



**ORDINARY
MEETING OF
COUNCIL**

AGENDA

15 MARCH 2017

Ordinary Meeting of Council

Welcome

Welcome to this Meeting of the Port Phillip City Council.

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision making process of Council.

About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

Public Question Time

Provision is made at the beginning of the meeting for general question time from members of the public. Questions relating to a topic on the agenda are not permitted during this time but can be asked prior to the discussion of that item.

If you would like to ask a question during Public Question Time, please fill in the blue 'Do You Wish to ask a Question or make a Public Comment' form located outside the chamber and give it to the Administrative Officer.

Public Comment / Question

Any person who has made a written submission on an item and requested that she or he be heard in support of that written submission pursuant to section 223 of the Local Government Act will be entitled to address Council.

If you would like to address the Council and / or ask a question on any of the items being discussed tonight, please fill in the blue 'Do You Wish to ask a Question or make a Public Comment' form located outside the chamber and give it to the Administrative Officer.

When your item is being discussed the Chairperson will call your name and ask you to address the Council. The length of time available to each speaker will be at the Chairpersons discretion.





PORT PHILLIP CITY COUNCIL ORDINARY MEETING OF COUNCIL

To Councillors

Notice is hereby given that an **Ordinary Meeting of Council** of the **Port Phillip City Council** will be held in **St Kilda Town Hall** on **Wednesday, 15 March 2017 at 6.30pm**. At their discretion, Councillors may suspend the meeting for a short break at 8pm and 10pm as required.

AGENDA

1	APOLOGIES	
2	MINUTES OF PREVIOUS MEETINGS	
	<i>Minutes of the Ordinary Meeting of Council of the Port Phillip City Council held on 1 March 2017,</i>	
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	<i>Nil</i>	
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8.7	<i>Victorian Electoral Commission Report on 2016 Port Phillip City Council Election</i>	<i>55</i>
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8.10 *Drug Law Reform 2017*

9 NOTICES OF MOTION

Nil

10 REPORTS BY COUNCILLOR DELEGATES

11 URGENT BUSINESS

12 CONFIDENTIAL MATTERS89

The information contained in the following Council reports is considered to be Confidential Information in accordance with Section 77(2)(a) and Section 89(2) of the Local Government Act 1989 (as amended).

12.1 *134-142 Ferrars Street, South Melbourne: Purpose to determine Council's position prior to VCAT Compulsory Conference*

12.2 *Lots 10, 11, 12, 223 Williamstown Road, Port Melbourne: Purpose to determine Council's position prior to VCAT Compulsory Conference*

12.3 *70-72 Albert Street, Port Melbourne: Purpose to determine Council's position prior to VCAT Compulsory Conference*



3. DECLARATIONS OF CONFLICTS OF INTEREST



4. PETITIONS AND JOINT LETTERS

Item 4.1 First Point Port Melbourne Unsocial and Criminal Behaviour

A Petition was received from six of the nine residents of First Point, Port Melbourne.

The Petition states the following:-

“A few of the Residents of this street have spoken to various Council members over the last couple of days about some of the criminal behaviour that has been happening here. And we are all feeling very unsafe. Over the past year the anti- social behaviour has been increasing.

This is a “Dead End” street. And therefore it allows people to be “hidden “from view. One of our residents successfully got a “No Through Road” sign up that is been relocated in the next 2 weeks to a better place but this still does not seem to have stopped people coming down who seem to have mischief on their minds.

A car window was smashed the other night, a key lock was grinded off and then the whole key safe was taken. The upstairs sliding door window was cracked at the same place (possibility from rocks) and that's just for starters as well as people appearing inside private courtyards after jumping fences.

We are requesting the following at the CAR PARK (6 bays) closest to the beach.

- 1. Increased street lighting.*
- 2. CCTV cameras*
- 3. And RESIDENT ONLY PARKING*

The measures would go some way to making us feel more secure and safe. We would appreciate implementation of these requests.

What we also find particularly in the summer but at other times as well is that if we have visitors there is often no parking bays for them. And then there is nowhere else in this street where they can park

I am sending this letter to all the Residents for them to sign and then scan it and send it back to me to on forward to you. This fulfils the criteria of having at least 2 signatures for the Resident Only application.”

OFFICER COMMENT

1. Increased street lighting

Perceptions of safety are influenced by lighting of public spaces. The Australian Standards for public lighting are a technical benchmark based on the lighting required by pedestrians to see where they are going and for motorists to see them in these high pedestrian activity areas. There is no Australian Standard for lighting that makes people feel safe as this is an individual perception around a local precinct and it has to be managed that way.

Council has investigated for the First Point Port Melbourne area and has consulted with CitiPower.



Following are key issues for Council's consideration:

1.1 AS/NZS 1158.4:2009 Lighting for roads and public spaces

To ensure our streets are well lit and in accordance the Australian Standards

Under the Standard there are two categories of street lighting:

Category V – Lighting on arterial and major roads where the visual requirement of motorists are the dominant factor (high vehicle volumes low pedestrian volumes). Generally use 250W High Pressure Sodium (HPS) on major roads. 250W HP Sodium lights at a staggered spacing of 52m provides the minimum (Category V2) while staggered spacing of 41m provides maximum (Category V1).

Category P – Lighting on local roads and pedestrian precincts where the visual requirement of pedestrians are the dominant factor (high pedestrian volumes low traffic volumes). Generally use 80W Mercury Vapour (MV) or T5 (Energy efficient 2 x 14W) lights. 80W or T5 lights at spacing of 80m provides the minimum (Category P5) while a spacing of 26m the maximum (Category P3). City of Port Phillip local streets generally comply with P3 (80W/T5 light on every pole).

- 1.2 Council officers note that there is uneven lighting spacing along the street of First Point Port Melbourne (at 5 First Point). Council officers will further investigate the feasibility of additional street light with underground cabling to be uniform with the other lighting in the street. It may be the case that there are underground services that prevent the installation of this lighting. The lighting in the street belongs to CitiPower. Any changes to these lights would need to be approved by CitiPower.
- 1.3 Electricity and streetlight carbon emissions are Council's two biggest contributors to greenhouse emissions. Assessment of feasibility of lighting recommendations must consider Council's endorsed Towards Zero targets. Council's sustainable public lighting strategy plans to reduce greenhouse gas emission from public lighting.
- 1.4 Residents can install security lighting and CCTV on their property, if they desire.

2. CCTV cameras

Port Phillip City Council has endorsed a two year trial of CCTV in Fitzroy Street, St Kilda. This trial is being evaluated according to clear evidence of crime rates, perceptions of safety and incidence of injury.

Council will not support additional CCTV installation until such time that the results of this trial have been considered.

3. Resident only parking

Council's Resident Parking Permit Policy advises that residential permit zones are only installed in areas that immediately abut residential properties. The parking spaces where permit zone restrictions have been requested in First Point Port Melbourne are adjacent to park reserve and the beach. Therefore it is considered that this request concerns providing private parking in the public realm. This is not considered an appropriate response and would result in setting an unreasonable precedent.



Properties at First Point have off street parking spaces at each property so it would not be an equitable use of public parking spaces to allocate all these on street spaces to residents.

Parking restrictions are also viewed as unlikely to curb antisocial behaviour. If criminals are intent on property damage, it is unlikely they are concerned about parking legally.

Also, as residential parking permits would not exempt vehicles from the Permit Zone, Permit Zone restrictions are not supported.

OFFICER RECOMMENDATIONS

That Council:

1. Receives and notes the Petition.
2. Notes that officers will further investigate the possibility of installing an additional street light outside of 5 First Point Port Melbourne with underground cabling to be uniform with the other lighting in the street. If underground cabling is possible, a proposal to fund additional lighting will be pursued through Council's budgetary processes.
3. Not introduce parking restrictions in the form of Permit Zones in First Point Port Melbourne.
4. Not install CCTV in First Point Port Melbourne.
5. Notes officers will make further contact with residents of First Point Port Melbourne to offer participation in community safety audits in collaboration with Victoria Police Crime Prevention Office.



Item 4.2 North West Corner of the St Kilda Road North Precinct

A letter signed by fifteen G12+ Owners Corporation Chairs and Representatives was received by Council on 21 February 2017 calling on Council to prepare a comprehensive Master Plan and new Planning Policy for Sub-Precincts 1 and 2 to address amenity issues, particularly traffic congestion and the liveability of the public realm.

G12+ represents a group of 22 buildings in the general vicinity of the Domain Interchange, which are home to approximately 8,000 residents.

Subsequently, a number of similar letters have been received from individuals, stating concern about the same issues and proposing the same approach to address the problem.

What problem does the letter raise?

The letter outlines the following issues of concern to G12+:

- Higher density built form that disregards the design objectives of the Planning Scheme and destroys amenity for existing and future residents. Specific amenity concerns include:
 - Liveability and neighbourhood public amenity
 - Privacy and overlooking
 - Overshadowing of public and private spaces
 - Access to daylight and sunlight
 - Streetscape and open space
 - Traffic congestion and car parking
- Existing peak hour traffic congestion in local streets including Wells Street, Park Street, Albert Road and Queens Lane which is having a significant adverse effect on the local community.
- That the future population increase (following gazettal of 60 metre mandatory maximum building heights) will increase existing traffic congestion by an estimated 2.5-3 times.

The letter states the G12+ position:

- Supports a sensitively developed Metro that respects the rich heritage of St Kilda Road.
- Supports good design and development for the neighbourhood that improves residential amenity, as anticipated in Amendment C107, DDO26 and the Port Phillip Planning Scheme.
- Objects to development that maximises density and does not respect the discretionary design objectives of the Design and Development Overlay regime in the Planning Scheme (destroys residential amenity).



What solution to the problem does the letter suggest?

The letter seeks specific solutions to address the issues identified. It requests that Council:

- Determines to prepare a comprehensive Master Plan and new Planning Policy for Sub-Precinct 2 and a small undeveloped area on the corner of Dorcas and Wells Streets in Sub-Precinct 1, that:
 - Adopts rigorous Good Design Guidelines to ensure the intent of DDO26 is implemented by the City of Port Phillip and that the VCAT is bound to recognise.
 - Adopts the following minimum principles:
 1. A Permit Amendment seeking added height triggers a full review of the development against the provisions of DDO26 and the “Better Apartments Guidelines”.
 2. Cumulative impacts of the developments occurring and planned in the area are taken into account when evaluating an application, especially cumulative traffic impacts.
 3. Maximum density on a site is controlled by a plot ratio of 8-10.
 4. Through block and lane widening is given priority in the creation of pedestrian friendly places.
 5. Internal loading bays as a requirement of large developments.
 6. Parking spaces for residents and visitors are appropriate and not arbitrarily waived.
 7. The use of car lifts and stackers must be appropriate to the size of the development with maximum on site waiting space allowed.
 8. Green and “open” space for the community is encouraged.
 - Includes new design controls that:
 - Implement the Master Plan and Planning Policy and allow Council to reject applications that destroy the existing amenity
 - Adopt mandatory setback and other provisions to direct height and density so as to provide certainty and avoid costly VCAT appeals.
 - Include mandatory requirements for:
 - Liveability and privacy
 - Minimising overlooking and overshadowing of public and private paces
 - Access to daylight and sunlight
 - Streetscape and open space
 - Neighbourhood public amenity
 - Maximise off street public car parking and
 - Minimise traffic congestion



- Seeks from the Planning Minister a 12 month moratorium on developments in Sub-Precinct 2 and part of Sub-Precinct 1, that:
 - Puts ‘on hold’ all current and future applications for planning approval for new development and amendments to existing developments in Sub-Precinct 2 and to land adjoining specific sites
 - Puts ‘on hold’ development of approved applications in and south of Park Street on Palmerston Crescent, Cobden Street, Kings Place and Kings Lane to Kingsway.

What rationale is provided in support of the proposed approach to fixing the problem?

- The Master Plan and Planning Policy action is essential to provide a proper framework against which the merits and impacts of all current and future planning applications would be properly considered.
- The Master Plan and Planning Policy could be completed relatively quickly.
- The 12 month moratorium on developments would ensure the subject area is not destroyed by excessive ad hoc development.

OFFICER COMMENT

Background

- Council went through a comprehensive strategic planning process in developing the *St Kilda Road North Precinct Plan*. Its purpose was to develop an integrated plan to guide the future development of the area, which included consideration of:
 - Current and future community needs (social infrastructure and community wellbeing)
 - Infrastructure capacity, including a traffic and transport analysis
 - Future development, including a review of built form and building height controls
- The Precinct Plan was informed by five technical studies addressing built form, community infrastructure, traffic and parking, public spaces and linkages and utilities.
- The *Sustainable Transport Management in St Kilda Road Precinct 2011 (Ratio)* study which informed the Precinct Plan investigated the capacity of the existing road infrastructure network, including for cycling and walking, and the public transport network. An analysis of these existing networks was then undertaken against the growth projections (capacity analysis) for the precinct.
- A detailed capacity analysis was also undertaken to ensure that the infrastructure demands / impacts of future development potential within the Precinct are fully understood. The capacity analysis sought to understand the capacity of existing infrastructure, and identify the need for upgrades and new infrastructure, in light of population/dwelling growth and increases in commercial floor-space and car parking. Each of the five technical studies used the capacity analysis to assess the capacity of existing infrastructure and recommend future needs based on projected development.



- Based on a 25% redevelopment rate, the recommended built form controls, and an assumed land use mix (based on the existing zoning), it was calculated that St Kilda Road North Precinct would evolve to accommodate an additional:
 - 3,100 dwellings (taking the total to 11,077 dwellings) – based on a current nearly 8,000 dwellings in the Precinct, both built and recently approved.
 - 294,000 square metres of additional commercial floor space.
 - 9,979 car parking spaces (taking the total spaces to 17,677).
- The Plan and its directions were driven by the concept of ‘Sustainable Growth’. This recognises the capacity of the precinct to accommodate the continuing demand for residential and commercial floor-space, but that this must occur in a “sustainable and sensitive manner”. This was considered in the built form controls which were informed by a detailed urban design analysis of each sub-precinct to determine its capacity to absorb additional development without compromising its character or amenity.
- The Precinct Plan is implemented in part through the Planning Scheme through its built form controls, land use policy and guidance on other matters such as the design and location of parking. New planning controls were implemented through Planning Scheme Amendment C107.
- Council already submitted for lower (45m) height controls (via C107) and mandatory: podium, street setback separation distance / side and rear setback controls to the Minister for Planning but in 2016 he recommended against some of Council’s recommended heights in the northern part of the Precinct. Specifically, this included increasing some building heights from 45 metres to 60 metres in Sub-Precinct 2. These controls are unlikely to be further amended in the short to medium term by the Minister.
- Sub-Precincts 1, 2 and 4 are likely to undergo a significant change due to the recommended increase in building heights, opportunities presented by several sites for redevelopment as well as the proximity to the future underground train station that the State Government plans to deliver at the Domain Interchange as part of the Melbourne Metro Project. It is acknowledged that this growth could result in sub-optimal impacts upon the area’s amenity and liveability if not appropriately managed.
- However, given the recent nature of the Minister’s decision in relation to C107, it is considered extremely unlikely that he would agree to a moratorium on development while Council sought to develop new planning material. It is also likely that the Department would be highly critical of Council seeking to review the controls so soon after a new framework had been implemented. Moreover, without the moratorium, it is likely that many applications in the area of concern would be determined before any new provisions would take effect.
- There is now an opportunity for other elements of the Precinct Plan (which relate to the transport and access and public realm problems) to be implemented through Council’s Capital Works program – Infrastructure upgrades and new projects and advocacy and partnership approaches with State Government agencies, City of Melbourne, land owners / developers and community organisations.



Do officers support the proposed approach to the problem outlined in the letter?

- The letter's proposal of a Master Plan and Planning Policy and moratorium on development is not considered the most appropriate solution to addressing the outlined amenity concerns.

What alternative approach do officers propose?

- Officers' suggested alternative approach is to prepare a detailed implementation plan which integrates sustainable transport, parking, public space and implementation requirements (to improve the amenity and function of the streetscape for sub-precincts 1, 2 and 4) and prioritises initiatives by defining timelines, resources and responsibilities.
- This approach addresses the following specific issues emanating from projected population and employment growth in the area :
 - Increasing parking pressures from growing residential and work force population
 - The high volume of traffic and wide roads in the Precinct which result in a poor quality environment for pedestrians, cyclists and people with limited mobility.
 - Limited informal and formal public spaces in the Precinct where people can enjoy outdoor life.
 - Busy roads a lack of public space and generally low quality of existing spaces which affects the quality of street-life and liveability of the Precinct.
- This approach will investigate and provide clarity on funding options for delivering capital projects in the precinct, including developer open space contributions and a parking precinct plan.
- It is also proposed to include Sub-Precinct 4 in the integrated implementation plan because it faces similar amenity challenges due to the level of growth forecast and adjoins Sub-Precincts 1 and 2 and the Domain Junction.
- Officers' proposed approach to improving the liveability of the Precinct embraces the opportunities to:
 - Leverage off and link to the design of the future underground train station at The Domain Interchange (which was not a committed project when the St Kilda Road North Precinct Plan was prepared). Note that Council will have an active influencing role in the Domain Station Project over the next 8-10 years, contributing to project/design reviews, driving community advocacy and managing vital Council assets/areas.
 - Encourage a more sustainable mode shift through changed travel behaviour
 - Integrate transport and public realm improvements
 - Review the St Kilda North Precinct Plan and technical studies rather than revisiting the holistic approach from the beginning
 - Address the problem in a way that Council has greater direct control over a greater capacity to effect change compared to the way that has been specifically requested.
 - Address the problem in a way that is a more efficient use of Council resources compared to the way that has been specifically requested.



- It is intended that this project could result in a Planning Scheme amendment to implement a schedule to the Parking Overlay and the inclusion of a new reference document into the Port Phillip Planning Scheme.
- An application for funding of \$100,000 to undertake this approach over two years from 2017-2019 is currently under consideration by Council, as part of the new Integrated Council Plan 2017-2021.

OFFICER RECOMMENDATION

That Council:

- Receives the letter and acknowledges the community’s concern about the existing and future amenity of Sub-Precincts 1 and 2 of the St Kilda Road North Precinct and support of higher density development that improves amenity.
- Notes that this matter will be dealt with as part of Council’s agenda tonight (15 March 2017) under ‘Petitions and Joint Letters’.
- Confirms officers’ proposed approach to addressing the public realm and traffic concerns in the north east corner of the St Kilda Road North Precinct as appropriate ‘in principle’.
- Considers the request for funding for the ‘St Kilda Road North Precinct Integrated Transport and Public Realm Implementation Plan’ in preparing Council’s 2017/18 budget.



5. SEALING SCHEDULE

Nil



6. PUBLIC QUESTION TIME



7. COUNCILLOR QUESTION TIME



8. PRESENTATION OF REPORTS

8.1	<i>Vibrant and Creative City Reference Committee appointments</i>	21
8.2	<i>Community Strengthening Grants Reference Committee Appointments</i>	27
8.3	<i>2018 General Valuation</i>	33
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8.10	<i>Drug Law Reform 2017</i>	





8.1

VIBRANT AND CREATIVE CITY REFERENCE COMMITTEE APPOINTMENTS

LOCATION/ADDRESS:

WHOLE MUNICIPALITY

ACTING GENERAL MANAGER:

VANESSA SCHERNICKAU, COMMUNITY DEVELOPMENT

PREPARED BY:

SUSAN STRANO, COORDINATOR ARTS

TRIM FILE NO:

06/05/41

ATTACHMENTS:

- 1. Art Acquisition Reference Committee Terms of Reference 2017**
- 2. Art Acquisition Committee Instrument of Delegation 2017**
- 3. Cultural Heritage Reference Committee Terms of Reference 2017**
- 4. Cultural Heritage Reference Committee Instrument of Delegation 2017**
- 5. Rupert Bunny Foundation Visual Art Fellowship Reference Committee Terms of Reference 2017**
- 6. St Kilda Esplanade Market Terms of Reference 2017**
- 7. Confidential- Cultural Heritage Reference Committee nominations 2017**
- 8. Confidential- St Kilda Esplanade Market Reference Committee Nominations 2017**
- 9. Confidential- Visual Art Committee nominations 2017**

PURPOSE

This report is presented to Council to appoint the community representatives to the following Vibrant and Creative City Reference Committees:

- Art Acquisition Reference Committee
- Rupert Bunny Foundation Visual Arts Fellowship Reference Committee
- Cultural Heritage Reference Committee
- St Kilda Esplanade Market Reference Committee

The report also presents updated Terms of Reference and Instruments of Delegation for approval.



I. RECOMMENDATION

That Council:

- 1.1 Appoints _____, _____, and _____ to the Art Acquisition Reference Committee for three years from 2017.
- 1.2 Re-appoints _____ to the Art Acquisition Reference Committee for one year from 2017.
- 1.3 Approves the updated Terms of Reference for the Art Acquisition Reference Committee.
- 1.4 Approves the updated Instrument of Delegation for the Art Acquisition Reference Committee and affixes the common seal of the Port Phillip City Council to the Instrument of Delegation.
- 1.5 Appoints _____, _____ and _____ to the Rupert Bunny Foundation Visual Arts Fellowship Reference Committee for four years from 2017.
- 1.6 Re-appoints _____, _____, and _____ to the Rupert Bunny Foundation Visual Arts Fellowship Reference Committee for two years from 2017.
- 1.7 Approves the updated Terms of Reference for the Rupert Bunny Foundation Visual Arts Fellowship Reference Committee
- 1.8 Appoints _____, _____ and _____ to the Cultural Heritage Reference Committee for three years from 2017.
- 1.9 Approves the updated Terms of Reference and Instrument of Delegation for the Cultural Heritage Reference Committee and affixes the common seal of the Port Phillip City Council to the Instrument of Delegation.
- 1.10 Appoints _____ to the St Kilda Esplanade Market Reference Committee for two years from 2017.
- 1.11 Reappoints _____, and _____ to the St Kilda Esplanade Market Reference Committee for one year from 2017.
- 1.12 Approves the updated Terms of Reference for the St Kilda Esplanade Market Reference Committee.

2. BACKGROUND

- 2.1 As part of its commitment to good governance, quality decision-making and community participation, the City of Port Phillip has a range of committees with community and external representation.
- 2.2 On 22 November 2016 Council approved extensions to a number of Committees whose term had expired or were nearing completion. In the Vibrant and Creative City department, these were:



- 2.2.1 Art Acquisition Advisory Reference Committee
Provides advice and expertise in relation to Council's visual art acquisition program
 - 2.2.2 Rupert Bunny Foundation Visual Arts Fellowship Reference Committee
Provides strategic advice and expertise to Council, and recommendations to the Rupert Bunny Foundation Committee, on the dispersal of Rupert Bunny Funds according to the Deed of Trust. This is \$25,000 biennially from the interest from the 1991 fire damage insurance to Rupert Bunny's painting *The Forerunners*.
 - 2.2.3 Cultural Heritage Reference Committee
Provides advice and feedback in relation to cultural heritage and local history.
 - 2.2.4 St Kilda Esplanade Market Reference Committee
Provides strategic direction for the Esplanade Market including the review of the Esplanade Market Strategic Plan and advice on its implementation, development of marketing and advertising, communication mechanisms with stallholders, community and other stakeholders and on business and operational planning.
- 2.3 These committees comprise community members and at least one Councillor and have terms of reference that are publicly available here
http://www.portphillip.vic.gov.au/advisory_committees.htm
- 2.4 Terms of reference outline committee structure and terms, ranging from two years to four years.
- 2.5 The call for community nominations for these committees was advertised from 5 January in The Leader Newspaper, through the Council website and through email and sector newsletters.
- 2.6 A total of 14 nominations were received to fill 16 out of a maximum of 23 positions. This includes the two committee members from the Art Acquisition Reference Committee required to be on the Rupert Bunny Foundation Visual Arts Fellowship Reference Committee.

3. KEY INFORMATION

- 3.1 Council is committed to collaboratively delivering its Council Plan by valuing and utilising the wealth of skills and knowledge in the community. It acknowledges that sound governance practice for local democracy is high quality, well informed, responsive and accountable decision making in the best interests of the community.
- 3.2 The response from the community has been most welcome, with a number of highly skilled individuals expressing an interest in participating.
- 3.3 A lower number of applications were received than in previous years owing to the timing of advertising in January rather than October and the fact that all four programs were advertised together rather than separately, as in previous years.



- 3.4 14 applications were received for 16 positions from a maximum of 23 vacancies, and two of these applications were for both the Art Acquisition and Rupert Bunny Reference Committees that do require some overlap.
- 3.5 While there are fewer nominations than in previous years, there are sufficient minimum numbers to proceed for the coming year. There is also a co-option allowance in the Terms of Reference to boost expertise in particular areas.
- 3.6 13 nominees met all the selection criteria, with one applicant neither living nor working in the City of Port Phillip so would not be recommended according to the criteria.

Committee	No. nominations received	No. committee positions	Meeting frequency	term
Art Acquisition	4	Up to 5	annual	3 years
Rupert Bunny Visual Arts Fellowship	6	Up to 6	biennial	4 years
Cultural Heritage	4	Up to 4	quarterly	3 years
Esplanade Market	3	Up to 8	quarterly	2 years

- 3.7 In addition to the community positions vacant, there are three positions on the Cultural Heritage Reference Committee representing the St Kilda Historical Society, Port Melbourne Preservation and Historical Society and the Middle Park History Group. These have been filled. Councillors chair each of the Committees and they were appointed at the Council meeting 22 November 2016.
- 3.8 Nominees recommended for Council consideration have been suggested on the basis of:
 - 3.8.1 Meeting all stated criteria;
 - 3.8.2 Extent to which criteria was met, e.g. amount of experience on committees or funding assessment panels, area of knowledge;
 - 3.8.3 Complementarity of skills with continuing committee members and each other
- 3.9 Terms of Reference and Instruments of Delegation have been updated where relevant and are attached for Council approval. Changes have been made to align with the newly approved Port Phillip City Collection Policy, update the document format and address committee continuity by adjusting terms for reappointment.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

4.1 Engaged – a well-governed City

This proposal maintains and extends transparent processes in Council decision making and builds and facilitates a network of active and informed communities.

5. CONSULTATION AND STAKEHOLDERS

5.1 25 community members currently participate in the four committees seeking nominee approval

5.2 Advertising for new committee nominees took place from 5 January through the Leader newspaper, social media and email networks.

5.3 Existing committee members were welcome to reapply and some are nominated by a specified organisation (e.g. local historical societies nominate a representative for the Cultural Heritage Reference Committee)

6. LEGAL AND RISK IMPLICATIONS

6.1 There are no known risks to Council in adopting this recommendation.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

7.1.1 Committees are made aware of Council policies, including Towards Zero.

7.1.2 Grants programs utilise Smartygrants and electronic assessment avoiding excessive printing.

7.2 SOCIAL & CULTURAL IMPLICATIONS

7.2.1 Reference Committees provide advice to Council as well as facilitating community networks to build on local strengths, keeping people informed and connected.

7.2.2 Improves community consultation practices to support open and inclusive decision making.

7.2.3 Improves public confidence in decisions made through active community participation in the process.

7.3 ECONOMIC IMPLICATIONS

7.3.1 Community involvement in decision making assists with sharing information, demystifying Council processes and cultivate confidence in responsible resource management.

7.4 FINANCIAL IMPLICATIONS

7.4.1 The Committee positions are voluntary and Committee members are not paid for their contribution.



8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

8.1.1 Committee members will be notified of the appointment and the next meeting time as soon as practical.

8.1.2 New Committees commence from May 2017.

8.2 COMMUNICATION

8.2.1 Applicants will be advised of the outcome directly by the program officers.

9. OFFICER DIRECT OR INDIRECT INTEREST

9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.



8.2

**COMMUNITY STRENGTHENING GRANTS
REFERENCE COMMITTEE APPOINTMENTS**

LOCATION/ADDRESS:

WHOLE OF MUNICIPALITY

ACTING GENERAL MANAGER:

**VANESSA SCHERNICKAU, COMMUNITY
DEVELOPMENT**

PREPARED BY:

**SAMANTHA ROSS, COMMUNITY
DEVELOPMENT PROJECT MANAGER**

**DARREN MARTIN, MANAGER COMMUNITY
HEALTH & SERVICE PLANNING**

TRIM FILE NO:

40/06/25

ATTACHMENTS:

1. **Advertisement Leader Proof Community Grants Assessment Panel**
2. **Community Grants Assessment Panel Reference Committee Terms of Reference 2017 2018**
3. **Confidential- Community Grants Assessment Panel Nominations and Recommendations**

PURPOSE

To recommend to Council the options for appointment of community representative members to the Community Strengthening Grants Assessment Panel 2017-2018.

I. RECOMMENDATION

That Council:

- 1.1. Appoints _____ and _____ to the vacant positions on the Community Grants Assessment Panel for a term of two years.
- 1.2. Appoints _____ to the vacant position on the Community Grant Assessment Panel for a term of one year.
- 1.3. Thanks all applicants.
- 1.4. Adopts the Community Grants Assessment Panel Terms of Reference 2017-2018 (Attachment 2).

2. BACKGROUND

- 2.1. The purpose of the City of Port Phillip Community Grants Assessment Panel is to assess applications for Council's annual Community Grants Program and make recommendations to Council on the allocation of funding in an equitable and transparent manner.
- 2.2. The Assessment Panel takes responsibility to ensure that the assessment process is followed consistently (See Attachment 2 – Terms of Reference).
- 2.3. Community representatives on the Assessment Panel are appointed for two years with 2017-2018 being the first year for the above nominated candidates.



- 2.4. There is an annual allocation of approximately \$293,000 to fund the 2017-2018 Community Strengthening Grants round.
- 2.5. The community grants submission process closes on 31 March, 2017. Panel assessment of grant applications commences 24 April and concludes 25 May 2017.

3. KEY INFORMATION

- 3.1. Three vacancies have become available for community representation on the Community Strengthening Grants Assessment Panel due to the end of appointment term for two of the four current community representative panel members and another panel members resignation.
- 3.2. Following a public expression of interest process, Council received twelve nominations from candidates. Four candidates were shortlisted according to the advertised selection criteria. The shortlisted candidates were interviewed by the Acting Coordinator Community & Service Planning and the Grants & Community Projects Officer. Three candidates have been selected to complement and broaden the skills, experience and local knowledge of the Panel overall. Three candidates have been selected for recommendation.
- 3.3. This report recommends that Council appoint two nominees for a two year term to the Community Strengthening Grants Assessment Panel for 2017-2018 and one nominee for a one year term to the Assessment Panel.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

4.1. The Community Strengthening Grants Program and Assessment Panel align with key strategic directions and actions in the 2013 – 2017 Council Plan including:

ENGAGED – A Well-Governed City

4.1.1. *Provide clear and open communication and engagement that is valued by the community.*

Key Actions

- Continue to improve community consultation practices to support open and inclusive decision making.
- Provide seamless and consistent information to the community about Council's policies and processes.

4.1.2. *Value transparent processes in Council decision making*

Key Actions

- Promote a culture of good governance and build on Council's reputation for good and transparent practice.
- Ensure Council's decision making processes, reporting and information provision is transparent and clear.

HEALTHY – A Healthy, Creative and Inclusive City

4.1.3. *Ensure Our City is a welcoming and safe place for all*

Key Actions

- Enable an inclusive community that welcomes diversity and works to eliminate discrimination.
- Pursue social justice for all in our community.

4.1.4. *Support our community to achieve improved health and wellbeing*

Key Actions

- Advocate to, and partner, with others to address factors impacting on people's health and wellbeing.
- Promote a healthy and active lifestyle to our community.

4.1.5. *Foster a community that values lifelong learning, strong connections and participating in the life on the city.*

Key Actions

- Strengthen and support the community sector to deliver opportunities that build health and wellbeing.
- Promote and increase participation of volunteers.



- 4.1.6. *There are a number of strategic documents that have informed the selection criteria for the assessment of nominees applying for representation on the Community Grants assessment Panel. These include the City of Port Phillip's Social Justice Charter; Reconciliation Action Plan; Access Plan and Municipal Public Health & Wellbeing Plan.*

5. CONSULTATION AND STAKEHOLDERS

- 5.1. Expressions of interest for the Community Representative positions on the Grants Assessment Panel were invited up to 9 January 2017.
- 5.2. Advertisements were placed in the local Leader Newspaper, Diversity, CoPP This!, Community Strengthening eNews, and posters placed in libraries, Council community facilities and town halls.

(See **Attachment 1** - Community Grants Assessment Panel Advertising 2017 - 2018 and **Attachment 2** - Community Grants Assessment Panel Terms of Reference 2017 - 2018). All advertisements invited residents of the City of Port Phillip to apply.

- 5.3. Twelve applications were received from Port Phillip residents.

6. LEGAL AND RISK IMPLICATIONS

- 6.1. There are no known legal or risk implications.

7. SUSTAINABILITY – Triple Bottom Line

7.1. ENVIRONMENTAL IMPLICATIONS

- 7.1.1. Environmental organisations can apply for grants through Council's Community or Cultural Development Grants Programs with an environmental theme. During their induction/training, information, advice and support is provided to panel members regarding Council policies on Sustainability and other background data to equip them in assessing applications for sustainability.

7.2. SOCIAL & CULTURAL IMPLICATIONS

- 7.2.1. The Community Strengthening Grants program aims to work together with funded groups and organisations to meet identified community needs, support local networks, promote and encourage community participation, facilitate innovation and promote access, inclusion and acceptance of diversity.

7.3. ECONOMIC IMPLICATIONS

- 7.3.1. Recommendations about grant allocations are based on industry best practice.

7.4. FINANCIAL IMPLICATIONS

- 7.4.1. No sitting fees are applicable for the Community Strengthening Grants Assessment Panel.



8. IMPLEMENTATION STRATEGY

8.1. TIMELINE

- 8.1.1. All nominees will be advised of the outcome of their application in mid-March 2017.
- 8.1.2. Induction of new committee members will commence early April 2017.
- 8.1.3. It is proposed that the Community Strengthening Grants Assessment Panel will deliberate during May to assess applications to the grants for the 2017 – 2018 financial year.
- 8.1.4. The Community Strengthening Grants Assessment Panel's recommendations will be presented to Council in July 2017.

8.2. COMMUNICATION

- 8.2.1. All candidates will be telephoned and advised of the decision and thanked for their interest in applying for the panel.

9. OFFICER DIRECT OR INDIRECT INTEREST

- 9.1. No officers involved in the preparation of this report have any direct or indirect interest in the matter.



8.3	2018 GENERAL VALUATION
WARD:	WHOLE OF MUNICIPALITY
GENERAL MANAGER:	CHRIS CARROLL, ORGANISATIONAL PERFORMANCE
PREPARED BY:	DENNIS O'KEEFFE, INTERIM CHIEF FINANCIAL OFFICER YASMIN SANFORD, COORDINATOR REVENUE VALUATIONS & ACCOUNTING SERVICES
TRIM FILE NO:	90/02/21
ATTACHMENTS:	1. Declarations of Impartiality

PURPOSE

To seek Council's adoption of the legislated formal resolutions, in order to undertake the 2018 General Valuation.

I. RECOMMENDATION

That Council:

- 1.1 Causes a General Valuation of all rateable and non-rateable properties within the municipal boundaries of City of Port Phillip (CoPP) to be undertaken pursuant to *Section 6 (1) of the Valuation of Land Act 1960*, as at 1 January 2018 being the relevant date prescribed by the Valuer-General Victoria and to be returned no later than 30 April 2018.
- 1.2 Appoints Matheson Stephen Valuations Australia Pty Ltd (MSV) to make and return the 2018 General Valuation pursuant to *Section 13DA of the Valuation of Land Act 1960*, and in particular to appoint Nick Haines, Briony Stephen, Elise Monahan, Frank Carbone, Florianna Khait, Angela Passaro, Layla Bray, Dennis O'Keeffe (CoPP) and Yasmin Sanford (CoPP) to serve this purpose.
- 1.3 Authorises officers to advise the Valuer-General and other relevant rating authorities of the resolution to 'cause' the 2018 General Valuation to be undertaken pursuant to *Section 6(1) of the Valuation of Land Act 1960*.
- 1.4 Notes the Declarations of Impartiality (copies attached) made by Nick Haines, Briony Stephen, Elise Monahan, Frank Carbone, Florianna Khait, Angela Passaro, Layla Bray, Dennis O'Keeffe and Yasmin Sanford in compliance with *Section 13DH of the Valuation of Land Act 1960*.



2. BACKGROUND

- 2.1 The General Valuation is a legislative requirement of State Government under the *Valuation of Land Act 1960* which applies to all councils. A General Valuation must be undertaken every two years in the even years. The next General Valuation is known as the 2018 General Valuation. In this valuation, all properties within the municipality must be valued as at the relevant date (1 January 2018) to become effective on 1 July 2018.
- 2.2 Information from the General Valuation is used to distribute the municipal rates and charges (including the Fire Services Property), according to the relative values of properties and State Land Tax charges according to site values.

3. KEY INFORMATION

- 3.1 The *Valuation of Land Act 1960 (Section 11 and 13H)* States that – ‘General valuation to be made every two years;
- a) For the purposes of the *Local Government Act 1989*, a valuation authority must – cause a general valuation of rateable land within the relevant municipal district to be made as at 1 January in every even calendar year; and
 - b) For the purposes of the *Fire Services Property Levy Act 2012*, a valuation authority must – cause a general valuation of non-rateable land within the relevant municipal district to be made as at 1 January in every even calendar year; and
 - c) before 30 April that year, cause a general valuation made in accordance with paragraph (a) - (i) to be returned to it.’
- 3.2 It is a legal requirement for Council to adopt the following formal resolutions, in order to undertake the 2018 General Valuation ;
- a) Adopt a resolution to ‘cause’ a General Valuation to be made
 - b) Appoint valuer(s) for this purpose
 - c) Give notice of the resolution to the Valuer-General and other authorities.
- 3.3 Council appointed Matheson Stephen Valuations Australia Pty Ltd (MSV) to carry out the previous (2016) General Valuation at a Council meeting on 9 December 2014. MSV were awarded the Municipal Valuation Contract after submitting the best value tender. Council has exercised the extension option of the above contract to allow MSV to carry out the 2018 General Valuation.
- 3.4 The contract was publicly tendered as required by *Section 186 of the Local Government Act 1989*.
- 3.5 The contract requires a General Valuation to be undertaken for all rateable and non-rateable properties within the City of Port Phillip in accordance with the Valuer General Victoria’s best practice guidelines.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The municipal valuations service supports and enables Council to deliver the following key priority in the Council Plan 2013-17.
Engaged – A Well Governed City – (1.2) Value transparent processes in Council decision making.
- 4.2 The General Valuation also forms the basis of Council’s rate assessments. There are currently just over 70,000 rateable assessments which provide approximately 59% of Council’s total revenue.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Consultation with respect to the planning for the 2018 General Valuation was undertaken as part of extending the Municipal Valuation Contract No 1910 to 31 January 2019.
- 5.2 The Valuer General’s Department nominates a supervisor for each municipality who regularly monitors the progress of the General Valuation to ultimately determine whether a generally true and correct Certificate may be issued to enable Council and other authorities to use the valuation for rating purposes. The Valuer-General representative has been consulted in regard to this initial phase of the 2018 General Valuation.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council is required to adopt formal resolutions to ‘cause’ the 2018 General Valuation to be made, appoint valuers for this purpose and advise the Valuer-General and other relevant rating authorities of the resolution. A summary of the relevant legislation follows;

Resolution	Valuation of Land Act 1960
To cause the 2018 General Valuation to be made	Section 6 (1)
To appoint valuers and other personnel to undertake and return the General Valuation	Section 13 DA
To authorise notification of the above resolutions to the Valuer General and rating authorities	Section 6 (1)
To note declarations of impartiality provided by the appointed valuers and personnel	Section 13 DH

- 6.2 Council’s Valuation Contract No 1910, ensures that the General Valuation will be performed in accordance with all relevant legislation in particular the *Valuation of Land Act 1960*, the *Local Government Act 1989*, the *Fire Services Property Levy Act 2012* and the Valuer-General’s Best Practice Specifications.



- 6.3 Councils are required to maintain the currency of property valuations that are used for rating purposes and a biennial General Valuation is a statutory requirement of the *Valuation of Land Act 1960*.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- 7.1.1 There is no direct environmental implication

7.2 SOCIAL & CULTURAL IMPLICATIONS

- 7.2.1 There is no direct social & cultural implication

7.3 ECONOMIC IMPLICATIONS

- 7.3.1 There is no direct economic implication

7.4 FINANCIAL IMPLICATIONS

- 7.4.1 A budget allocation of \$ 443,951 inclusive of GST together with payments based on an agreed schedule of rates for other valuation services (supplementary valuations, inquiries, objections and appeals, asset valuations for financial reporting), has been made for the extension of Contract No 1910. The extended contract provides a further two year term for the purpose of undertaking the 2018 General Valuation.

8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- 8.1.1 Council's Municipal Valuation Contract No 1910 contains an agreed timetable to ensure the return of the 2018 General Valuation will occur no later than 30 April 2018. The timetable is compliant with the Valuer-Generals Best Practice Specifications.

8.2 COMMUNICATION

- 8.2.1 Council's decision will be communicated in writing to MSV, the Valuer-General and relevant rating authorities.

9. OFFICER DIRECT OR INDIRECT INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter. Information relating to the statutory requirements of a return of a General Valuation has been referred to the external contractor (MSV) for confirmation.



8.4

**RENEWAL OF CONTRACT WITH
PROCUREMENT AUSTRALIA FOR THE
PROVISION OF RECRUITMENT, TRAINING
AND ASSOCIATED SERVICES**

LOCATION/ADDRESS:

WHOLE OF MUNICIPALITY

GENERAL MANAGER:

**CHRIS CARROLL, ORGANISATIONAL
PERFORMANCE**

PREPARED BY:

ANDREW MCFARLAND, HR COORDINATOR

TRIM FILE NO:

58/04/156

ATTACHMENTS:

1. List of Panel Providers

PROPOSAL

This report recommends to Council that the City of Port Phillip renews our contract with Procurement Australia for the provision of recruitment, training and associated services.

1. RECOMMENDATION

That Council:

- 1.1 Endorses the renewal of Port Phillip City Council's contract with Procurement Australia (1912/0618) for the period 1 January 2017 to 31 December 2018 including the option to extend to 2021.
- 1.2 Notes that the estimated contract expenditure across the panel is \$6M pa or \$30M over the five year contract.
- 1.3 Authorises the Chief Executive Officer to undertake all necessary actions to give effect to Council's decision with respect to the suppliers and Procurement Australia's Contract No 1912/0618 including executing and affixing Council's common seal to all documents as required.

2. BACKGROUND AND CONTEXT

2.1 Background

Procurement Australia are tendering agents for a wide range of public authorities across Australia, including Local Government, Not for Profit Organisations, Tertiary Education Institutions and Water Authorities.

2.1.1 The City of Port Phillip has been a signatory to the Procurement Australia contract for the provision of recruitment, training and associated services in previous years. This contract has served the City of Port Phillip well, providing us with access to a wide range of preferred providers of recruitment and related services at highly competitive rates.



- 2.1.2 Procurement Australia recently completed a new tender process for the provision of recruitment, training and associated services. This national public tender process was extensive, resulting in ninety-one companies submitting tenders for consideration, with seventy-five being successful. The economies of scale and benefits to the public sector for such a large tender are considerable. The tender contract they have negotiated is for 1 January 2017 to 31 December 2018, with two (2) and one (1) year options to extend.
- 2.1.3 The Culture and Capability Department has undertaken a high level review of the Procurement Australia tender and contract documentation including the adopted process and rates. The Department is satisfied that the providers are of a high standard and that the rates are appropriate. From the list of 75 companies, 18 organisations have been identified as preferred providers for temporary recruitment services (Category 3), which is the main category which will be utilised by CoPP. These organisations are highlighted in the Attachment.
- 2.1.4. Agreeing to renew our relationship with Procurement Australia does not commit the City of Port Phillip to an exclusive arrangement with Procurement Australia or the successful tendering companies, nor does it prevent the City of Port Phillip from reviewing this arrangement at a future date and pursuing its own tendering arrangements.

2.2 Tender

Procurement Australia advertised the tender for the provision of recruitment, training and associated services in the Sydney Morning Herald and the Adelaide Advertiser on Tuesday 12 April 2016, the Herald Sun on Wednesday 13 April 2016 and the Hobart Mercury on Saturday 16 April, 2016. Prior to this, Procurement Australia advertised and carried out three industry briefing sessions. The tender closed on Monday 16 May 2016 and a total of 91 tenders were received. The proposed contract term was 2 years with a further option of 2 plus 1 year extensions.

2.3 Assessment Categories

The tender covered 12 separate categories of services as follows:

- Category 1: Permanent Recruitment – Executive
- Category 2: Permanent Recruitment – Entry/Middle/Senior Level Staff
- Category 3: Temporary Recruitment
- Category 4: Training, Learning and Professional Development Services
- Category 5: e-Learning and Training Solutions
- Category 6: Mentoring and Coaching
- Category 7: Career Transitions Programs and Human Resources Services
- Category 8: Psychometric Testing and Skills Assessments
- Category 9: Unbundled Recruitment Services
- Category 10: Employee Satisfaction and Organisational Survey Services
- Category 11: Performance Appraisal Management Services



- Category 12: Police and Background Check/Fit to Work Solutions.
with Category 3 – Temporary Recruitment being the Category of greatest relevance to CoPP.

2.4 **Assessment Methodology**

Procurement Australia conducted a thorough tender assessment process according to the following key criteria:

2.4.1 Compliance with Specification

- Compliance with the Submission Requirements.
- Compliance and suitability and effectiveness of the Products/Services offered.
- Compliance with QA, OHS.
- Compliance with the terms and conditions of the tender.
- Compliance with the terms and conditions of the contract.

2.4.2 Customer Focus

- Marketing Strategies.
- Value Added Products/Services.
- Customer Satisfaction and Product/Service Initiatives.
- Service and Distribution.
- Product/Service Diversity.

2.4.3 Contractors Performance

- Relevant Expertise and experience.
- Responsiveness and reliability of Products/Services.
- Resources/Communication.
- Referees.
- Quality Management and Continuous Improvement.
- Contract Management and Reporting.
- Past Contract Performance.

2.4.4 Corporate Social Responsibility Profile

- Corporate Governance.
- Social Impact.
- Environmental Impact.
- Workplace Practices.

2.4.5 Price (Overall Value Proposition)

- Price Competitiveness.
- Pricing Structure Transparency.
- Pricing basis/variation of the tender.
- Quality/Value Discount Structures.
- Payment Terms.

- 2.5 The Culture and Capability Department has also reviewed the Procurement Australia contract, tender process and the list of providers and believes that the contract continues to represent good value for money.



3. CONSULTATION AND STAKEHOLDERS

The key internal stakeholders who have been engaged with in relation to this matter are:

- General Manager, Organisational Performance
- Chief Financial Officer
- Manager, Culture and Capability
- Coordinator, Contracts, Procurement and Fleet

Feedback from internal clients within the City of Port Phillip who are regular users of recruitment services, particularly temporary recruitment services, has also been taken into consideration.

4. OPTIONS

- 4.1 The preferred option is for Council to endorse the renewal of the contract named in item 1.1 and access their services via PA Contract 1912/0618.
- 4.2 Council could elect to set aside this recommendation and commence its own separate tender process. This would be a lengthy and resource intensive process with a very low likelihood of delivering a cheaper, lower priced or higher quality outcome.

5. ALIGNMENT TO COUNCIL PLAN

- 5.1 Renewing our contract with Procurement Australia as proposed is aligned with the Council Plan 2013-17:
 - 1.5 Achieve a reputation for organisational and service excellence

6. POLICY IMPLICATIONS

- 6.1 The review of the Procurement Australia tender process and review of the contract is consistent with the provisions of Council's Contracts and Procurement Policy.

7. FINANCE / RESOURCE IMPLICATIONS

- 7.1 The budget for the use of Recruitment Services over the initial two year term of the proposed Procurement Australia contract is approximately \$12M.
- 7.2 Entering into the contract does not imply a guarantee of any minimum expenditure with any provider.
- 7.3 The proposed panel of providers for recruitment, training and associated services, particularly temporary employment, provides the best value for Council, as well as offering a degree of flexibility for Council.

8. LEGAL & RISK IMPLICATIONS

- 8.1 The main risk for Council in not adopting the Procurement Australia contract is the potential of not complying with the procurement provisions of the Local Government Act 1989 ("the Act"). Adopting the Procurement Australia contract and its panel of preferred providers helps mitigate this risk.



9. IMPLEMENTATION STRATEGY

9.1 TIMELINE

9.1.1 The proposed panel of suppliers are all able to commence services immediately.

9.2 COMMUNICATION

9.2.1 The Contracts and Procurement Unit will notify Procurement Australia of Council's decision with respect to Contract No 1912/0618 and its list of preferred suppliers.

10. OFFICER DIRECT OR INDIRECT INTEREST

10.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.



8.5	CARPENTRY & HANDYMAN SERVICES
LOCATION/ADDRESS:	WHOLE OF MUNICIPALITY
GENERAL MANAGER:	FIONA BLAIR, INFRASTRUCTURE & AMENITY
PREPARED BY:	JIM MACLEAN, COORDINATOR BUILDING MAINTENANCE DINO DE MELIS, MANAGER MAINTENANCE AND RENEWAL
TRIM FILE NO:	14/01/2027
ATTACHMENTS:	Nil

PROPOSAL

To seek Council's approval to award the Carpentry & Handyman Services Panel contract to the following contractors

- Johnson Building & Maintenance Pty Ltd
- Omnigas Services Pty Ltd
- The trustee for Building Impressions Pty Ltd As trustee for the Building Impressions Unit Trust trading as Building Impressions.

1. RECOMMENDATION

That Council:

- 1.1 Awards Contract No. 2027 to provide Carpentry & Handyman Services to Port Phillip City Council for a three year period commencing on 1 April 2017 to 31 March 2020 to: Johnson Building & Maintenance Pty Ltd; Omnigas Services Pty Ltd; and Building Impressions.
- 1.2 Notes that the contract sum is based on a schedule of rates, with a projected expenditure for a three year period of \$1,194,905 inclusive of GST, labour rates, plant, equipment and materials.
- 1.3 Affixes the Common Seal of the Port Phillip City Council to Contract No. 2027 between Port Phillip City Council and Johnson Building & Maintenance Pty Ltd; Omnigas Services Pty Ltd; and Building Impressions.

2. BACKGROUND AND CONTEXT

2.1 Background

The current contract for the Carpentry & Handyman Services Panel contract expires on 31 March 2017. The tender was advertised in The Age on Saturday 3 December 2016 and closed on 23 December 2016. The proposed contract is from 1 April 2017 to 31

AGENDA - ORDINARY MEETING OF COUNCIL – 15 MARCH 2017



March 2020.

The composition of the TEP is set out in Table 1 below.

TABLE 1 – COMPOSITION OF TEP	
Name	Title
Jim Maclean, Coordinator Building Maintenance	Chairperson
Ryan Plunkett, Contract Manager Building Maintenance	Member
Daniel McCluskey, Building Maintenance Officer	Member
Graham Millar, Contracts & Procurement Advisor	Member
Kate Churchward, Building Maintenance BSO	Non Scoring Member

All TEP members signed the standard form indicating they had no conflict of interest to declare and that they would keep the tender information confidential.

The evaluation criteria and weightings are detailed in Table 2 below.

TABLE 2 – TENDER EVALUATION CRITERIA	
Criteria	Percentage Weighting
Price	40%
Capacity to meet the requirements of the specification.	20%
Relevant experience and track record.	20%
Capability	10%
Environmental	5%
OHS processes	5%



2.2 **Tenders received and Evaluation**

For comparative purposes with the assessment of price, the evaluation panel adopted the following methodology based on historical data of 776 reactive work orders:

Break down of work orders

Schedule A – 70% of works carried out here at 2hrs per job – Monday to Friday

Schedule B – 15% of works carried out here at 2hrs per job – Monday to Friday after hours

Schedule C – 10% of works carried out here at 2hrs per job - Weekends

Schedule D –5% of works carried out here at 2hrs per job – Public Holidays

Details of the tenders received are shown in Table 3 below.

TABLE 3 – TENDERS RECEIVED		
No.	Tenderer’s Name	\$ Price (exclusive GST)
1.	Building Impressions	\$270,752.40
2.	Tenderer B	\$357,075.00
3.	Tenderer C	\$337,968.00
4.	Tenderer D	\$307,676.88
5.	Tenderer E	\$313,346.88
6.	Tenderer F	\$374,270.76
7.	Johnson Building & Maintenance Pty Ltd	\$253,519.20
8.	Tenderer H	\$299,613.60
9.	Omnigas Services Pty Ltd	\$265,104.18
10.	Tenderer J	\$410,753.88
11.	Tenderer K	\$345,577.95
12.	Tenderer L	\$365,433.30

All tenders were prepared in conformance with the specifications and contract conditions and have been referred to the TEP for their review and evaluation. In this instance, the TEP decided to interview four tenderers.

Tenderers Johnson Building & Maintenance Services Pty Ltd, Omnigas Services Pty Ltd and Building Impressions provided the three lowest financial submissions

Interviews were held with, Johnson Building & Maintenance Services Pty Ltd, Omnigas Services Pty Ltd, Building Impressions and tenderer E. All interviewees provided verbal confirmation of all aspects of their written submissions and the TEP panel after further discussions finalised scoring and agreed on three preferred tenderers.



The following total scores were agreed against the evaluation criteria detailed in Table 4 below.

TABLE 4 -		
No.	Tenderer's Name	Score (Out of 1,000)
1.	Building Impressions	833
2.	Tenderer B	625
3.	Tenderer C	596
4.	Tenderer D	634
5.	Tenderer E	761
6.	Tenderer F	613
7.	Johnson Building & Maintenance Pty Ltd	807
8.	Tenderer H	693
9.	Omnigas Services Pty Ltd	861
10.	Tenderer J	599
11.	Tenderer K	650
12.	Tenderer L	719

The final weighted score which takes into account all of the evaluation criteria (including price) has been used to determine the recommended panel of contractors that Council should engage for the delivery of its Carpentry & Handyman Services over the next three years. The following factors have been taken into account in scoring the tenders against the agreed criteria.

2.3 Price

Johnson Building & Maintenance Pty Ltd has been assigned the maximum possible score as it submitted the lowest priced tender.

Tenderers have been assigned a score for price which has been derived from the ratio of lowest priced bid compared to each Tenderer.

Best And Final Offer was conducted on Wednesday 10 February 2017 and received by 13 February 2017. Shortlisted respondents, Johnson Building & Maintenance Pty Ltd, Omnigas Services Pty Ltd and Building Impressions were invited to submit their Best and Final Offer. There was no change to their original submitted tender prices from all three tenderers.



2.4 Capacity

Johnson Building & Maintenance Pty Ltd, Omnigas Services Pty Ltd and Building Impressions ratings are supported by their commitment to resource the contract with sufficient dedicated staff. This is consistent with current resourcing requirements for this service. Johnson Building & Maintenance Pty Ltd, Omnigas Services Pty Ltd and Building Impressions also highlighted their capacity to supplement their standard resources in peak periods.

This reinforces the TEP's assessment that the recommended panel of contractors listed have the capacity required for servicing this contract.

2.5 Relevant Experience

Johnson Building & Maintenance Pty Ltd, Omnigas Services Pty Ltd and Building Impressions rating is underpinned by the following factors:

- Proven reliability within the Victorian local government sector as demonstrated by their ongoing local government contracts
- Clear knowledge of the scope of services required in this contract.
- Specialist and fully qualified resources with long term staff members
- Minimal delivery and regulatory risk as demonstrated by the consistent achievement of deadlines

2.6 Financial Evaluation

A comprehensive financial evaluation was conducted of the shortlisted tenderers. A report prepared by Council's Financial Compliance Accountant highlighted the capacity of the shortlisted tenderers to provide the service in accordance with Councils requirements.

- Johnson Building & Maintenance Pty Ltd report highlighted a 2% chance of an adverse event in the next 12 months and a 0.46% chance of failure in the next 12 months.
- Omnigas Services Pty Ltd report highlighted a 3% chance of an adverse event in the next 12 months and a 0.72% chance of failure in the next 12 months.
- Building Impressions report highlighted a 1% chance of an adverse event in the next 12 months and a 0.35% chance of failure in the next 12 months.

All scores are acceptable; there are no adverse events or legal actions recorded.

2.7 Reference Checks

Reference checks were conducted for the shortlisted tenderers.



Johnson Building & Maintenance Pty Ltd

Referees contacted included representatives of the following companies, Monaco Developments and JMD Electrics (Current City of Port Phillip Electrical Contractor). Both referees confirmed they had long term history with the contractor and had found their service level and service response times to be very good. They both indicated that the relationship with this contractor will be of an ongoing nature.

Omnigas Services Pty Ltd

Referees contacted included representatives of the following organizations, Darebin City Council and Knox City Council. Both referees confirmed they had long term service contracts with the contractor and had found their service level and service response times to be very good. They both indicated that the relationship with this contractor will be of an ongoing nature.

Building Impressions

Referees contacted included representatives of the following organizations, Australia Post and Cushman & Wakefield Real Estate. Both referees confirmed they had long term involvement with the contractor and had found their service level and service response times to be of a very high standard. They both indicated that the relationship with this contractor will be of an ongoing nature.

2.8 CONSULTATION AND STAKEHOLDERS

Council officers have undertaken consultation with key stakeholders including building users, and internal service providers. The consultation process has assisted with the development of the specification and ensures the service will meet the community expectations.

3. DISCUSSION

3.1 OPTIONS

3.1.1 The recommended option is for Council to award the Carpentry & Handyman Services Panel contract to Johnson Building & Maintenance Pty Ltd, Omnigas Services Pty Ltd and Building Impressions for three years commencing on 1 April 2017 to 31 March 2020.

3.2 ALIGNMENT TO COUNCIL PLAN

3.2.1 The Carpentry & Handyman Services contract supports and enables Council to deliver the following strategies in the Council Plan 2013-2017:

- 3.2.1.1 Engaged, a well governed city – achieve a reputation for organisational and service excellence:
- 3.2.1.2 Healthy, a healthy creative inclusive city - Maintain Council and community assets to a standard that matches industry best practice;
- 3.2.1.3 Vibrant, a liveable and connected city –improve and manage local amenity and assets for now and the future.



3.3 POLICY IMPLICATIONS

- 3.3.1 The tender has been conducted in accordance with Section 186 of the Local Government Act 1989.

3.4 FINANCE / RESOURCE IMPLICATIONS

- 3.4.1 The contract is based on a schedule of rates, with an expected expenditure for a three year period of \$1,194,905 inclusive of GST, labour rates, plant, equipment and materials
- 3.4.2 This is in accordance with budgetary projections for this service
- 3.4.3 Having a panel of contractors, Johnson Building & Maintenance Pty Ltd, Omnigas Services Pty Ltd and Building Impressions will ensure competition of services by quotes based on their submitted schedule of rates in the contract

3.5 LEGAL & RISK IMPLICATIONS

- 3.5.1 An effective and accurate OHS management plan is required to enable Council to meet its statutory obligations. Contractors Johnson Building & Maintenance Pty Ltd, Omnigas Services Pty Ltd and Building Impressions, are well resourced with experienced personnel and this should ensure that Council avoids risk that may lead to financial loss or have a negative impact on the Council's reputation.
- 3.5.2 The recommendation to award the contract to Johnson Building & Maintenance Pty Ltd, Omnigas Services Pty Ltd and Building Impressions shall ensure a smooth transition with minimal risk to Council and mitigate the risks - Building Impressions are an existing contractor on this panel and this will assist with the transition.
- 3.5.3 In accordance with the contract terms and conditions the contractor must submit a site specific safety plan for provision of Carpentry & Handyman Services.
- 3.5.4 All tenderers complied with the insurance requirements of \$10,000,000 public liability and \$1,000,000 professional indemnity.

3.6 BEST VALUE

- 3.6.1 The tender has been assessed in accordance with the Best Value Principles;
- a) the need to review services against the best on offer in both the public and private sectors; and
 - b) an assessment of value for money in service delivery; and
 - c) community expectations and values; and
 - d) the balance of affordability and accessibility of services to the community; and
 - e) opportunities for local employment growth or retention.



4. IMPLEMENTATION STRATEGY

4.1 TIMELINE

4.1.1 The contract panel will commence 1 April 2017.

4.2 COMMUNICATION

4.2.1 Contract documentation shall be prepared and forwarded to the contractors for execution.

4.2.2 The Contracts and Procurement Unit shall notify all unsuccessful tenderers. The Contract Manager shall invite debriefs from all unsuccessful tenderers.

5. OFFICER DIRECT OR INDIRECT INTEREST

5.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.



8.6	REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES
WARD:	WHOLE OF MUNICIPALITY
CHIEF GOVERNANCE OFFICER:	DORON KARLINER
PREPARED BY:	MURRAY CHICK, COORDINATOR GOVERNANCE
TRIM FILE NO:	18/04/118
ATTACHMENTS:	Nil

PURPOSE

For Council to commence the process to review Mayoral and Councillor allowances as required by the *Local Government Act 1989* (the Act).

I. RECOMMENDATION

That Council:

- 1.1 Pursuant to section 74(1) of the Local Government Act 1989, commences the process to review and determine the Mayoral allowance and the Councillor allowance.
- 1.2 Proposes a Mayoral allowance of \$94,641 per annum, being the maximum allowed for a Category 3 Council.
- 1.3 Proposes a Councillor allowance of \$29,630 per annum, being the maximum allowed for a Category 3 Council.
- 1.4 Notes that the quantum of the Mayoral allowance and the Councillor allowance proposed in this report is the same as is currently being received by the Mayor and each Councillor.
- 1.5 Notes that Mayoral and Councillor allowances are also subject to the addition of the equivalent of the superannuation guarantee (currently 9.5%).
- 1.6 Pursuant to section 223 of the Local Government Act 1989, calls for public submissions on this proposal being for a period of not less than 28 days after the date public notice is given.
- 1.7 Resolves to hear and consider any submissions received pursuant to section 223 of the Local Government Act at the Ordinary Meeting of Council to be held on Wednesday 17 May 2017 at 6.30pm at the St Kilda Town Hall.

2. BACKGROUND

- 2.1 Councils are categorised by the Minister for Local Government within a three level framework based on population and income.



- 2.2 Port Phillip City Council is classified in the highest category, level 3. In each category a minimum and maximum range of Mayor and Councillor allowances are set by the Minister for Local Government.
- 2.3 The payment of a Mayoral allowance and Councillor allowances are governed by the Act. The Mayoral and Councillor allowance ranges detailed in section 2.4 of this report were adjusted by the Minister for Local Government in a public notice published in the Victoria Government Gazette on 24 November 2016. In this notice Mayoral and Councillor allowances were increased by 2.5% effective from 1 December 2016.
- 2.4 For Port Phillip City Council being a Category 3 Council, the ranges of allowances as at 1 December 2016 (excluding the 9.5% superannuation guarantee payable) are:
 - 2.4.1 Mayoral allowance up to \$94,641 per annum
 - 2.4.2 Councillor allowance from \$12,367 to \$29,630 per annum.
- 2.5 Councillors and the Mayor are currently being paid the maximum allowable allowance. It should be noted that:
 - 2.5.1 A Mayor cannot receive the Councillor allowance at the same time as receiving the Mayoral allowance
 - 2.5.2 A Council does not have to pay an allowance to a Councillor who does not wish to receive it; and
 - 2.5.3 A person is only entitled to receive an allowance while he or she holds the office of Councillor or Mayor.

3. KEY INFORMATION

- 3.1 Section 74(1) of the Act states that a Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later. Therefore the latest date that Council must review and determine its Mayoral and Councillor allowances is 30 June 2017.
- 3.2 The allowances determined under section 74(1) of the Act are payable from the date of the resolution of the Council determining the levels of allowances. It is proposed in this report that Council conduct a review of the allowances and make a determination at its ordinary Meeting of Council to be held on 17 May 2017.
- 3.3 Council must provide the community with an opportunity to make a submission under section 223 of the Act in respect of the review of the allowances. Council will publish a public notice inviting submissions on this proposal for a period that is at least 28 days after the date public notice was given.
- 3.4 Currently, allowances are set at the maximum payable within Category 3. Given the workload and time commitment required from each Councillor to effectively represent and advocate for the community, it is recommended in this report that Council continues this practice and seeks community input on this proposal.
- 3.5 The amount of allowances proposed in this report are the same as is currently being received by the Mayor and each Councillor.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The payment of Councillor and Mayoral allowances is to assist elected representatives in their role of representing and advocating for the community which is consistent with Council's key direction of "Engaging and Governing the City".

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The Act requires that before the final decision is made on the level of allowances there must be a public process inviting submissions on the quantum of allowances.
- 5.2 The submission process to be conducted must be in accordance with section 223 of the Act. Council must publish a public notice:
- 5.2.1 Specifying the matter in respect of which the right to make a submission applies;
 - 5.2.2 Stating the date by which submissions are to be submitted, being a date not less than 28 days after the date of public notice;
 - 5.2.3 Specifying the time, date and place that Council will hear and consider submissions; and
 - 5.2.4 Stating that any person making a submission is entitled to appear in person, or to be represented by a person, to be heard at the meeting where Council is hearing and considering the submissions.
 - 5.2.5 Council must take into account all submission received as part of its decision making process.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The Act requires that Council reviews its Mayoral and Councillor allowances by 30 June 2017.
- 6.2 Section 79C of the Act states that a Councillor does not have a conflict of interest in a decision in relation to the setting of Mayoral and Councillor allowances.

7. SUSTAINABILITY – Triple Bottom Line

- 7.1 ENVIRONMENTAL IMPLICATIONS
- 7.1.1 N/A
- 7.2 SOCIAL & CULTURAL IMPLICATIONS
- 7.2.1 N/A
- 7.3 ECONOMIC IMPLICATIONS
- 7.3.1 N/A



7.4 FINANCIAL IMPLICATIONS

- 7.4.1 As a level 3 Council, the current cost to the Port Phillip City Council is the Mayoral allowance of \$94,641 per annum and the Councillor allowance for each of the other Councillors (8) of \$29,630 per annum per Councillor. In addition to the base Mayoral and Councillor allowances an additional amount equal to the superannuation guarantee under Commonwealth taxation legislation (currently 9.5%) is payable.
- 7.4.2 These allowances are indexed annually by the Minister.
- 7.4.3 The total cost is dependent upon the level set by Council within the allowable range.

8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- 8.1.1 Public notice will be given in the Port Phillip Leader newspaper inviting submissions over a period of not less than 28 days.
- 8.1.2 A report will be presented to Council at its Ordinary Meeting to be held on 17 May 2017, at which Council will hear and consider all submissions received and make a determination on the level of allowances.

8.2 COMMUNICATION

- 8.2.1 Once Council has made a determination, all submitters will be notified of Council's decision and the reasons for that decision.

9. OFFICER DIRECT OR INDIRECT INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.



8.7

**VICTORIAN ELECTORAL COMMISSION
REPORT ON 2016 PORT PHILLIP CITY
COUNCIL ELECTION**

LOCATION/ADDRESS:

WHOLE OF MUNICIPALITY

CHIEF GOVERNANCE OFFICER:

DORON KARLINER

PREPARED BY:

**MURRAY CHICK, COORDINATOR
GOVERNANCE**

TRIM FILE NO:

27/01/34

ATTACHMENTS:

1. VEC report on the 2016 Port Phillip City Council election

PURPOSE

For Council to receive a report on the 2016 election from the Victorian Electoral Commission.

1. RECOMMENDATION

That Council:

- 1.1 Receives and notes the October 2016 Election Report provided by the Victorian Electoral Commission dated 20 January 2017 (attachment 1).

2. BACKGROUND

- 2.1 The Local Government Act 1989 (the Act) requires the Victorian Electoral Commission (VEC) to be the election services provider for all of the Victorian Councils.
- 2.2 The Act allows Council to determine the method of voting for each election, i.e. attendance or voting. Council on 9 March 2016 resolved that the 2016 election be conducted by way of attendance voting.
- 2.3 Election day was 22 October 2016 and the VEC's appointed Returning Officer for the Port Phillip election was Jane Bennett. The Returning Officer's office was located at the Port Melbourne Town Hall.
- 2.4 Clause 14 of schedule 3 of the Act requires the VEC to prepare a report to the Chief Executive Officer on the conduct of the election within the period of 3 months after election day and for the CEO to submit a copy of this report to Council. The election report from the VEC was received by Council on 20 January 2017.

3. KEY INFORMATION

- 3.1 The election agreement required the VEC provide the following services:
 - 3.1.1 Preparation of the voters roll;
 - 3.1.2 Promotion of the election;
 - 3.1.3 Appointment of the Returning Officer and the setup of the election office

AGENDA - ORDINARY MEETING OF COUNCIL – 15 MARCH 2017



- 3.1.4 Conduct a candidate information session;
- 3.1.5 Process candidate nominations and how to vote card registrations;
- 3.1.6 Organise voting centres for voting on election day and early voting;
- 3.1.7 Counting of votes on and after election day; declaration of results.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The conduct of the 2016 election was consistent with Council’s key direction of an engaged and well governed city.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The 22 October 2016 Port Phillip election was subject to a comprehensive advertising and communications campaign coordinated by the VEC including:
 - 5.1.1 Public notices placed in local newspapers;
 - 5.1.2 State-wide advertising campaign in major metropolitan newspapers and radio;
 - 5.1.3 VEC website with a dedicated webpage specific to the Port Phillip City Council election;
 - 5.1.4 Laminated election information placemats were placed at our three Town Hall counters;
 - 5.1.5 Media releases between August and October 2016; and
 - 5.1.6 Dedicated telephone enquiry service at both the VEC and Returning Officer’s office.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 N/A

7. SUSTAINABILITY – Triple Bottom Line

- 7.1 ENVIRONMENTAL IMPLICATIONS
 - 7.1.1 N/A
- 7.2 SOCIAL & CULTURAL IMPLICATIONS
 - 7.2.1 The VEC worked with a number of partners to provide suitable communication services for blind and low vision voters, voters with a disability, and culturally and linguistically diverse voters.
- 7.3 ECONOMIC IMPLICATIONS
 - 7.3.1 N/A
- 7.4 FINANCIAL IMPLICATIONS
 - 7.4.1 The actual cost for the provision of election services was \$500,364.42 (excluding GST).

8. IMPLEMENTATION STRATEGY

- 8.1 TIMELINE
 - 8.1.1 N/A

AGENDA - ORDINARY MEETING OF COUNCIL – 15 MARCH 2017



8.2 COMMUNICATION

8.2.1 N/A

9. OFFICER DIRECT OR INDIRECT INTEREST

9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.



8.8 ASSEMBLY OF COUNCILLORS
WARD: WHOLE OF MUNICIPALITY
CHIEF GOVERNANCE OFFICER: DORON KARLINER
PREPARED BY: JADE FORRESTER, GOVERNANCE ADVISOR
TRIM FILE NO: F17/9
ATTACHMENTS: 1. Signed Assembly of Councillor forms

PURPOSE

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

1. RECOMMENDATION

That Council:

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

2. BACKGROUND

- 2.1 An Assembly of Councillors is defined in the *Local Government Act 1989* as meaning an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be the subject of a decision of the Council or subject to the exercise of a function, duty or power of the Council that has been delegated to a person or a committee. The definition excludes a meeting of the Council, a special committee of the Council, an audit committee, a club, association, peak body, political party or other organisation.

3. KEY INFORMATION

- 3.1 This report (Attachment 1) includes records of Assemblies of Councillors that have occurred since 1 December 2016.

4. OFFICER DIRECT OR INDIRECT INTEREST

- 4.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.



8.9	85 DUNDAS PLACE, ALBERT PARK
LOCATION/ADDRESS:	85 DUNDAS PLACE, ALBERT PARK
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	RICHARD LITTLE, SENIOR URBAN PLANNER
TRIM FILE NO.:	P0615/2016
ATTACHMENTS:	1. Plans 2. Objector Map
WARD:	Lake
TRIGGER FOR DETERMINATION BY COMMITTEE:	Number of objections
APPLICATION NO:	P0615/2016
APPLICANT:	Jewell Partnership P/L
EXISTING USE:	Hotel
ABUTTING USES:	Commercial and Residential.
ZONING:	Commercial I
OVERLAYS:	Heritage Overlay (HO044)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

Partial demolition of the building and construction of ground, first and second floor alterations and additions to the existing building, including a three storey rear addition a three storey lift shaft, an additional floor at the third floor level and a first floor outdoor function space and a waiver of the car parking requirements.

I. EXECUTIVE SUMMARY

- 1.1 The proposal relates to the existing three storey Albert Park Hotel on the corner of Dundas Place and Montague Street. The application seeks to continue the existing use of the Albert Park hotel at ground and first floor level and use the second and proposed third floor level as an office for the Colonial Leisure Group, the owner of the Albert Park Hotel and other hotels in the municipality and Melbourne.
- 1.2 This proposal is for the partial demolition of the building and construction of ground, first and second floor alterations and additions to the existing building, including an additional floor at roof level and a first floor outdoor garden and a waiver of the car parking requirements. The use of the hotel at ground and first floor would continue and the second floor and proposed third floor level would be used as an office for the Hotel operator. At second floor level there would be a terrace, associated with the office, facing Dundas Place.



- 1.3 A waiver of the car parking requirements is required for the new office.
- 1.4 Twenty objections and one letter of support have been received. The main concerns relate to parking, additions not in keeping with the heritage building, the additional floor is too high, noise from the terraces and additional doors at ground floor level.
- 1.5 Additional consideration relates to the new built form and whether it is an appropriate outcome in a Heritage Overlay. Given that most of the additions would be located to the rear of the building and at roof level behind an existing parapet wall, the proposal is considered to be appropriate.
- 1.6 A permit is also required to waive the number of car spaces in connection with the proposed office use. Given the site's location in a Neighbourhood Activity Centre; the availability of on street parking and the opportunity to support a local business, a waiver of car parking is considered acceptable in this instance.
- 1.7 In regards to the residential amenity of the adjoining properties, the terrace at first floor level, facing Dundas place is existing. At second floor level a terrace is associated with the proposed office and is not part of the hotel. The proposed terrace would face Dundas Place.
- 1.8 The additional doors at ground floor level would all face busy roads and are unlikely to result in additional noise to residential properties. The proposal does not include any outdoor seating or increase in patron numbers to the existing hotel.
- 1.9 The proposal is recommended for approval subject to conditions.

KEY ISSUES

1. Partial Demolition, alteration and additions to a Significant Heritage Building (Albert Park Hotel)
2. External Residential Amenity
3. Car parking Waiver

2. PROPOSAL

The application under consideration includes the following:

- 2.1 **Use:**
 - The ground and first floor would continue to be used as part of the Albert Park Hotel.
 - The ground floor would contain the hotel trading area, WCs, stairs, keg room, cool room, dry store, bin store, bike store, kitchen and lift.
 - The first floor would continue to be used by the Albert Park Hotel and includes a trading area, external deck (33m²), stairs, WCs, staff kitchen, manager's office, utility room and external garden.
 - The existing 286.74m² second floor of the hotel would be used for 186m² of office floorspace for the company that owns this and other hotels in the City of Port Phillip and other Melbourne locations. The reduction in floor area is created by adding voids open to the floor level below. The second floor would contain an open office area (186m²), void area, meeting room, stairs, WCs, copy rooms and lift.



- The office on both floors would be used by the headquarters of the hotel management group (Colonial Leisure Group) to manage this local business and their other premises.
- The new third floor would be used as office floorspace (135m²) comprising an open plan office, boardroom, stairs, lift, external deck (36.5m²) and external plant room.

2.2 **Demolition:**

- All internal walls, fixture, fittings and joinery at ground floor level.
- Some of the external doors and windows at ground, first and second floor level.
- The existing first floor extension, between the main wall of the original building and the boundary with No. 87-89 Dundas Place.
- Part of the floor at first and second floor level.
- The existing roof.

2.3 **Buildings and Works:**

- Addition of a three storey lift shaft
- Alterations to the exterior of the building including installation of new doors and openings at ground, first and second floor level. At ground floor level there would be new doors and windows to replace the existing openings at ground floor level. At first floor level there would be a new door at the front of the building and new windows at the rear of the building. At second floor level there would be new windows at the rear of the building.
- Construction of additions at first and second floor level to the rear of the building.
- At first floor level the additions would be 22.6m long, 8.8m wide and 3.7m high (126sqm). The additions would be built to the eastern boundary and be setback back 1.4m from the southern boundary.
- At second floor level additions would be 17.9m long, 8.12m wide and 5.3m high (96sqm). The additions would be built to the eastern boundary and 4.4m to 6.2m from the southern boundary.
- An additional floor at third level with a floor area of 110m² and an outdoor deck area (36.5m²). The additional level would have a length of 19.m, depth of 12.5m and height of 3.17m.
- Create an outdoor garden not for public use, at first floor level at the rear of the building.
- External plant roof and deck at third floor level.

Amended plans:

The application was formally amended under Section 57A following advertising. The changes included:

- The removal the originally proposed first floor function area at the rear of the building,

- Retention of the four port hole windows at ground floor level which were originally proposed to be removed (facing Montague Street and the port hole window at first floor level (facing Montague Street),
- Inclusion of a bike store at ground floor level.
- Further minor internal alterations, rain water tanks within the cellar, a new window on the western elevation at first floor level, minor increase to the first floor extensions to accommodate showers and lockers for cyclists and additions of fire services cupboards at ground floor level, facing Montague Street.

A copy of the amended plans were circulated to all objectors.

3. SUBJECT SITE AND SURROUNDS

- 3.1 The subject site is located on the south-west corner of Dundas Place and Montague Street, Albert Park. To the rear of the site is Dundas Lane.



Figure 1: Aerial photograph of the site and surrounding area.

- 3.2 The site has a frontage to Dundas Place of 17.5m and a sideage to Montague Street of 53.04m with an overall site area of 572m².
- 3.3 The site contains a three storey hotel building constructed to the site boundaries, except for the slight recess at the northern corner. The hotel was originally built in the 1880s and significantly altered in the 1930s. Most of the current building dates from the 1930s.



Figure 2: Photograph of the subject site (Dundas Place elevation). The surrounding land is generally developed with a mixture of traditional commercial buildings facing Dundas Place and Bridport Street residential properties facing Montague Street and Faussett Street.

- 3.4 To the west of the site is No. 87 Dundas Place which is a four storey mixed use building with a commercial use at ground floor and apartments on the upper floors. The apartments have terraces facing the front of the site.
- 3.5 To the east of the site is the Albert Park Library.
- 3.6 To the immediate north of the site is the Dundas Street reserve and beyond are commercial buildings located on the other side of Dundas Place.
- 3.7 To the south of the site is Dundas Lane and No. 336 Montague St which is a single storey weatherboard Victorian Cottage. Further to the south are a mixture of Victorian cottages and terraced properties.

4. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.



Zone or Overlay	Why is a permit required?
<p>Clause 34.01 Commercial 1 Zone</p>	<p>Pursuant to Clause 34.01-4 of the Port Phillip Planning Scheme a permit is required to construct a building or construct or carry out works. Pursuant Clause 34.01-1 Table of uses, a permit is NOT required to use the land as an office.</p>
<p>Clause 43.01 Heritage Overlay</p>	<p>Pursuant to Clause 43.01-1 of the Port Phillip Planning Scheme a permit is required to demolish or remove a building, and construct a building or construct or carry out works.</p>
<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 52.06-3, a permit is required to: Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay. Pursuant to Table 1 in Clause 52.06-5:</p> <ul style="list-style-type: none"> • 3.5 spaces to each 100 sqm of net floor area. <p>Therefore a planning permit is required to waive this requirement..</p>

5. PLANNING SCHEME PROVISIONS

5.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 21.03 Ecologically Sustainable Development, including
- Clause 11.01 Activity Centres
- Clause 15.01 Urban Environment
- Clause 15.03 Heritage
- Clause 17 Economic Development

5.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.04-2 Activity Centres
- Clause 21.05-2: Urban Structure and Character.
- Clause 21.06-3: Middle Park and Albert Park.
- Clause 22.06 Urban Design Policy.

The application also needs to be assessed against the following Clauses of the LPPF;

- Clause 22.04 Heritage Policy
- Clause 22.12 Urban Design Policy for Non-Residential Development and Multi-Unit



Residential Development

Clause 22.12 Stormwater management (Water Sensitive Urban Design)

5.3 **Other relevant provisions**

The following clauses are relevant to the proposal:

Clause 34.01 Commercial I Zone

Clause 43.01 Heritage Overlay

The following Particular Provisions and General Provisions are relevant to the proposal:

Clause 52.06: Car Parking

Clause 52.34: Bicycle Facilities

Clause 65: Decision Guidelines

5.4 **Relevant Planning Scheme Amendment/s**

Nil

6. **REFERRALS**

6.1 **Internal referrals**

Council's Waste Management Officer:

A Waste Management Plan has been submitted and referred to the Council's Waste Management Officer. The proposal includes a bin room at ground floor level, within the building. It is considered that having the bin store located within the building would minimise any potential amenity impact through noise or odour through storing waste until collection time. The Waste Management Officer has confirmed that the plan is acceptable.

Council's Sustainability Architect.

A Water Sustainable Urban Design Response has been received, but requires further details to be acceptable. A Sustainable Management Plan has not been submitted. If the remainder of the application is acceptable a condition should be placed on any permit granted that requires a water sustainable urban development plan and a sustainable management plan. **(Refer recommended conditions 9 to 15).**

Council's Heritage and Urban Design Advisor:

Comments on advertised (original) proposal:



This is a Significant building within the Victoria Ave/Bridport Street precinct. As noted in the heritage report submitted with the application, the hotel was constructed in the 1880s and extensively remodelled in the late 1930s. Further changes were carried out in 1997 and 2001.

The significant fabric of this building is associated with the 1880s and 1930s designs. This includes the whole of the principal upper façades (i.e. above ground level) facing toward Dundas Place and Montague Street including the windows (these include the 1880s double hung timber windows, as well as the distinctive ‘port holes’ added during the 1930s renovation) the rendered walls with horizontal rendered bands and the railing to the balcony. Apart from the windows, very little trace of the 1880s hotel remains and it is the 1930s design and detailing that in my opinion is of primary conservation value. The building demonstrates elements of the Moderne and Functionalist/International styles. The latter through the sheer planar walls (mostly) stripped of applied ornamentation and rectilinear forms, and the former through details such as the horizontal rendered bands across the façade and the porthole windows. Even the balcony railing demonstrates the Moderne style as it was another detail used to create a horizontal emphasis that contrasted with the vertical of the tower.

The building is far less intact at ground floor level, having been significantly changed in 1997 and again in 2001. It appears the only significant fabric remaining is the row of four ‘porthole’ windows that retain original steel grilles with the letters ‘AP’ set within wavy lines in a characteristic Moderne fashion. None of the other openings are original (some may be in the same location as previous, but have been significantly altered) and neither is the canopy, which was added in 2001.

I have carefully reviewed the plans and I don’t have any significant concerns with the proposed additions to the building, including on the rooftop. I note that:

- Most of the additions are concealed behind the building within the space between the hotel and the development at no. 87-89*
- The south elevation (facing Dundas Lane) is not significant and the changes proposed will not result in the loss of any significant fabric. The proposed new lift shaft will be a discreet addition at this end and the proposal to clad it in a different material, connected by a narrow glazed section to the original building, is an appropriate response to distinguish it from the original structure.*
- The roof top addition is set well back from the front (Dundas), lesser from the side (Montague) and slightly below the height of the ‘tower’ element at the front, thus ensuring that the tower retains its prominence within the overall composition. Elevations show the top of the addition will project less than 1m above the existing parapet. Because of the height of the existing building this will mean while part of the addition will be visible from certain longer range vantage points (During my inspection I viewed the hotel from various places looking north and side along Montague Street and from the opposite side of Montague, and Dundas Place/Vic Ave), it will not be highly visible. The low simple glazed form is an appropriate response.*



- *In relation to demolition, the removal of windows in the less significant south and west elevations will not have an impact. Neither will the removal of the non-original canopy at the front.*
- *Proposed materials and colours are appropriate. For the original building I note that colours will match the existing off-white scheme.*

My concerns relate to the proposal to remove all of the porthole windows and the balcony railing. These are all part of the 1930s makeover and are typical features of the Moderne style that contribute to the significance. The heritage report submitted with the application acknowledges this:

Of the "Moderne" lineage in the hotel's existing architecture, we will easily be able to read the spare, box-like geometry that defines the style — the asymmetrical arrangement of rectilinear boxes (one turned on end to form the front 'tower') — their sheer planar surfaces punctuated by geometric openings or inscribed with parallel bands or ribs — as abstract materials cut by machine. There are a few decorative details that carry through these themes — notably metal grilles in the ground floor porthole windows — reportedly original — a balcony railing, but little more.

I am therefore surprised that the heritage report supports the removal of these elements — the rationale appears to be that the 1880s should be used as the basis of the conservation approach:

The preferred 1930s pub interface was virtually impenetrable, physically and visually. The architects have chosen to re-emphasize the more formal and gracious 1880s approach to the public interface of the hotel — more generous, more open, and on a grander public scale. The preferencing of this earlier era makes the hotel more relevant to today. It's this trace of its past that makes the most sense to today's use and enjoyment of the historic hotel. The loss of the toilets, and their porthole windows, is what comes with this greater good.

I don't agree with this approach. The 1930s makeover virtually obliterated the 1880s decorative scheme and the proposed new openings at ground floor and replacement of the porthole windows in the tower does not in any meaningful way restore any sense of the original building, and only diminishes the integrity of the important 1930s scheme. Accordingly, I do not support this approach, especially when the retention of these elements would not significantly impact upon the functionality of the renovation. I therefore recommend:

- *The two porthole windows in the tower must be retained. I am not prepared to negotiate this.*
- *Of the four porthole windows in the ground elevation, the demolition plans show that removal of only two middle windows is required to accommodate the new door openings. Accordingly, the two outer windows and the decorative grills should be retained. The heritage report mentions that the decorative grills will be 're-used as 'identity enhancers' elsewhere in the building*



The balcony railing should be retained in its current horizontal format as this is typical of Moderne architecture. If there is a compliance issue then an alternative solution (e.g. installing a glazed balustrade adjacent to the rail) must be found.

Comments on the amended (s57A) plans.

In response to the Council's Heritage Advisor's comments, the applicant has formally amended the proposals. The amended plans were referred back to the Council's Heritage Advisor, who provided the following comments:

The amended plans resolve my concerns. I note that:

- *The balustrade is to be retained – this resolves my concern.*
- *The 'porthole' window is now proposed to be retained in the same position, but as part of proposed door. The applicant has provided a detail plan showing how the proposed new door to the balcony, which would incorporate the existing porthole window would be constructed. This also resolves my concern.*
- *A new change is the proposed installation of a window in the west elevation wall. This is set back from the façade and will not have a significant impact.*
- *The applicant now proposes to retain the four porthole windows in the ground floor elevation. This resolves my concern.*

Accordingly, there are now no outstanding heritage issues for this application.

Planner Comment:

Following formal amendments to the plans to retain the port hole windows at ground and first floor levels, the design response is now satisfactory.

7. PUBLIC NOTIFICATION/OBJECTIONS

- 7.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (57 notices) and directed that the applicant place two notices on the site for a minimum 14 day period, in accordance with s.52 of the Planning and Environment Act 1987.
- 7.2 A total of twenty objections have been received from nearby properties in particular Montague Street, Bridport Street and Dundas Place. One letter of support has been received for the application. The ground of objections are summarised below:
- Inadequate car parking.
 - The acoustic screening of the plant equipment room for the office at third floor level is inadequate at 1.1m.
 - The proposal does not include sufficient waste storage for the hotel.
 - Overlooking and overshadowing would impact on the adjoining apartments.



- Adverse amenity impacts to the adjoining properties including overshadowing, loss of daylight, and visual bulk.
- The proposal would result in noise and disturbance from the proposed terraces and additional ground floor doors to the surrounding residential properties.
- The proposal would increase the amount of outdoor seating which would result in noise and disturbance to the surrounding residential properties.
- The proposed extensions are not in keeping with the heritage building.
- The height of the additional floor would be out of keeping with the heritage building and the village feel of the area.

These matters are discussed later in the report.

- 7.3 The application was formally amended under Section 57A. The changes included the removal of the originally proposed first floor function area at the rear of the building, retention of the four port hole windows at ground floor level which were originally proposed to be removed (facing Montague Street and the port hole window at first floor level (facing Montague Street) and other alterations as outlined at above.
- 7.4 Copies of the amended plans were sent to all objections. No new objections were received and one existing objection was withdrawn.
- 7.5 It is not considered that the objections raise any matters of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

8. OFFICER'S ASSESSMENT

- 8.1 The key matters raised in this application are considered to be the impact of the proposed additions on the heritage building, car parking waiver and residential amenity impacts from the proposal.

8.2 **Are the alterations compatible with the existing building and sympathetic to heritage values?**

Clause 43.01 Heritage Overlay requires that before deciding on an application, the following must be considered:

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

These sentiments are repeated in local policy at Clauses 21.05-1 Heritage and 22.04 Heritage Policy, which support urban consolidation where it can be achieved without affecting heritage significance. Objectives include:

- *Ensure that new development respects and enhances the scale, form and setbacks of nearby heritage buildings.*



- *To ensure all new development and redevelopment of significant and contributory places is respectfully and harmoniously integrated with the surrounding character.*
- *To promote design excellence (in terms of building siting, scale, massing, articulation and materials) which clearly and positively supports the heritage significance of all Heritage Overlay areas.*
- *To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintains the significance of the heritage place and employs a contextual design approach.*

The proposed external alterations to the existing building are considered to be acceptable as most of the significant changes are located to the rear of the building and at roof level behind the existing parapet.

GROUND FLOOR

At ground floor level, there is little of the original building fabric remaining, with the exception of the four porthole windows with grilles. The remainder of the other openings are not original. The demolition of the existing canopy facing Dundas Street or the existing windows and doors not considered to be part of the heritage fabric of the building, but later additions/ alteration. The proposal would retain all four of the porthole windows and grilles. The proposal would include ten new doors and two new windows along the eastern and northern elevations. The new windows and doors would provide a unified design and appearance at ground floor level and replace a number of mis-matched windows and doors at ground floor level. The proposed new doors and windows are considered to be acceptable in terms of design and appearance and would not harm the heritage fabric of the building. The proposal would also include a retractable awning and two service cupboards on the eastern elevation. The awning and service cupboards are minor additions that would not impact on the appearance of the building.

FIRST FLOOR

At first floor level, the changes are generally minor. The demolition of the existing door on the northern elevation is considered to be acceptable. The replacement door would have a larger opening and be fully glazed. To the rear of the building there would be a new glazed window, overlooking the existing ground floor roof and proposed garden area. The opening up of the rear elevation with a double storey glass window and would be acceptable as it is not on a principal façade and not result in the loss of any significant heritage fabric.

The proposed first floor additions to the rear of the building would replace existing additions, which are not part of the original heritage fabric of the building. The additions would be finished in different materials to the main building and have a large glazed area to the south. Given that the additions would replace a previous extension in the same location and would use materials that provide a clear separation between the historic fabric and the modern addition, the extensions are considered to be acceptable with regards to design and appearance.

The metal railing on the northern elevation would be retained as it is considered to be a significant heritage element. The proposal would have a clear glazed screen set behind the existing railing to comply with current building regulations. The design of the clear glass screen is acceptable as it would not have an impact of the heritage character of the building.



The proposed garden and stairs from ground floor level would be set behind the existing parapet wall and would not impact on the appearance of the building.

SECOND FLOOR

At second floor level the changes would be to the rear of the building. There would be no change to the building on the northern elevation. On the southern elevation there would be a large glazed window, which matches the proposed window at first floor level. The removal of the windows on the western elevation, to become an internal wall and doors to the proposed extension are considered to be acceptable as they are not on the principal façade of the building, but at the rear. The proposal would also include an extension between the boundary of No. 87-89 Dundas Place and the main building. The extensions would be set behind the existing building and would only have limited visibility from the south along Montague Street. When viewed from the rear, the extension would be read as a modern addition to the building because of its contemporary design and use of modern materials. . It is considered that due to the limited visibility of the extensions combined with the clear distinction through design and materials the proposed second floor additions would be acceptable on design grounds and would not detract from the character and appearance of the heritage building.

THIRD FLOOR

The proposal seeks to add an additional level to the building. The additional floor level would be setback 6.3m from the Dundas Place facade and one metre from the Montague Street façade. A terrace would be located between the Dundas Street façade and the proposed floor level and set behind the existing parapet wall.

The additional floor is considered to be acceptable as it is well setback from Dundas Street and partially obscured by the existing parapet wall. The additional floor level would only be 1.9m above the existing parapet wall along Montague Street and 0.96m above the parapet wall facing Dundas Street. Given the height of the existing building and the existing parapet walls the additional floor would not be highly visible from the surrounding streets. Whilst, the additional level would be visible from longer range views, the proposed modern simple glazed design would be an appropriate response that clearly distinguishes from the heritage fabric and the modern additions. Furthermore, the setback and scale will ensure that the additional floor would be read as a subservient addition which would be consistent with the Council's heritage Policy. .

The proposal would also include a plant room at the rear of the building at third floor level. The plant room would be located at the rear of the building and would not be visible from any public vantage point. The plant room would be located abutting the existing wall on the boundary with No. 87-89 Dundas Place, and not opposite any residential window or terrace. The plant room would be acoustically treated to prevent any noise to the residential properties adjoining the site. When viewed from the property to the rear the plant room would be set against the existing wall on the boundary and appear as a minor addition to the building and would not have any visual impact on the properties to the rear. The plant room would be acoustically treated to prevent noise and disturbance to the adjoining properties.

Should the proposal be supported a condition could be included on any permit granted requiring noise levels from the plant room to comply with State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1



(Refer recommended condition 7). Given the location of the plant room to the rear of the building it is considered to be acceptable as it would not impact on the heritage character of the building.

LIFT SHAFT

The proposal includes a lift shaft at first, second and third floor level at the rear of the building. The overall scale of the lift shaft is not considered to dominate the building. The lift shaft would be finished in a different material to the hotel and the interface between the lift shaft and the building would be glass. This would combine to clearly distinguish the modern addition from the heritage fabric of the building.

8.3 **Would the development/use create an active and attractive street frontage?**

Clause 22.06 applies to additions and alterations to non-residential development. Of particular relevance is the policy for street level frontages which state that it is policy to:

- Encourage the design of building frontages at foot path level to offer visual interest, passive surveillance, social interaction, safety, shelter and convenience.
- Require pedestrian entrances to buildings to:
 - Be clearly visible and easily identifiable from streets and other public areas.
- Encourage windows, terraces and balconies at lower building levels to offer surveillance of adjacent public areas
- Require all buildings to be accessible at ground-floor level to people with limited mobility.

The existing building already has an active frontage to the street, with a number of doors that open out to the foot path. The proposal would maintain this and improve the overall appearance of the building to the street through a more unified design and additional glazed entrances to the building. This would open up the inside of the building to the street to create additional visual interest, enhance passive surveillance of the public realm and improve social interaction.

8.4 **Is the proposal supported by policy?**

Clause 17.01-1 Business encourages development which meets the community's needs to retail, entertainment, office and other commercial services and provides net community benefit. The proposed use would accord with this policy by continuing and enhancing the existing entertainment (hotel) use at ground and first floor level and introduce a new office use to the site at second and third floor level. This is further confirmed under Clause 21.04 which highlights the importance of neighbourhood activity centres for providing business, shopping, working and leisure.

The site is in within the Victoria/ Bridport Street Neighbourhood Activity Centre which has a mix of commercial, business, residential and entertainment uses. Table 1: Activity Centres in Port Phillip includes local entertainment as part of the strategic role and function of the Bridport/ Victoria Streets Neighbourhood Activity Centre. Under the zone, a permit is not required for the use of an office. It is considered the proposal would further contribute to the strategic role and function of the neighbourhood activity centre.



The office would be used by the headquarters of the management group that owns and runs the Albert Park Hotel and three other hotel premises within the municipality. The consolidation of management on site is considered to be a positive outcome indicating the ongoing support for the continuing use of the hotel on the site and others within the area.

8.5 Would the proposal result in increased parking demand and/or a parking dispensation?

Clause 52.06 of the Port Phillip Planning Scheme requires the provision of car parking spaces at a rate of 3.5 spaces per 100 m² of floor area.

	Planning Scheme Requirement	Required Car Parking Spaces	Proposed provision of car parking spaces
Office (347m ² of floor area)	3.5 spaces per 100m ² of floor area	12 car parking spaces	0

The proposal would have total office floor area of 347m², comprising 211.7m² of floor area at second floor level and 135.3m² of floor area at third floor. This would require 12 car parking spaces to be provided for the proposed office use. None are proposed or could be provided.

A traffic engineering assessment has been provided by SALT with the application which indicates that the surrounding street network has on street parking generally with 1- 2 hour parking restrictions between 8am and 6pm.

More specifically, to the north of the site along Dundas Place is one hour parking from 8am to 6pm. Further north along Montague St, Bridport Street, Bevan St and St Vincent Place South is a mixture of one and two hours parking (between 8am and 6pm).

To the south of the site along Montague Street is one hour parking from 8am to 6pm with a section of permit parking in front of No. 348-353. To the east along Dundas Place, Bridport Street and Madden street is a mixture of one and two hour parking (between 8am and 6pm) and permit parking. To the west of the site along Bridport St, Faussett St and Merton street is a mixture of one and two hour parking, between 8am and 6pm.

Clause 52.06-6 of the Port Phillip Planning Scheme requires an application to reduce (including to zero) the number of car parking spaces required under Clause 52.06-5. Under this clause the Council must consider the car parking demand assessment.

The traffic engineering report, which includes a car parking demand assessment, found that there was a minimum of 185 car parking spaces available in the surrounding street network between 8am and 5pm. In summary the report found that:

- There was a total of 763 car parking spaces in the surrounding street network.
- During the day there was at least 185 car parking spaces available and their availability peaked at 5pm with a total of 304 spaces available.
- The greatest demand was at midday with a total of 185 spaces available.



- The site has very good public transport availability with the No. 1 tram stop within 100m of the site, the No. 96 tram stop within 350m of the site and the No. 606 bus stop within 550m of the site.
- There is a flexicar space opposite the subject site.
- The report also found that the site has excellent walkability and bicycle access including a 22 bike station opposite the site. The proposal also includes bike storage facilities.

It is considered unlikely that majority of office workers would chose to drive to work and park in the surrounding streets. The surrounding street network is generally limited to 1-2 hour parking (8am to 6pm) or all day permit parking. Office hours are typically between 9am and 5pm weekdays and the surrounding street parking would not be a viable option for office workers as they would have to move cars every one to two hours. It is also noted that peak parking demand by local residents would be outside of office hours and in the evening returning from work. It is considered that the majority of office workers would choose an alternative means of travelling to work, in this case public transport, car share and bicycle parking and this should be encouraged by a condition on any permit granted requiring the preparation of a Green Travel Plan to encourage non car based travel to the site. (Refer recommended condition 4).

It is further noted that the proposed office space would be associated with the management of this hotel and others owned by the Group in the area. Colonial Leisure Group are looking to establish their headquarters within the building. In supporting the car parking waiver the Council would be further supporting the local business in the area with the associated economic flow on to the surrounding area by having additional local businesses in the area resulting in a positive economic outcome.

8.6 *Would the proposal minimise adverse amenity impacts on any nearby residential areas?*

The use of the hotel is an existing use and therefore is not part of the application. There would be no additional hotel floor space created as part of the proposal, or any new outdoor area created. The first floor terrace is existing and is currently part of the hotel. It is also noted that the terrace faces Dundas Place and Montague Street, and does not directly face any residential properties.

The additional ground floor doors are unlikely to cause any loss of amenity. The doors are not opposite any residential properties. To the north the doors face Dundas Place, Dundas Place Reserve and Bridport Street. To the east the doors would face Montague Street and the Albert Park Library. It should also be noted that the application does not include any additional footpath seating or increase in patron numbers. Given that the hotel already has footpath trading, it is not considered that the additional doors would result in an increase in noise and disturbance to the surrounding residential properties above the existing conditions.

The office use does not require planning permission. The use would be contained within the building and the only external area would be a third floor terrace facing Dundas Place.



The terrace would have an area of 36 sqm and be located abutting residential properties and balconies. It is possible that the use of the terraces could result in loss of amenity the adjoining residential properties through noise and disturbance. If the remainder of the application is acceptable, then a condition should be included on any permit granted that would limit its use until 10pm Monday to Friday and not to be used on the weekends. (Refer recommended condition 3).

The terrace at third floor level would have a 1.2m high wall on the boundary with the residential properties at 87-89 Dundas Place. From the terrace there would be direct views into the residential properties, including the balconies to the apartments. Should the Council support the proposal, then a condition should be included on any permit granted requiring a 1.7m high privacy screen to be installed along the eastern elevation of the terrace to prevent views into the adjoining residential properties. (Refer recommended condition 1a).

The proposal would result in an extension at first and second floor level and an additional floor at roof level (Third Floor Level), which would abut the adjoining residential properties at No. 87-89 Dundas Place. The adjoining property contains five apartments on the upper floors with terraces fronting Dundas Place.

At first and second floor level, the proposed extensions would abut the existing boundary wall of No. 87-89 Dundas Place. At third floor level the majority of the proposed wall would abut the existing wall on the boundary. However, a small section of the wall (0.9m) would project forward of the principal facade of the top floor apartment, abutting their terrace.

In addition to this, the proposed third floor additions would result in the existing flank wall of the building being increased in height by 1.69m to 3.69m. The wall would be setback between 0m and 2.4m from the boundary and would project forward of the principal facade of the adjoining property, abutting the terrace. The principal views from the terrace are to the north, across Dundas Place. Whilst there would be views to the east across the subject site, they would be to the roof and rear of the parapet wall/tower of the subject site. It is not considered that the proposed additional floor would result in a significant loss of views and outlook from the adjoining property, given that the views to the east are of the roof and parapet wall. Given the setback of the proposed wall, the additional floor would not create an additional sense of enclosure to the occupiers of the terrace. In terms of loss of light, the proposal would result in some loss of morning daylight, but as the windows and terrace face north, the apartment would maintain very good solar access throughout the day.

To the rear of the site the extensions would be well setback from the adjoining property. In addition to this the extensions are in front of the existing three storey building at No. 87-89 Dundas Place. As such it is not considered that the proposal would result in any loss of amenity to the neighbouring properties to the rear through loss of outlook, daylight or creating a sense of enclosure.



The proposal includes a new window at first floor level on the flank elevation facing 87-89 Dundas Place. The proposed window would overlook the adjoining residential properties. A condition should be included on any permit granted that would require the window to be fitted with obscure glass and fixed shut to a height of 1.7m above finished floor level. (Refer recommended condition 1b).

In terms of overshadowing the shadow would fall to the south in the morning and move to the east during the day. Given the siting of the development at third floor level would be away from the rear boundary and that to the immediate rear is Dundas Lane and further south is No. 336 Montague Street that there would be no significant shadow to the property to the rear. To the east of the site is Montague Street.

The plant equipment would be located within an acoustic enclosure. The equipment room would not be located opposite any habitable room windows or amenity areas. As such it is considered that the plant equipment would not result in any loss of amenity through noise and disturbance to the adjoining residential properties. Should the Council support the application, then a general amenity condition should be imposed on any permit granted to ensure that the amenity of the area must not be affected by noise. (Refer recommended conditions 6 and 7)

Bicycle Facilities

Under Clause 52.35 bicycle parking facilities are only required if there is more than 1000m² of office floor area. In this case the proposal would have 366.5m² of office floor area. However, the proposal would include the provision of five bicycle spaces. The bicycle spaces would be located at ground floor level, with access via Dundas Lane, to the rear of the site.

9. COVENANTS

The applicant has confirmed that there is no restrictive covenant on the titles for the subject site known as Crown Allotment 28 Section 43] City of South Melbourne Parish of Melbourne South [Parent Title Volume 01158 Folio 424].

10. OFFICER DIRECT OR INDIRECT INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in the matter.

11. OPTIONS

Approve as recommended

Approve with changed or additional conditions

Refuse - on key issues

12. CONCLUSION

It is considered that the proposed partial demolition of the building, including ground floor doors, windows, canopy, the extensions at first and second floor level are appropriate given there would be no impact on the heritage significance of the existing building.



Given the sites corner location, the proposed size of the third floor built form would be a subservient addition to the heritage building and would be in keeping with this diverse streetscape along Dundas Place.

The contemporary two storey extension and lift shaft to the rear of the building would represent an appropriate design response with respect to both the heritage overlay and the wider neighbourhood. The Council's Urban Design and Heritage Advisor has assessed the proposal and all supporting documentation submitted by the applicant and supports the application.

The proposal alterations and extensions are considered to be responsive and sympathetic to the existing heritage building. The alterations at ground floor level would result in a unified design and appearance, whilst retaining key heritage fabric of the building. The alterations and additions to the rear of the building at first and second floor level have been sympathetically designed to respect the heritage fabric of the building.

The proposed alterations at third floor level would be subservient to the host building and in keeping with the diverse streetscape of Dundas Place. The third floor has been designed to take into account the amenity of the adjoining properties, through appropriate wall heights and side setbacks.

The waiver of car parking is supported for the reasons set out in this report.

Approval is recommended subject to conditions.

13. RECOMMENDATION

- 13.1 That the Responsible Authority, having caused the application to be advertised and having received objections, issue a Notice of Decision to Grant a Permit.
- 13.2 That a Notice of Decision to Grant a Permit for the partial demolition of the building and construction of ground, first and second floor alterations and additions to the existing building, including a three storey lift shaft, an additional floor at roof level and a waiver of the car parking requirements at Clause 52.06 of the Port Phillip Planning Scheme at 85 Dundas Place, Albert Park.
- 13.3 That the decision be issued as follows:
 - I. **Amended Plans required**

Before the development and/or use 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) A 1.7m high privacy screen is installed along the eastern elevation of the terrace. The drawings must:
 - i. Be drawn to scale and fully dimensioned;
 - ii. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;



- iii. Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
- iv. 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.

- b) The first floor window on the western elevation to be fitted with obscure glass and fixed shut to a height of at least 1.7m above finished floor level.
- c) A coloured schedule (2 copies) of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions;
- d) All plant, equipment and domestic services (including air conditioning, heating units, hotwater systems, etc.) which are to be located externally.

2. No Alterations

The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Use of terrace

The terrace on the second floor level must:

- a) Only be used in association with the office
- b) Not be used after 10pm Monday to Friday
- c) Not be used on weekends and public holidays.

4. Green Travel Plan

Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure an alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

- a. Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- b. Bicycle parking areas to be installed in well secured and prominent locations;
- c. Install signs in prominent locations advising of the location of, bicycle parking facilities for staff and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths.
- d. Ensure that access to the on-site parking is restricted and controlled.
- e. Funding by the applicant of the purchase of a bicycle for staff.
- f. Establishment of a car-pooling database for staff
- g. Specific targets to guide the plans ongoing implementation;
- h. Identify persons responsible for the implementation of actions;



- i. Estimate timescales and costs for each action;
- j. include a plan for monitoring and review of the Travel Plan on an annual basis for at least three years.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

5. Storage and disposal of garbage

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.

6. Amenity

The amenity of the area must not be detrimentally affected by the development through the:

- a) Transport of materials, goods or commodities to or from the land
- b) Appearance of any building, works or materials
- c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) Presence of vermin;
- e) Change to television and/or radio reception
- f) In any other way

7. SEPP N1

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority. *(Optional addition - 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.)*

8. No equipment and services

No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

9. Sustainable Design Assessment

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

10. Incorporation of Sustainable Design initiatives

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



11. 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.

12. 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.

13. 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.

14. Maintenance Manual for Water Sensitive Urban Design Initiatives

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.

15. 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.

16. 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 the permit expires or within three months afterwards.

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9. NOTICES OF MOTION

Nil



10. REPORTS BY COUNCILLOR DELEGATES



II. URGENT BUSINESS



12. CONFIDENTIAL MATTERS

RECOMMENDATION

That in accordance with Section 77(2)(a) of the Local Government Act 1989 (as amended), the meeting be closed to members of the public in order to deal with the following matters, that are considered to be confidential in accordance with Section 89(2) of the Act, for the reasons indicated:

12.1 134-142 Ferrars Street, South Melbourne

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

89(2)(f). Legal advice.

12.2 Lots 10, 11, 12, 223 Williamstown Road, Port Melbourne

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

89(2)(f). Legal advice.

12.3 70-72 Albert Street, Port Melbourne

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

89(2)(f). Legal advice.

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