



ORDINARY MEETING OF COUNCIL

MINUTES

6 SEPTEMBER 2017



MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 6 SEPTEMBER 2017 IN SOUTH 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

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, Murray Chick, Coordinator Governance, Dennis O'Keefe Chief financial Officer, David Graffen Coordinator Property Management, Rebecca Doherty precinct Director – Domain, George Borg Manager City Development, Donna D'Allessandro, Rosanne Massey Planner Fishermans Bend Urban Renewal Area, Katrina Terjung Manager Strategy and Growth, Alexandra Hodgson Strategic Planner.

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/Bond

That the apologies were received and leave of absence granted to Crs Pearl and Simic.

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

Moved Crs Bond/Copsey

That the minutes of the Ordinary meeting of the Port Phillip city Council held on 16 August be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



4. PETITIONS AND JOINT LETTERS

The Mayor changed the order of business and moved Item 4.1 to the last item to be discussed.

Item 4.2

A petition signed by 28 residents with a covering letter from Nick Sotiriou was received by Council on 14 August 2017 calling on Council to not proceed with a trial of temporary speed humps on Tennyson Street, between Dickens Street and Milton Street, Elwood.

Moved Crs Crawford/Baxter

That Council:

1. Receives the petition and acknowledges there is community opposition to the installation of three temporary rubber speed humps along Tennyson Street, between Dickens Street and Milton Street, Elwood.
2. Approves the installation in 2017/18 of a painted 1.8m wide median along Tennyson Street, between Dickens Street and Milton Street, with raised rubber islands every 40m-50m. Traffic surveys will be conducted to determine if this temporary measure has achieved the intended outcome of reduced speed limits to improve the safety and amenity for pedestrians and vulnerable road users.
3. Advises the petition organiser, Mr Nick Sotiriou, of the outcome.

A vote was taken and the MOTION was CARRIED unanimously.

Item 4.3

A Petition was received from 24 residents in Bath Street St Kilda requesting the need to be allowed to park in the Bath street carpark for more than 2 hours whilst displaying a valid permit.

Moved Crs Bond/ Gross

That Council:

1. Receives the petition.
2. Resolves not to provide exemptions to resident parking permit holders from car parking restrictions within Council car parks in line with the Parking Permit Policy.
3. Resolves not to change the existing 2P 9am to 5pm, Monday to Friday restrictions in Bath Street car park as it would impact on community access to services that the Betty Day Community Centre and Meals on Wheels provide.
4. Refers the petition for consideration under the anticipated review of the Parking Permit Policy as part of the development of Council's Integrated Transport Strategy.
5. Advises the petition organiser Ms J. Gleeson of the outcome.

A vote was taken and the MOTION was CARRIED unanimously.



Item 4.1

An electronic Petition was received on 28 August 2017 from 11 signatories requesting a review of the rubbish bin storage by-law.

Nicholas Abou Khater

- Requested on behalf of his neighbours a change to the current local law, for residents to store their rubbish bins on their side of the property line that would prevent flats from storing multiple rubbish bins along the fence line, creating an eye sore.
- Stated there are three blocks of flats in his area which do this.
- Stated new developments sometimes require a designated space for bins to be stored and believes all properties should also do this where possible.
- Stated he has contacted the relevant property managers and requested the bins be moved to another area but has not received any responses.

Moved Crs Gross/Baxter

That Council:

Receives the petition and notes that officers will provide a response to the petition 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

- Sought clarity on council's Reconciliation Action Plan discussions, in particular to the reference to Australia Day and the celebration of Australia Day.
- Stated since the 1930s indigenous Australians have found Australia Day demeaning, and requested to show Council photographs of a protest against Australia Day in 1938.
- Spoke of other significant days in Australia's history that are no longer celebrated and gave examples of historical events of other countries that are not celebrated.
- Asked will Council consult with the community in relation to the celebration of Australia Day?

Ms Carol Jeffs General Manager Community Development responded the Reconciliation Action Plan (RAP) was reviewed and renewed by Council in consultation with the local indigenous Aboriginal community earlier this year. Stated she believed the current matter Mr Hermann has spoken to was not discussed at that time. However, Council may choose to consider the specific issues raised by Mr Hermann. Ms Jeffs noted City of Port Phillip's leadership in the reconciliation action planning space and the mature relationships we have with local communities. Stated that Council completed the actions set out in the first RAP and has started work on the innovative and inspiring actions set out in its second RAP.



7. COUNCILLOR QUESTION TIME

Cr Copsey

Asked a number of questions in relation to the closure of the Gatwick Private Hotel and the residents that were required to be relocated.

1. Are the former residents still in housing and is there monitoring in place to ensure that they continue in housing and do not become homeless?
2. Who is undertaking this monitoring and what does it consist of?

Ms Carol Jeffs General Manager Community Development responded the process for the transition and re-homing of Gatwick residents was an intensive multi-agency effort, involving individual case management for each of the residents which also included the grouping in of available relevant services. There will be 3, 6 and 12 monthly monitoring post re-housing to ensure residents continue in housing. Stated the detail of who is undertaking the monitoring and what does it consist of, will be taken on notice.

Stated the St Kilda Community Housing group were tasked with the re-homing and that council officers will be working closely with them for the follow up. Believes the process was well thought through and well executed and residents reported they felt significantly supported throughout. Going forward, further opportunities for inter-agency collaboration will be sought to achieve better outcomes such as this.

Cr Gross

Asked a follow up question in relation to Mr Hermann's question regarding Australia Day.

1. Are council officers currently considering any papers or investigating these new issues that have arisen in relation to Australia Day?

Ms Carol Jeffs General Manager Community Development responded that council officers are not currently preparing anything, without council direction.

The Mayor, Cr Voss stated she wished to add an item to the agenda in relation to the passing of Minister Fiona Richardson.

CONDOLENCE MOTION

Moved Crs Gross/Crawford

That Council add an item to the agenda to acknowledge the late Minister Fiona Richardson.

A vote was taken and the MOTION was CARRIED unanimously.

Moved Crs Gross/Copsey

That Council on behalf of the Port Phillip community, the Mayor, Councillors and CEO of Port Phillip

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City Council, expresses its deepest sympathies to the family, friends and colleagues of Minister Fiona Richardson. As the Member for Northcote and Minister for the Prevention of Family Violence, the Port Phillip City Council acknowledges and thanks Fiona for her dedication to improving safety for all women and children across Victoria.

A vote was taken and the MOTION was CARRIED unanimously.



8. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 8.1 Proposed Report of Operations for the Annual Report 2016/17
- 8.2 In Principle Approval of the Annual Financial Statements 2016/17 and Performance Statement 2016/17
- 8.3 Post Budget Initiatives 2017-18
- 8.4 New Leases - Childcare Centres and Kindergartens
- 8.5 Proposed Discontinuance and Sale of Road Part R2975 Between 17 Coventry Place and 378 Coventry Street, South Melbourne
- 8.6 Linden Gallery Upgrade Tender 2059
- 8.7 MMRA Moray Street Bike Lane Upgrade
- 8.8 92 Beach Street, and 2 & 4 Princes Street, Port Melbourne
- 8.9 Planning Permits Delegate Report - July 2017
- 8.10 Review of Council delegations to staff
- 8.11 Appointment of Acting Mayor
- 8.12 Amendment C150: Request for Interim Heritage Controls - 77 Park Street, South Melbourne



8.1 Proposed Report of Operations for the Annual Report 2016/17

Purpose

For Council to receive and consider the draft report on its operations for the year ending 30 June 2017.

Moved Crs Copsey/Brand

That Council:

- 1.1 Notes the attached draft report of operations for the year ending 30 June 2017 which will form part of the Annual Report 2016/17.
- 1.2 Approves the Chief Executive Officer and Mayor to certify that the Governance and Management checklist fairly presents Council's governance and management arrangements, which is required in the report of operations.
- 1.3 Notes that councillors will be kept updated on the progress of the Annual Report 2016/17 before submission to the Minister for Local Government by 30 September 2017.
- 1.4 Notes the Annual Report 2016/17 will be formally presented to Council on 18 October 2017.

A vote was taken and the MOTION was CARRIED unanimously.



**8.2 In Principle Approval of the Annual Financial Statements 2016/17 and
Performance Statement 2016/17**

Purpose

To obtain Council's in principle approval of the annual financial statements and performance statement for the financial year ending 30 June 2017.

Moved Crs Crawford/Baxter

That Council:

- 1.1 Gives in principle approval to the annual financial statements and performance statement (the statements) for the financial year ending 30 June 2017.
- 1.2 Authorises the Mayor, Councillor Bernadene Voss and Councillor Katherine Copsey or delegates to certify the annual financial statements and performance statement for the financial year ending 30 June 2017.
- 1.3 Sets the materiality threshold in the performance statement at +/- 10 per cent of Council's 2015/16 result, for the reporting of explanations for variances between 2016/17 and 2015/16 results.

A vote was taken and the MOTION was CARRIED unanimously.



8.3 Post Budget Initiatives 2017-18

Purpose

To seek Council's approval to allocate additional funds for two (2) post budget adoption initiatives that require urgent attention and are high risk for Council.

Moved Crs Bond/Baxter

That Council:

- I.1 Approves the allocation of \$250,000 for the Combustible Cladding Audit and \$500,000 to complete the Telephony Replacement Project in 2017/18 (a drawdown from the Asset Renewal and Smart Technology Fund).
- I.2 Notes other unbudgeted initiatives will be reviewed on a quarterly basis and will be funded through savings during the financial year or reprioritised from within budget and to be reported to Council via the CEO report.
- I.3 Notes the estimated parking income reduction in 2017/18 of \$30,000 and 2018/19 of \$37,000 due to the resolution at the 16 August 2017 Council Meeting for a trial paid parking pricing reduction for Off Street Elwood Beach Carpark, reducing the hourly rate from \$5.20/hr to \$1.80/hr and the maximum daily rate from \$12.60 to \$8.50 from 1 April through to 30 September inclusive, for the period 21 August 2017 to 30 June 2019, subject to a review at the end of the 2017/18 financial year.
- I.4 Notes the estimated cost of \$20,000 due to the resolution at the 16 August 2017 Council Meeting to publicly communicate City of Port Phillip's support for marriage equality for all regardless of sex or gender identity, including (but not limited to) regular use of rainbow illumination at St Kilda Town Hall, using rainbow colours on Council's website, in buildings and public places, stating support for marriage rights in related speeches, banners on town halls and phone on-hold messages to be implemented by 31 August 2017.
- I.5 Notes that Council still expects to achieve a cash surplus as budgeted for 2017/18 including the allocation of funds for both the Combustible Cladding Audit, Telephony Replacement Project, Marriage Equality initiatives and the reduced parking income from Elwood Beach Carpark.

A vote was taken and the MOTION was CARRIED unanimously.



8.4 New Leases - Childcare Centres and Kindergartens

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

Brenda Forbath

- Raised questions regarding the three childcare centres that will only receive a 1 ½ year lease being, The Avenue, The Elwood and Eildon Road Children Centres. What are the building condition and compliance problems with these centres?
- Stated there is great concern about the significant loss of these centres to the municipality and asked how can we ensure that these centres remain open?

Purpose

This report seeks Council’s approval to commence statutory processes in relation to granting of new leases to not-for-profit community based organisations that provide childcare and kindergarten services at various premises within the City of Port Phillip.

Moved Crs Crawford/Gross

That Council:

- 1.1 Resolves that the statutory procedures be commenced under section 190 of the Local Government Act 1989 (“Act”) for the proposed leases summarised in the table below by publishing a notice in the local newspaper inviting interested persons to make a submission under section 223 of the Act:

Proposed Tenant	Premises	Permitted Use
Ada Mary A’ Beckett Children’s Centre Inc	2 Batman Road, Port Melbourne (Crown Land)	Childcare centre
Clarendon Children’s Centre Co Op Ltd	410 Clarendon Street, South Melbourne (Crown Land)	Childcare centre
Poets Grove Family & Children’s Centre Inc.	18 Poets Grove, Elwood (Crown Land)	Childcare centre and kindergarten
Lilian Cannam Kindergarten Inc	97 Eastern Road, South Melbourne	Kindergarten
South Melbourne Child Care Co-Operative Limited	5-11 Carter Street, Albert Park	Childcare centre



Proposed Tenant	Premises	Permitted Use
The Avenue Children's Centre Inc.	39 The Avenue, Balaclava	Childcare centre and kindergarten
The Elwood Children's Centre Inc	46 Tennyson Street, Elwood	Childcare centre
Pre School Assn Middle Park Inc (Civic Kindergarten)	254-256 Richardson Street, Middle Park	Kindergarten
Albert Park Pre-School Centre	18 Dundas Place, Albert Park	Kindergarten
Eildon Road Children's Centre Inc	17 Eildon Road, St Kilda	Childcare centre

1.2 Proposes the following terms to apply to each of the leases:

Commencement Date: 1 January 2018

Term: 3.5 years x 7 centres

Ada Mary A' Beckett Children's Centre Inc

Clarendon Children's Centre Co Op Ltd

Poets Grove Family & Children's Centre Inc

Lilian Cannam Kindergarten Inc

South Melbourne Child Care Co-Operative Limited

Pre School Assn Middle Park Inc (Civic Kindergarten)

Albert Park Pre-School Centre

1.5 years x 3 centres

The Avenue Children's Centre Inc

The Elwood Children's Centre Inc

Eildon Road Children's Centre Inc

Rental: \$10 per annum plus GST

1.3 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, and

- 1.4 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at the Council meeting to be held on 15 November 2017 commencing at 6.30pm at the St Kilda Town Hall.

Further, should no submissions be received, Council:

- 1.5 Resolves that, having followed all the required statutory procedures pursuant to sections 190 and 223 of the Act, grants the proposed tenants new leases.
- 1.6 Authorises the Chief Executive or delegate to sign the new leases.

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 speaker made a verbal submission in relation to this item:

Richard Cherry

- Stated he was from SJB Planning South Bank and was speaking on behalf of the owners who support Option 2 to not discontinue the road.
- Spoke in support of the officer recommendation.

Purpose

This report seeks Council's approval to complete the statutory procedures and finalise Council decision in relation to the proposed discontinuance and sale of road between 17 Coventry Place and 378 Coventry Street, South Melbourne, part R2975, being part of the land contained in Memorial Book X Number 653 (Road).

Moved Crs Copsey/Bond

That Council:

- I.1. Resolves that, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Local Government Act 1989 (Act) pursuant to its powers under clause 3 of Schedule 10 of the Act, and having considered the submission received in response to the public notice, not to discontinue the Road as it is still required for general public access.

A vote was taken and the MOTION was CARRIED unanimously.



8.6 Linden Gallery Upgrade Tender 2059

Purpose

To seek Council's approval to award the contract for the Linden Gallery Upgrade Construction Services.

Moved Crs Brand/Bond

That Council:

- I.1 Awards Contract 2059 to SIDA Constructions Pty Ltd for the Linden Gallery Upgrade Construction Services.
- I.2 Notes that the contract value is based upon a lump sum price of \$1,516,756.00 excluding GST. The proposed contract commencement date is 29 September 2017.
- I.3 Affixes the Common Seal of the Port Phillip City Council to Contract 2059 between Port Phillip City Council and SIDA Constructions Pty Ltd.

A vote was taken and the MOTION was CARRIED unanimously.



8.7 MMRA Moray Street Bike Lane Upgrade

Purpose

To seek Council endorsement of officer feedback to Melbourne Metro Rail Authority in relation to the Moray Street Bike Link Upgrade and safety works.

Moved Crs Copsey/Baxter

That Council:

- I.1 Endorses the Council Officer letter of feedback (Attachment I) to the Melbourne Metro Rail Authority in relation to the Moray Street bike lane design options released for community consultation.

A vote was taken and the MOTION was CARRIED unanimously.



8.8 92 Beach Street, and 2 & 4 Princes Street, Port Melbourne

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

Helen Vines

- Believes there is a problem with the materials to be used that divide the driveway to the underground carpark and the garden belonging to the anchorage.
- Stated the latest plans show horizontal metal slats to allow for car fumes to be released from the carpark.
- Concerned that these slats will then allow fumes into the bedroom window of 90 Beach Street which face the garden.
- Believes a solid divider should be used to contain the fumes.

Purpose

Construction of an eight storey building including a basement car park. Use of the land for the purpose of a hotel (Tavern), and 18 dwellings. Reduction of visitor car parking requirements and waiver of loading and unloading requirements. To use the land to sell and consume liquor associated with the hotel.

Crs Bond/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 to Construct and carry out works for an eight level building. The use of the land for the purpose of a hotel (Tavern), and to sell and consume liquor. Reduction of visitor car parking requirements and waiver of loading and unloading requirements. at No. 92 Beach Street, and No. 2 and No. 4 Princes Street, Port Melbourne.
- 14.3 That the decision be issued as follows:

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 received by Council on 05 May 2017, but modified to show:

- a) The northern elevation setback a minimum of 2.0m for the entire length of the existing on boundary living room window of Level 5 of Apartment 502/10 Princes Street.
- b) A cross section detailing compliance with Condition 1a.



- c) The ensuite of the master bedroom to Apt 601 at level 6 deleted to achieve a minimum setback of 2 metres from the common boundary for a minimum length of 4.5m opposite the upper level balcony to Apt 502/10 Princes Street.
- d) The deletion of the master bedroom to Apt 701 at level 7 to achieve a minimum setback of 3.5m for a minimum length of 4.5m opposite the upper level balcony of Apt 502/10 Princes Street.
- e) A patterned concrete, or suitable alternative provided to the northern elevation of Level 6 and 7 opposite the upper level balcony to Apt No. 502/10 Princes Street.
- f) Design modifications to the ground floor residential entry to improve the sense of address.
- g) A minimum of 10 bicycle parking spaces at the ground floor level for the Hotel use.
- h) Resident bicycle spaces located within the ground floor level or basement 1.
- i) Sweep path diagram detailing a waste vehicle can enter and exit basement 1 to collect waste.
- j) Adequate clearance provided and identified within the basement 1 level for a waste vehicle.
- k) Any change in grade to achieve consistency with footpath levels accommodated within the site for the hotel.
- l) Specific details of internal screening, including height, materials and permeability.
- m) Compliance with Standard D17 of Clause 58.05-1 (Accessibility objective) of the Scheme demonstrated.
- n) The ground floor permeable metal screen located on the eastern boundary deleted and replaced with a solid wall.
- o) Any alterations to the plans associated with, and the provision of a revised, Sustainable Management Plan associated with Condition 23 of this permit.
- p) Any alterations to the plans associated with Condition 16 (Acoustic Report) of this permit.
- q) An updated Waste Management Plan in accordance with Condition 28 of this permit.
- r) Any alterations to the plans associated with Condition 20 of this permit (Landscape Plan).
- s) The deletion of the red line areas beyond the title boundary.
- t) The deletion of the footpath trading areas.
- u) Any changes required by Condition 2 of this permit.
- v) The provision of three (3) resident visitor car spaces on site.



- w) Level 7 setback from the southern title boundary (Beach Street) so as to not cast any shadow in excess of the shadow cast from Level 6 to the south from 10am on 22 June.

All to the satisfaction of the Responsible Authority

2 Privacy Screens - Cross-Sections Required

Before the development starts (other than demolition or works to remediate contaminated land), cross section elevation drawings of the screens to habitable room windows and balconies, must be submitted to and approved by the Responsible Authority. The drawings must:

- a) Be drawn to scale and fully dimensioned;
- b) Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
- c) Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will limit downward views to neighbouring properties;
- d) Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten 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 balcony and/or window.

All to the satisfaction of the Responsible Authority.

3 No Alterations (Development)

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

4 Layout Not to be Altered (Use)

The layout and description of the use (restaurant) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

5 Hours of Hotel Operation

The hours of operation of the hotel must operate between the following hours;

- Monday to Wednesday between 7am and 11pm
- Thursday between 7am to 12am the following morning
- Friday and Saturday between 7am and 1am the following morning
- Sundays between 10am and 11pm
- Good Friday and Anzac Day between 12 noon and 11pm

6 Hours for the sale and consumption of liquor on site

The sale and consumption of liquor on site must only occur between the following hours;

- Monday to Wednesday between 7am and 11pm
- Thursday between 7am to 12am the following morning
- Friday and Saturday between 7am and 1am the following morning
- Sundays between 10am and 11pm
- Good Friday and Anzac Day between 12 noon and 11pm



7 Responsible Serving of Alcohol

The Permit Operator must require that all employees of the premises engaged in the service of alcohol undertake a “Responsible Serving of Alcohol” course.

8 Walls on or facing the boundary

Prior to the occupation of the building allowed by this permit, all new walls on or facing the boundary of adjoining properties and 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.

9 Noise Attenuation for Apartments

Before the building allowed by this permit is occupied, the applicant/owner must ensure that external noise intrusion into apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics - Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:

- a) Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- b) Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.
- c) Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.
- d) Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

10 Incorporation of Noise attenuation Measures

Prior to the occupation of the building(s) allowed by this permit, the project must incorporate the noise attenuation measures listed in the endorsed Acoustic Report and shown on the endorsed plans to the satisfaction of the Responsible Authority.

11 Parking Areas Must Be Available

Car and bicycle parking and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

12 Vehicle Crossings – Removal

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.

13 Car Parking Space Allocation

A minimum of 28 resident car parking spaces, and 3 residential visitor car spaces, must be provided on the land for the development, to the satisfaction of the Responsible Authority. A minimum of 1 car space must be provided to each dwelling to the satisfaction of the Responsible Authority.



14 On-Site Bicycle Parking

Before the development is occupied and use starts, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

15 SEPP N-1 and N-2

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) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) to the satisfaction of the Responsible Authority.

16 Acoustic Assessment

Before the Tavern use commences, a report prepared by a suitably qualified Acoustic Consultant must be submitted to, approved by and be to the satisfaction of Responsible Authority. The acoustic report must provide a technical assessment with recommendations to achieve compliance with SEPP N-1 and SEPP N-2, and must include recommendations for a noise limiter. The assessment must include and include the following;

- a) The Device limits internal noise levels so as to ensure compliance with the music noise limits according to *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)*;
- b) The Device is a limiter suitable for interfacing with a Permanently Installed Sound System which will include any amplification equipment and loudspeakers;
- c) the Device monitors noise levels at frequencies between 50Hz and 100Hz and is wired so as to ensure that the limiter governs all power points potentially accessible for amplification;
- d) The Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the owner of the land and notified to the Responsible Authority;
- e) The Device is installed to control all amplification equipment and associated loudspeakers;
- f) The Device is set in such a way that the power to the amplification equipment is disconnected for 15 seconds if the sound level generated by the amplification equipment exceeds for one second the maximum sound level for which the monitor is set;
- g) The monitor level component of the Device includes a calibratable frequency discriminating sound analyser with an internal microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person). Such a sound analyser will indicate by green, amber and red illuminated halogen lamps the approach and exceeding of the set maximum noise level. The lamps must be in the clear view of the staff and any disc jockey in the room;
- h) The Device must prevent a relevant noise level referred to in these conditions being exceeded;
- i) Which report demonstrates compliance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) noise limits.

Once submitted and approved the noise report will be endorsed to form part of the permit.



17 Amplified Music through Permanently Installed Sound System

Amplified music of any kind is not permitted to be played other than through the Permanently Installed Sound System and when the Device is installed and operating to ensure compliance with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2), to the satisfaction of the Responsible Authority.

18 Types of Musical Instruments

No musical instrumentation is to be used within the premises that cannot be controlled via the use of the noise limiter as required by Condition 17.

19 Venue Management Plan

A Venue Management Plan, must be prepared by a person suitably qualified or experienced in the preparation of such plans and submitted to the satisfaction of and approved by the Responsible Authority, prior to the commencement of the sale and consumption of alcohol within the tavern, and such plan must set out the measures to be implemented by the owner and or licensee to assist in the orderly management of the permitted Tavern to limit any impacts of the use on the amenity of the locality and to control patron behaviour:

- a) An attendant or doorman responsible for monitoring the number of patrons on the premises after 11.00pm.
- b) The keeping of a register recording the number of patrons on the premises each hour between 11.00pm and closing time.
- c) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
- d) 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, including discouragement from congregating in Princes Street.
- e) The measures to be taken by management and staff to ensure that patrons do not cause nuisance or annoyance to persons beyond the land.
- f) Liaison with Victoria Police, the City of Port Phillip and local residents.
- g) A telephone number provided for residents to contact the premises and linked to the complaints register;
- h) The maintenance of a complaints register, which must, on reasonable request, be made available for inspection by the Responsible Authority.
- i) Staff being trained in the responsible service of alcohol.
- j) Encourage smokers to use the designated smoking area within the premises.

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

20 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

The Landscape Plan must incorporate:



- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- c) Significant trees greater than 1.5m in circumference, 1m above ground;
- d) All street trees and/or other trees on Council land;
- e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- f) Landscaping and planting within the communal open space within the development;
- g) Water sensitive urban design if possible;
- h) Details of any treatments to address wind impacts to the communal open space area.

All species selected must be to the satisfaction of the Responsible Authority.

21 Completion of Landscaping

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

22 Landscaping Maintenance

The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

23 Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) a revised Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The Sustainable Management Plan must be generally in accordance with the submitted SMP but amended to;

- a) Provide clear commitments.
- b) Confirm if Green Star certification or benchmarking will be achieved.
- c) Further details regarding ventilation openings, and consider providing a sash per room that can be locked to improve ventilation.
- d) Detail the size and location of fire safety system water re-use tank, and detail what the water would be reused for.
- e) Provide NatHERS ratings in accordance with best practice.
- f) Consider, and implement where possible, additional initiatives as follows;
 - Additional cross ventilation options
 - Double glazing to windows and doors.
 - Solar hot water.
 - Shading to unshaded windows (north, east, west).
 - Photovoltaics.
 - Separate water meters.



Upon approval the Plan will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.

24 Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan.

25 Implementation of Sustainable Design Initiatives

Prior to the occupation of any building approved under this permit, a report from the author of the Ecologically Sustainable Design report (Sustainable Design Consultants), 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 specified in the Ecologically Sustainable Design report have been implemented in accordance with the approved Plan.

26 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.

27 Site Management Water Sensitive Urban Design

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice

28 Waste Management Plan for Higher Density Residential Development

Before the development starts (other than demolition or works to remediate contaminated land) a revised Waste Management Plan (WMP) must be submitted. The WMP must be generally in accordance with the WMP submitted with the application but amended to;

- a) Section 2.2 (p. 6), the third dot point of the submitted WMP, will need to include information that "Collection services are to take place during off peak traffic periods".

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

29 Urban Art Plan

Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction



of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

30 Environmental Audit Overlay

Before the commencement of construction or carrying out of buildings and works pursuant to this permit, or any works associated with a sensitive use, either:

- a. A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the Responsible Authority;
- b. A Statement of Environmental Audit for the land must be issued in accordance with Section 53Z of the Environment Protection Act 1970 that the environmental conditions of the land are suitable for the use and/or development that are the subject of this permit and this statement must be provided to the Responsible Authority.

31 Compliance with Statement of Environmental Audit

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

32 Port Melbourne Developer Contribution Levy

- (1) 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. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.

33 No Enclosed Floor Space Beyond Title Boundary

Enclosed floor space must not extend beyond the property boundary.

34 Piping and ducting

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

35 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.

36 Heritage Record

Within three months after commencement of the hotel (tavern) use, a record of the previous London Hotel must be displayed within the replacement building associated with the hotel (Tavern) to the satisfaction of the Responsible Authority. The record must include an annotated photographic study of archival quality of the buildings detailing the elevations and interior of the original London Hotel building and its various alterations and additions to the satisfaction of the responsible authority.

37 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 use is not commenced within two years of the date of this permit.
- c) 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.

A vote was taken and the MOTION was CARRIED unanimously.



8.9 Planning Permits Delegate Report - July 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

- 2.1 That Council receives and notes the July 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 unanimously.



8.10 Review of Council delegations to staff

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

Krystyna Kynst

- Addressed Council in relation to the St Kilda Protocol Seabaths.
- Stated there are short comings to the current wording of the protocol.
- Requested the following current wording in the protocol "... any major land use or major design matters..." be replaced with "... all land use, design and structural matters including amendments and secondary consents to the approved sea baths development plan...".

Brenda Forbath

- Agreed with arguments put forward by the previous speaker and endorsed her comments.
- Suggested Council consider amending the recommendation to reflect the new wording.

Purpose

This report details the delegations from Council to members of Council staff that are currently in place under various Acts and Regulations, and which are required to be reviewed pursuant to the Local Government Act (the Act).

This report recommends that Council continues to delegate specific powers, duties and functions to the CEO and Council staff under various Acts and Regulations.

Moved Crs Brand/Bond

That Council:

- 1.1 Delegates to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer (Attachment 1), subject to the conditions and limitations specified in that Instrument.
- 1.2 Affixes the common seal of Council to the Instrument of Delegation to the Chief Executive Officer (Attachment 1).
- 1.3 Notes that this Instrument of Delegation to the Chief Executive Officer (at Attachment 1) comes into force immediately when the common seal of Council is affixed to the Instrument.
- 1.4 Revoke the current Instrument of Delegation to the Chief Executive Officer dated 25 June 2013 upon the coming into force of the Instrument (at Attachment 1).
- 1.5 Notes that the Instrument of Delegation to the Chief Executive Officer includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Local Government Act 1989.



- I.6 Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation from Council to Members of Council Staff (at Attachment 3) the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that instrument.
- I.7 Affixes the common seal of Council to Attachment 3 – Instrument of Delegation from Council to Members of Council Staff.
- I.8 Notes that this Instrument of Delegation from Council to Members of Council Staff (at Attachment 3) comes into force immediately the common seal of Council is affixed to that Instrument.
- I.9 Revoke the current Instrument of Delegation from Council to Members of Council Staff dated 9 February 2016 upon the coming into force of the Instrument (at Attachment 3).
- I.10 Confirms the previous resolution of Council dated 28 July 2015 delegating certain statutory planning powers relating to the Fishermans Bend Urban Renewal Area to members of Council staff (Attachment 5).
- I.11 Confirms the previous resolution of Council dated 2 August 2017 delegating certain statutory planning powers relating to the St Kilda Road North Precinct to members of Council staff (Attachment 6).
- I.12 Confirms the 'St Kilda Protocol' being that in relation to the St Kilda Seabaths that all land use, design, and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan, are to be presented to Council for determination following an officer report that provides analysis on the topic other than refusals of planning permit applications, amendments and secondary consents following consultation with Ward Councillors.

A vote was taken and the MOTION was CARRIED unanimously.



8.11 Appointment of Acting Mayor

Purpose

To appoint an acting Mayor during the Mayor's absence.

Moved Crs Brand/Gross

That Council:

- 1.1 Appoints Councillor Copsey to be acting Mayor during the Mayor's absence from Thursday 5 October 2017 to Sunday 15 October 2017 (both dates inclusive).

A vote was taken and the MOTION was CARRIED.



8.12 Amendment C150: Request for Interim Heritage Controls - 77 Park Street, South Melbourne

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

Peter Small

- Planning Consultant from Urbis speaking on behalf of client.
- Requested procedural fairness and for the decision on this matter be deferred as only two days notice was received of this course of action.
- Stated his client was prepared to withdraw the request to demolish the building in question.
- Asked council to adjourn the matter so that legal advice can be obtained as to the ramifications of the amendment.

Purpose

- To seek Council's endorsement of a request made to the Minister for Planning to apply a Heritage Overlay to 77 Park Street, South Melbourne, on an interim basis.
- For Council to consider making a request to the Minister for Planning to authorise the preparation and exhibition of an amendment to the Port Phillip Planning Scheme, to apply a Heritage Overlay to 77 Park Street, South Melbourne, on a permanent basis, subject to a full heritage assessment confirming local heritage significance.

Moved Crs Copsey/Gross

That Council:

- I.1 Endorses the request made to the Minister for Planning on 25 August 2017, to prepare and approve Amendment C150 to the Port Phillip Planning Scheme, pursuant to the 20(4) of the *Planning and Environment Act 1987*. Proposed Amendment C150 would make the following specific changes to the Port Phillip Planning Scheme (on an interim basis):
 - I.1.1 Application of an individual Heritage Overlay (HO 504) to land known at 77 Park Street, South Melbourne, through updating Port Phillip Planning Scheme Maps 3HO and 4HO and the schedule to Clause 41.03 – Heritage Overlay.
 - I.1.2 Application of a 'Significant Heritage Place' grading to 77 Park Street, South Melbourne, on the *City of Port Phillip Heritage Policy Map*.
 - I.1.3 Consequential changes to Clauses 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the schedule to Clause 81.01 (Documents incorporated in this scheme) to update the version number and date of the *Port Phillip Heritage Review* and *City of Port Phillip Heritage Policy Map*.



- 1.2 Authorises the CEO (or delegate) to seek Ministerial Authorisation to prepare and exhibit an amendment to the Port Phillip Planning Scheme, pursuant to Section 8A of the *Planning and Environment Act 1987*, to apply heritage controls to 77 Park Street, South Melbourne on a permanent basis, subject to a full heritage assessment confirming local heritage significance. Permanent heritage controls would comprise the specific changes to the Port Phillip Planning Scheme outlined in paragraph 1.1 and the inclusion of a Citation for 77 Park Street, South Melbourne, in the *Port Phillip Heritage Review*.
- 1.3 Subject to Ministerial Authorisation being granted, resolves to prepare and exhibit an amendment to the Port Phillip Planning Scheme, pursuant to Section 8A of the *Planning and Environment Act 1987*, to apply a Heritage Overlay and associated controls to the property known as 77 Park Street, South Melbourne.
- 1.4 Authorises the CEO (or delegate) to finalise amendment documentation outlined above.

A vote was taken and the MOTION was CARRIED unanimously.



9. NOTICES OF MOTION

Nil.



10. REPORTS BY COUNCILLOR DELEGATES

Nil.



II. URGENT BUSINESS

Nil.



12. CONFIDENTIAL MATTERS

12.1 Melbourne Renewable Energy Project (MREP)

Moved Crs Gross/Bond

That Council defers this matter to the 19 September 2017 Ordinary Council meeting.

A vote was taken and the MOTION was CARRIED.

As there was no further business the meeting closed at 8.31pm.

Confirmed: 19 September 2017

Chairperson _____