distributed in St Kilda which prompted residents to contact her to express their concerns. What actions are the City of Port Phillip currently taking to support our LGBTQI community and, particularly, marriage equality?

Ms Carol Jeffs General Manager Community Development responded that the City of Port Phillip has a long and proud history of supporting LGBTQI communities. Some of the activities and investments made by the City of Port Phillip include flying the rainbow flag every year at all town halls in the lead up to pride march; being the first accredited council to be rainbow tick accredited for our home and community care program; \$1.3m investment in support of the pride centre; extensive staff engagement program; primary sponsor of the Victorian pride march and Council recently hosted an International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT) event. Ms Jeffs referred to a 2015 Council resolution supporting marriage equality which was followed by letters written to a range of authorities noting Councils support for marriage equality.

Cr Copsey asked what other actions could Council take to publicly reaffirm and communicate our support for marriage equality?

Ms Carol Jeffs responded that there are no current additional activities planned.

Cr Voss

How do we know streets are being cleaned every two weeks? What is the audit process for monitoring this?

Ms Fiona Blair General Manager Infrastructure and Amenity responded that Council conducts fortnightly internal audits on a random sample of streets across the municipality. This is assessed against specific criteria. Currently Council is in a process of reviewing the frequency of street cleaning including collecting data to inform the Clean Streets Review which is planned to occur in year 2 of the Council Plan.



8. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 8.1 CEO Report - Issue 36 - August 2017
- 8.2 Palais Theatre - Fair Competition & Confidentiality Policy
- 8.3 Event Fireworks Exemption
- 8.4 Footpath Trading & Tobacco Act Amendment
- 8.5 112 Salmon Street Port Melbourne
- 8.6 12 Spring Street East. Port Melbourne
- 8.7 Planning Permits Delegate Report - June 2017



8.1 CEO Report - Issue 36 - August 2017

Purpose

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

Moved Crs Gross/Crawford

That Council:

- 1.1 Notes the CEO Report Issue 36 (provided as Attachment 1) including changes against budget during June 2017 and also changes to the project portfolio for June 2017.

A vote was taken and the MOTION was CARRIED unanimously.



8.2 Palais Theatre - Fair Competition & Confidentiality Policy

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

Peter Holland

Mr Holland suggested that Council defer the report and ask other industry officials and promoters their opinion of this policy prior to Council considering approving the policy.

Purpose

To seek Council's approval of the proposed Fair Competition and Confidentiality Policy for the hiring of the Palais Theatre.

Moved Crs Bond/Gross

That Council:

- 1.1 Notes that the Palais Theatre lease requires the tenant to prepare a fair competition and confidentiality policy for the hire of the premises.
- 1.2 Approves the Palais Theatre Fair Competition and Confidentiality Policy (Attachment I).

A vote was taken and the MOTION was CARRIED.



8.3 Event Fireworks Exemption

Purpose

To propose a recommendation to allow use of fireworks at the Dad's Footy Carnival, which is produced by Port Melbourne Primary School.

Councillor Bernadene Voss declared an indirect conflict of interest with item 8.3 Event Fireworks Exemption by way of close association.

Cr Voss called for the appointment of a temporary Chairperson.

Moved Crs Gross/Simic

That Council:

- I.1 Appoints Cr Katherine Copey as temporary Chairperson for this item.

A vote was taken and the MOTION was CARRIED unanimously.

Cr Voss vacated the chamber at 7.35pm.

Cr Copey assumed the Chair.

Moved Crs Pearl/Brand

That Council:

- I.1 Notes the application of Port Melbourne Primary School to hold an event with fireworks on Saturday 2 September 2017.
- I.2 Notes under the current City of Port Phillip Outdoor Events Policy, officers do not have a provision to permit fireworks.
- I.3 Notes an exemption for fireworks at this event last year was approved at a Council meeting on 23 August 2016.
- I.4 Notes the review of City of Port Phillip Outdoor Events Policy has commenced and will be presented before Council in November 2017.
- I.5 Notwithstanding Council policy, resolves to grant an exemption for the Port Melbourne Primary School Father's Day event on Saturday 2 September 2017 to include discharging fireworks at JL Murphy Reserve, if the following conditions are met:
 - Preparation of a risk and emergency management plan
 - Provision of security to ensure the exclusion perimeter is maintained



- Payment of a bond to ensure any damage to turf or synthetic wicket would be covered
 - Distribution of extensive neighbourhood notification, with a letter drop to local residents within a 2km radius 10 days prior to the event.
 - Metropolitan Fire Brigade (MFB) notification and adherence to all their requirements.
 - Adherence to all other conditions as outlined on the event permit.
- I.6 Continues the review of the Outdoor Events Policy which is currently seeking community feedback as part of the event strategy review.

A vote was taken and the MOTION was CARRIED.

Cr Voss returned to the chamber and 7.38pm and resumed the Chair.



8.4 Footpath Trading & Tobacco Act Amendment

Purpose

On 1 August 2017 amendments to the *Tobacco Act 1987* ban smoking in all outdoor dining areas across Victoria, where there is consumption of food such as cafés, restaurants, take-away shops, including beer gardens, courtyards and footpath areas during food service.

Outdoor areas where patrons can smoke could be achieved by allowing 2.1 metre high screens or transparent drop-down blinds between venues. The erection of these screens may be interpreted as actively showing support for smoking behaviour.

Council must determine the extent of changes required to the Footpath Trading Guidelines (2013) to comply with the *Tobacco Act 1987*, and if the use of 2.1 metre high screens and transparent drop-down blinds that support smoking should be actively discouraged.

Moved Crs Bond/Crawford

That Council:

- 1.1 Amends the Footpath Trading Guidelines (2013) to:
 - 1.1.1 Remain consistent with the *Tobacco Act 1987* and the requirement to provide windproof ashtrays where smoking is permitted.
 - 1.1.2 Prohibit 2.1 metre high walls, including transparent drop-down blinds to all elevations of a footpath trading zone.
- 1.2 Gives public notice in the Victoria Government Gazette of the amendments to the Footpath Trading Guidelines (2013).

A vote was taken and the MOTION was CARRIED unanimously.



8.5 112 Salmon Street Port Melbourne

Purpose

Demolish the existing buildings and construct six towers of 12, 15 or 18 storeys height (including two three level podiums) containing retail and SoHo office/dwellings at ground floor level, and a child care centre, communal facilities and apartments above, and associated car and bicycle parking, and works.

Moved Crs Simic/Gross

That the Council resolve:

13.1 That a letter be sent to the Department of Environment, Land, Water and Planning advising the Council:

- I. Does not support the amended proposal in its current form based on the matters set out in Sections 7, 8 and 11 of report, including in particular:
 - (a) The proposal would be inconsistent with the Fishermans Bend Strategic Framework Plan which designates the land as indicative proposed neighbourhood open space.
 - (b) The proposal would not meet the policy objectives of Clause 22.15 for Employment or provision of affordable housing in the Fishermans Bend Urban Renewal Area
 - (c) The uniform height and setbacks of the podiums and lack of mid-point lanes or other vertical breaks would present unreasonable mass to the streets.
 - (d) The podium façades would lack activation at ground level and would be dominated by car parking at upper levels.
 - (e) The absence of or reduced tower setbacks from the streets would present unreasonable building bulk and mass and would undermine the maintenance of the dominant street wall scale.
 - (f) There would be insufficient variation in the heights of the towers.
 - (g) The proposal would unreasonably overshadow the open space at ground level beneath the transmission lines and at podium roof top level.
 - (h) The subject sites abuttal to major electricity transmission lines makes it unsuitable for high density residential and commercial development and use.
 - (i) The significant heritage graded building and associated buildings proposed to be demolished are not structurally unsound and are suitable for adaptive reuse for low rise low density development including development of open space.
 - (j) The proposed northern (rear) road would be inconsistent with the recommended road location and width for the FBURA.
 - (k) The proposal would provide excessive car parking for the dwellings and retail premises and insufficient car parking for the child care centre.



- 13.2** In the event that 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.
- 13.3** Delegates the Manager City Development the discretion to object to the application as necessary if notice of the application is given by the Department.

A vote was taken and the MOTION was CARRIED unanimously.



8.6 12 Spring Street East. Port Melbourne

Purpose

Demolition of the existing dwelling, outbuildings and boundary fences and the construction of two dwellings comprising a two and a three storey dwelling, each with a basement and a two car garage.

Moved Crs Bond/Pearl

- 14.1** That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Refusal to Grant a Permit.
- 14.2** That a Refusal to Grant a Permit be issued for the demolition of the existing dwelling, outbuildings and boundary fences and the construction of two dwellings comprising a two and a three storey dwelling, each with a basement and a two car garage at 12 Spring Street East, Port Melbourne.
- 14.3** That the **Refusal** be issued on the following grounds:
1. The proposal does not satisfy the relevant objectives and strategies of the Local Planning Policy Framework (LPPF), namely Clause 21.05-1 (Heritage), Clause 21.05-2 (Built Form - Urban Structure and Character) and Clause 22.04 (Heritage) of the Port Phillip Planning Scheme.
 2. The building scale and massing is contrary to Clause 21.05-1 (Heritage), Clause 21.05-2 (Built Form - Urban Structure and Character) and Clause 22.04 (Heritage) of the Port Phillip Planning Scheme.
 3. The height, bulk and appearance of the proposed development would not be in keeping with, and would have a detrimental impact upon the neighbourhood character and heritage values of Spring Street East.
 4. The proposal is an overdevelopment of the subject site and would not be in keeping with the orderly planning of the area.

A vote was taken and the MOTION was LOST.

Cr Bond called for a DIVISION.

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

A vote was taken and the MOTION was LOST.



Moved Crs Simic/Gross

- 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 demolition of the existing dwelling, out building and all fences and the construction of two double storey dwellings at 12 Spring Street East, Port Melbourne
- 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 three copies 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 second floor of dwelling one.
- b) The first floor windows on the eastern elevation to be obscured glass and fixed shut to a height of 1.7m above finished floor level.
- c) The finished floor level of the garage to be at least 1.962 AHD.
- d) The maximum height of the dwellings to be 7.88m above natural ground level.
- e) The front wall of the first floor level to both dwellings setback a minimum 1.7m from the front title boundary.
- f) An additional kitchen window to the western elevation at first floor level
- g) All windows on the western elevation to be contained within the title boundary.
- h) External materials to be finished in a lighter colour and/or tone.
- i) A full schedule of materials, finishes and paint colours, including colour samples (in a form that is able to be endorsed and held on file),

All to the satisfaction of the Responsible Authority.

2. No Alterations

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Walls on or facing the boundary

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed to the satisfaction of the



responsible authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the responsible authority.

4. Sustainable Design Assessment

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment (SDA) 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.

5. Incorporation of Sustainable Design initiatives

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

6. Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment (SDA) 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 SDA have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

7. Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

8. 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.



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

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

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. No equipment or services

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

12. Privacy screens must be installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

13. Time for starting and completion

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

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

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

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.

Noise

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary
- b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).



A vote was taken and the MOTION was CARRIED.

Cr Bond requested a DIVISION

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

A vote was taken and the MOTION was CARRIED.



8.7 Planning Permits Delegate Report - June 2017

Purpose

To present a summary of all Planning Permits 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.

Moved Crs Gross/Copsey

- I.1 That Council receives and notes the June 2017 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.



9. NOTICES OF MOTION

Item 9.1

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

Vicki Meyers

Ms Meyers stated her support for the motion brought by Cr Pearl.

Moved Crs Pearl/Simic

That Council:-

1. Determines all new planning permit applications that exceed 6 storeys in height in the area covered by Sub Precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North Precinct.

A vote was taken and the MOTION was CARRIED unanimously.



9. NOTICES OF MOTION (Cont.)

Item 9.2

Moved Crs Gross/Bond

That Council:-

- I. Supports the intended advocacy effort of the Metropolitan Waste and Resource Recovery Group (MWRRG) Local Government Forum to write to the Minister for Energy and Environment requesting “that funds generated through the collection of the Municipal and Industrial Landfill Levy be constrained to the purposes for which the Levy was introduced” and raising concerns with the Levy funds currently being allocated to supplement Parks Victoria initiatives not related to the original purposes of the Levy.

A vote was taken and the MOTION was CARRIED unanimously.



10. REPORTS BY COUNCILLOR DELEGATES

Nil.



II. URGENT BUSINESS

Nil.



12. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 9.09pm.

Confirmed: 16 August 2017

Chairperson _____