



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

19 JUNE 2024



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD
19 JUNE 2024 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS**

The meeting opened at 6:30pm.

IN ATTENDANCE

Cr Cunsolo (Chairperson), Cr Baxter, Cr Bond, Cr Crawford, Cr Martin, Cr Nyaguy, Cr Pearl, Cr Sirakoff.

Chris Carroll, Chief Executive Officer, Brian Tee, General Manager City Growth and Development, Tarnya McKenzie, Interim General Manager Community Wellbeing and Inclusion, Lachlan Johnson, General Manager, Operations and Infrastructure, Claire Stevens, General Manager Organisational Capability and Experience, Joanne McNeill, Executive Manager Governance and Organisational Performance. Xavier Smerdon, Head of Governance, Eden Aspinall, Council Business Advisor, Carly Eyckens, Mayoral Executive Assistant, Lauren Bialkower, Executive Manager City Growth and Culture, Dana Pritchard, Manager Open Space, Recreation and Community Resilience, Nellie Montague, Manager Safety & Amenity, Fiona van der Hoeven, Manager City Planning and Sustainability, Paul Wood, Manager City Development, Thomas Mason, Coordinator Transport Safety

The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

An apology was received from Councillor Clark.

LEAVE OF ABSENCE AND APPOINTMENT OF ACTING MAYOR

MOVED Crs Baxter/Bond

That Council:

1. Approves the leave of absence for Mayor Heather Cunsolo for the period 2 July to 6 July 2024; and
2. Appoints Deputy Mayor Louise Crawford to be acting Mayor for the period 2 July to 6 July 2024.

A vote was taken and the MOTION was CARRIED unanimously

LEAVE OF ABSENCE - COUNCILLOR TIM BAXTER

MOVED Crs Sirakoff/Cunsolo

That Council:



1. Approves the leave of absence for Councillor Tim Baxter for the period 27 June to 15 July 2024.

A vote was taken and the MOTION was CARRIED unanimously

2. CONFIRMATION OF MINUTES

MOVED Crs Bond/Martin

That the minutes of the Meeting of the Port Phillip City Council held on 5 June 2024 be confirmed.

A vote was taken the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

Public Questions are summarised below. The submissions were made verbally and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archivephp>.

Council Report Submissions:

Item 7.2 Frank's Sculptures

- Frank Artuso
- Sandra Diafas
- Bruce Easton
- Richard Whiting
- Eryn Agnew
- Jennifer George
- Richard Ball

Item 9.1 Multicultural Advisory Committee Annual Report 2023

- James Seow

Item 10.1 PDPL/00264/2023 - 427 City Road, South Melbourne

- Kristin Keam
- Jennifer Collis
- Angus Wallace
- Tony Baenziger
- Irene Vlahos
- Chris Mackenzie

Item 10.3 49 Pakington Street, St Kilda - PDPL/00142/2024

- Damien Taylor
- Kirsten Romeo

Item 10.4 Waste Review Management Action Plan

- Stephen Brooks



Item 12.2 Events Strategy and Outdoor Events Policy Review

- Anthony Marchesani
- Brian Hinton
- Angela Dawson
- Jordan O'Neill
- Mary Stuart

Item 14.2 Notice of Motion for Parking Restriction Changes in Elwood Village

- Romy Moshinsky

Public Question Time:

- **Michael Barrett** – In reference to City of Port Phillip Audit & Risk Committee Charter and in light of recent issues associated with the waste disposal contract, could Council provide an update to ratepayers of the review, assessment and adequacy of the Audit & Risk Committee as per Section 16 "Review of Committee Charter"? Have the review recommendations been prepared? Is it on track and on time? Is that recommendation available publicly?

Joanne McNeill, Executive Manager Governance and Organisational Performance, advised that the Audit and Risk Committee Charter is reviewed annually and that review is currently underway. It will be in discussion with the Audit and Risk Committee (ARCo) in their June meeting on 25 June. The process is that management undertake that review, take it to ARCo, and then Council approves it. After the discussion with ARCo, it will then be going to council prior to the end of August, as soon as possible after that meeting.

In addition to that, a Waste Review Sub-Committee was created specifically to manage that waste review process, that was then disbanded by council. That was a sub-committee of ARCo, which was disbanded as a special purpose vehicle that was no longer required. of ARCo played an integral oversight role in the management of the external waste review as directed by Council and the reporting now goes through to ARCo for the management actions. The report will be available to a public meeting.

- **Michael Barrett** – The current City of Port Phillip Community Safety Plan expires in 2025. I understand from communications received from the relevant City of Port Phillip department that work will commence towards the end of this year in the development of the next Community Safety Plan and as part of that there will be community engagement phase as part of this process. Can the Council outline whether this community engagement process will occur prior to or after the forthcoming local council elections?

Joanne McNeill, Executive Manager Governance and Organisational Performance, advised that the Community Safety Plan will be developed in 2025 with the new council, as they are a key part of the development of that plan. There is internal work that will be done in the leadup to that to support an effective conversation with the new council. That will include a conversation about the engagement approach, which is the normal process of engaging with council on these big topics, and ask how they would like officers to undertake the new engagement with council through the community. The timing of that will also depend on the priorities of the new council and what the new council wants to investigate and undertake.

- **Alex Makin** – Can Council please advise which specific meeting date the Dog Off-Leash Guidelines will return to council for potential adoption and if the timelines have been varied from the report back on 20 March, and provide a rationale as to why that may be the case?

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Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that council received feedback from 366 participants through the community engagement process for the draft guidelines. The Guidelines are currently being updated to consider all the feedback received from the community. There is a lot of feedback for Council to consider so officers need a bit more time to make sure that they have got the Guidelines right. Officers had indicated at the 20 March meeting that they would bring the draft Dog-Off Leash Guidelines to Councillors for endorsement in July, however, given the amount of feedback, officers now plan to bring it to Councillors for endorsement at a meeting in August. The date will be published on the project page once it is confirmed - it is likely to be 21 August.

- **Alex Makin** – Can council advise why there is substantial differences between the draft Dog Off-Leash Guidelines that were put to council for consideration on 20 March when compared to the guidelines that were suggested by the deliberative community panel through the panel recommendations back to council dated in 2023.

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that with regards to the differences, the deliberative panel process was very valuable in informing the development of the principles which now underpin the draft Guidelines that were released for community consultation. Officers thank all of the community members who were involved in that process. There have been some minor changes to the wording and order of the principles in the draft Guidelines – this was to make them clearer. It was not the intent to change the essence of the principles through this process. Through the engagement process we have heard further suggestions to update and strengthen the principles and we are working through that feedback to further refine them.

- **Louisa Larkin** – Dog owners the length and breadth of Port Phillip are very concerned about the draft Dog Off-Leash Guidelines and how they can be used to take away off-leash space, instead of recognizing the need to plan for more and better off-leash space. Can the Council confirm there is a plan for additional dog off-leash spaces commensurate to the current and future dog population?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that in preparing the Guidelines officers are looking at all of council's open spaces across the municipality to identify any opportunities for future fenced or unfenced dog off-leash areas. Officers acknowledge that there is some concern that we are proposing to remove dog off-leash areas without providing new areas to compensate for this potential loss. That's why officers are doing this additional work and any changes to dog off-leash restrictions will be considered alongside the draft Dog Off-Leash Guidelines.

- **Lauren Sherson** – Will Council commit to no net loss of dog off-leash areas?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that officers are preparing the guidelines and considering this through the guidelines. Officers are doing additional work to make considerations as to what the future dog off-leash restrictions look like. All dog off-leash areas are designated under our local laws and any changes would need to follow a formal consultation process prior to being considered for adoption. While the Dog-Off Leash Guidelines might propose changes, these cannot be adopted outside a formal change to the local law.

- **Jen Bishop** – Given that the Elwood foreshore is completely prohibited for dogs for five months of the year after 9.30am and Moran Reserve is a 4km round trip walk from centre of Elwood, where do Council propose the thousands of dogs and their families walk to for safe off-lead access for the five months of the year in the afternoons for the following groups? Those without a car, those who are elderly, those who are temporarily

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or permanently disabled, those with elderly, disabled dogs or those with dogs who cannot walk a 4k round trip in the heat?

Nellie Montague, Manager Safety & Amenity, advised that council will respond formally to the two petitions mentioned when the Dog Off Leash Guidelines come back to council in August. Any other changes to dog restrictions will be considered alongside this process. In the meantime we would encourage the community to use our existing dog off-leash area in Clarke Reserve, Moran Reserve, Head Street Reserve and the foreshore. Elsternwick Park in neighbouring City of Bayside is also a popular dog off-leash area that our Elwood community can access.

- **Jen Bishop** – Dog families in Elwood have been voraciously and recklessly fined during the first six months of 2024. Why are the animal management team focused on fining people who are trying to do the right thing and not harming or interfering with any other human?

Nellie Montague, Manager Safety & Amenity, advised that council's Animal Management officers conduct proactive and reactive patrols across the municipality seven days a week. Patrols are often conducted in response to requests from park and beach users who wish to use these spaces without dogs-off lead being present. Patrol times are randomly allocated to ensure we patrol over a range of times and days. Council is committed to balancing the needs of dog owners and non-dog owners in our public spaces. Elwood Primary School oval is a shared space, used by children and young families, as well as people walking their dogs. Council officers are directed to carry out enforcement for the purpose of safety, with a focus on education. Ensuring dog owners abide by leashing regulations assists with reducing incidents such as uncollected dog waste, dog rushes, and dog attacks.

- **Dick Gross** – When I was last on council, I attended a regional workshop on loneliness at Bayside. The academic there argued that loneliness can be as dangerous for the lonely as smoking. She also said that informal opportunities for gathering, like meeting other dog walkers, is a vital antidote to the scourge of loneliness. Formal activities, like employment and school communities, have their role but the informal ones, like meeting at dog off-leash parks, are so important. Has the loneliness conundrum been factored into Council's thinking on the off-leash issue, given that this municipality has such a high number of single dwellings and single people?

The question was taken on notice for a response.

- **Sonia O'Flaherty** – It's so confusing on the beach, you can only go to one beach, on one certain time of the day, at a certain time of the year, or you can go to Port Melbourne, different beach, different time of the year, but it's blocked off in the middle of that beach. It's so confusing. Can we look to make it a little bit more consistent? Of the approximate 8,000 dogs in Port Phillip, there are 60 or 70 percent unregistered. Eight thousand of us are doing the right thing, can we focus on the people that aren't doing the right thing and get them to pay?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that as part of the Dog Off-Leash Guidelines, officers have heard that the beach conditions are confusing, and officers are looking at that as part of the process.

- **Terence Glenane** – The Dog Off-Leash Report closing statement states that "Elite or premier grounds may be taken away as dog use and be used exclusively for sport." Straight after, a contradicting statement says "Any present off-leash areas will not be

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taken away from dog use.” Will Peanut Farm not be taken away from general use including dog walking?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that specialist sports grounds are those sporting grounds which include synthetic turf pitches, or the premier level playing grass surfaces. Specialist sports grounds in the City of Port Phillip include SNS Anderson Oval, Pitch 1 at J.L. Murphy Reserve, which is currently off-leash and the community synthetic ground, pitch 3 at J.L. Murphy Reserve, which is currently being upgraded, which is also currently off-leash and Northport Oval, which is currently an on-leash oval. No other ovals are considered specialist because they don't play elite sport on them. That includes Lagoon Reserve and Peanut Farm as well.

- **Sally Blair** - Council keeps referring to Eastern North Reserve as a temporary dog park. If you plan to close it, will you provide alternative and new off-leash space in South Melbourne?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that Eastern Reserve became a permanent dog park in 2014 and it will be reviewed with all other dog off-leash areas across the municipality with the Dog Off-Leash Guidelines.

- **Victor Watts** – I provide pony rides in Port Phillip and I have to pay 1.20 per ride to Council. Where does the money go to?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that the Department of Energy, Environment and Climate Action sets the \$1.60 fee under their tour operator licence. Under this regulation it is paid directly to Council. This is the same fee charged to all recreation providers who this licence applies to - including kiteboarding, kayaking and skydiving.

- **Charlotte Frajman** – I am here to raise the topic of Cit of Port Phillip's responsibility and obligation to their own workers and employees, specifically the Local Law officers. The ten-year review, the 2023 Port Phillip Community Amenity Local Laws have left your own workers exposed and vulnerable on a daily basis. I specifically refer to Part 4 in relation to “Camping on Council land”. This section is so vague and has such broad conditions to basically overturn any possibility for your own employees to rein in and wrangle any of the antisocial elements and issues, such as camping, trolleys and objects, and has now endangered your own local law employees. Would consider repealing Part 4, Section 42, Part 2 and allow each incident and situation to be judged on its individual merit and circumstances, rather than a blanket free pass.

Brian Tee, General Manager Brian Tee, General Manager City Growth & Development, took the question on notice. They also advised that City of Port Phillip Local Laws Officers do an incredible job in very difficult circumstances. They work closely with police when required, but it can be a very dangerous job. City of Port Phillip is very conscious of their occupational health and safety issues, and the concerns that arise out of that.

Chris Carroll, Chief Executive Officer, advised that the major concern they have for their staff is not in response to genuine homelessness and vulnerable people on the street. It's in response to criminal activity, it's in response to violence and weapons, and they are all things that can be policed. There is nothing in the City of Port Phillip Local Law that prevents that from being policed; it's just the Local Laws officers are not the police.



5. COUNCILLOR QUESTION TIME

Councillor Pearl: I met with traders at Clarendon Street, South Melbourne this morning, who expressed concerns regarding the closure of the parking on one side of the street and they asked whether or not we'd be able to put signs and awnings up indicating that businesses are still open in that area and whether or not we can change parking restrictions to be fee-free to compensate the loss of one hour parking along Clarendon Street, and do that compensation on Bank Street and Dorcas Street.

Lauren Bialkower, Executive Manager City Growth and Culture, advised that officers have been directed to implement both of these changes and that the signage could be put up quickly. They took part of the question on notice to provide further information regarding changes to parking restrictions.

Councillor Pearl: I thank the officers and the Mayor for the follow-up on my recent questions regarding the Park Street Tram Extension, including contacting the state government in recent weeks. As officers are aware, there is a residents' connection group with CYP and the Department of Transport around the domain interchange area and the CYP and the State Government have not been able to provide the community with details on the tram routes that will run along the committed extension when complete. What is Council's preferred tram route to operate on the link when it's constructed?

Brian Tee, General Manager City Growth & Development, advised that council officers and the CEO have sought information from RPB in relation to the precise route, the design, the location and the timing of the delivery of the tram route. In terms of the council's position, through the 2018 Integrated Transport Policy and Strategy and the South Melbourne Structure Plan both include a tram link between Heather Street and King's Way, running along Park Street. Engagement around the South Melbourne Structure Plan has been completed and that will be considered by councillors in a meeting in August.

Councillor Pearl: I note the state government's recent announcement regarding new housing targets for local councils, aiming to specifically boost the state's housing stock. Can officers please provide details of what consultation with Port Phillip before the announcement was made, and outline the plan we have in place to meet these targets and the consultation of the state government about the targets now that the numbers have been released.

Brian Tee, General Manager City Growth & Development, advised that council officers did not receive notice of targets prior to their release on the weekend. Council officers have been invited to a briefing on those targets next Monday. We have been informed of the targets but not the rationale of how these targets were reached. Council is in the process of considering its housing strategy; that draft strategy has also been out for engagement. That engagement has just completed and the strategy will be considered by council at a meeting in August. That strategy does have a range of accommodation that will be provided, that range, at its upper level, looks at having 59,000 units of accommodation across the municipality. The state target is 56,000 for the City of Port Phillip, so officers do anticipate that we will be able to meet that target at the upper end of that range, noting that for the City of Port Phillip, 30,000 of that 59,000 comes out of Fishermans Bend.

Councillor Pearl: I note that last week was Australian Men's Mental Health Week. Can officers please provide details of activities we're doing in the City of Port Phillip to focus on men's mental health across the city and also detailed data that provides insight into the size of the problem around suicide, particularly with men, in our municipality?



Tarnya McKenzie, Acting General Manager of Community Wellbeing and Inclusion advised that the data regarding death by suicide or hospitalisation due to self-harm is no longer provided by LGA or gender. The 2022 Australian Institute of Health and Welfare data indicates that death by suicide in Melbourne from 2018 and 2022 was far more prevalent among males than females with 1,535 males in that situation compared to 596 females. The 2021 ABS Census for Port Phillip show 8% of men reported having a mental health condition compared with 12% of women.

With regard to support for men's mental health across our city, council's influence around Mental Health primarily focuses in social inclusion, discrimination and access to economic resources such as employment, income and housing. Council is currently funding one project specifically for men's mental health; in addition, Council funds two further projects that support mental health with a universal focus. Total value of these projects is \$17,500.

More broadly Council support mental health through formal and informal ways including creating safe settings public environments (Community Safety Plan), supporting participation in community life (ie Families and Young People, Positive Ageing, Community programs and grants and Recreation.), supporting arts and creative activities (Cultural Grants, Festivals), responding to homelessness and insecure housing (Port Phillip Zero), adopting a zero-tolerance approach to discrimination based on gender, age, disability, sexual orientation, or cultural background (LGBTQIA+ Gender Equality and Reconciliation Action Plans), advocating for appropriate funding to support the requirements of people with complex needs (Accessibility Action Plan). Further to that, noting that we also support staff, some of which are City of Port Phillip residents. We have an Employee Assistance Program, and a number of wellbeing programs that happen annually.

Councillor Martin: As a follow-up to Councillor Pearl's question, would officers consider publishing in *Diversity* some of the outstanding work that groups like our Men's Shed, the many sporting groups that cater to men and even a lot of the work that school groups such as Parent and School Associations do, that I believe do a marvellous job

*Lauren Bialkower, Executive Manager City Growth and Culture, advised that council already has the ability for community organisations and groups to share information and events via *Diversity* and will continue to promote that opportunity.*

Councillor Nyaguy: Can officers provide an update on the process of our submission on the minimum standards for rental properties and rooming houses

Brian Tee, General Manager City Growth & Development, took the question on notice for further consideration.

6. SEALING SCHEDULE

Nil.



7. PETITIONS AND JOINT LETTERS

Item 7.1 Submission for installation of traffic calming devices adjacent to Gill Reserve

A Petition containing 15 signatures, was received from local residents.

Moved Crs Crawford/Cunsolo

That Council:

1. Receives and notes the Petition.
2. Requests officers to bring the petition back for response at a future Council meeting.
3. Thanks the petitioners for their petition on this matter.

A vote was taken and the MOTION was CARRIED unanimously.

Item 7.2 Frank's Sculptures

A Petition containing 734 signatures, was received from local community members.

MOVED Crs Sirakoff/Crawford

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioner for the petition.
3. Requests officers to place the request to remove the sculptures on hold while an investigation into this matter takes place, including whether the sculptures are permissible under the Nature Strip Guidelines or Public Art Policy and any changes that may be required to the Guidelines to allow the sculptures to remain.
4. Requests officers to bring a report back to a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

Nil.

9. INCLUSIVE PORT PHILLIP

9.1 Multicultural Advisory Committee Annual Report 2023

1. PURPOSE

- 1.1 To present the City of Port Phillip Multicultural Advisory Committee Annual Report for 2023.



MOVED Crs Baxter/Martin

That Council:

- 3.1 Notes the City of Port Phillip Multicultural Advisory Committee 2023 Annual Report.

A vote was taken and the MOTION was CARRIED unanimously.

10. LIVEABLE PORT PHILLIP

10.1 PDPL/00264/2023 - 427 City Road, South Melbourne

1. PURPOSE

- 1.1 To consider and determine planning permit application PDPL/00264/2023 for use of the land as an adult lifestyle meeting place (which is not a defined planning land use) which includes a bar, live music entertainment and a sex on premises venue in an Industrial 1 Zone, use of the land for the sale and consumption of liquor (on-premises licence) and car parking to the satisfaction of the Responsible Authority.

MOVED Cr Cunsolo/Martin

That Council:

- 3.1 Being the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 Issues a Notice of Decision to Grant a Permit for Planning Permit Application Number PDPL/00264/2023 at 427 City Road, South Melbourne, subject to the following permissions and conditions:

Planning Scheme Clause No:	Description of what is allowed
Clause 33.01-1	To use land for a Section 2 use (adult lifestyle meeting place)
Clause 52.27	To use land to sell or consume liquor

Amended Plans Required

1. Before the 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. The plans must be generally in accordance with the advertised plans prepared by *BQ Architects, Project No: BQ23-001, Dated 2 November 2023, Drawing No: A01, A.02, A.03, A1.1, A1.2, A1.3, A2.1, A2.1 and A2.3* but modified to show:
- Seating for a minimum of 100 patrons.
 - Designated internal queuing area in the reception / foyer area for a minimum of 20 patrons.
 - Acoustically treated doors between the ground floor reception / foyer area and the main bar / entertainment area.



- d) Location of waste and recycling storage inside the building.
- e) A Public Works and Implementation Plan to reallocate two 1P car parking spaces in front of the site to two short-stay car parking spaces (ie. P-10 Mins or P-15 Mins) from 6pm to 8am only, remaining 1 hour from 8am to 6pm.
- f) Any changes required by the Noise and Amenity Management Plan at Condition 8 of this permit.
- g) Any changes required by the Venue and Patron Management Plan at Condition 18 of this permit.
- h) Any changes required by the Waste Management Plan at Condition 24 of this permit.

Layout Not to be Altered (Use)

- 2. The layout and description of the uses including the licensed area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Hours of Operation

- 3. Unless with the prior written consent of the Responsible Authority, the use must operate Thursday to Saturday (inclusive) between the hours of 10:00am and 2:00 am the following day.

Hours for the Sale and Consumption of Liquor

- 4. Unless with the prior written consent of the Responsible Authority, the sale and consumption of liquor must only occur between the following times:
 - a) Thursday to Saturday: 10am to 1am the following day.
 - b) Good Friday and ANZAC Day: 12pm to 1am the following day.

Hours of Operation – Entertainment and/or live or amplified music

- 5. Unless with the prior written consent of the Responsible Authority, live music or entertainment must only occur between the hours 7:00pm to 12am Thursday to Saturday (inclusive).

Number of Patrons

- 6. Unless with the prior written consent of the Responsible Authority, the number of patrons occupying the premises must not exceed:
 - a) 20 patrons between 10:00 and 5:59pm.
 - b) 200 patrons between 6:00pm and 2:00am.

Number of Staff

- 7. Unless with the prior written consent of the Responsible Authority, the number of staff occupying the premises must not be:
 - a) Less than 2 between 10:00am and 5:59pm.
 - b) More than 6 between 6:00pm and 2:00am.

Noise Amenity Action Plan



8. Prior to the commencement of the use, a *Noise and Amenity Action Plan* must be submitted to and approved by the Responsible Authority. When approved, the *Noise and Amenity Action Plan* will be endorsed and will then form part of the permit. The use must operate in accordance with the Noise and Amenity Action Plan to the satisfaction of the Responsible Authority. The *Noise and Amenity Action Plan* must generally be in accordance on *The DDEG Acoustic Report, Project Number 201619-A Rev 1 dated 31/07/2023*, but amended to include the following information:\
- a) The identification of all noise sources associated with the uses on site (including, but not limited to, music and entertainment noise, patrons queuing, sex on premise venue, entries and exits to the premises and waste storage areas).
 - b) Hours of operation for all uses on the premises.
 - c) The identification of noise sensitive areas including residential uses and accommodation uses in close proximity to the licensed premises.
 - d) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
 - e) Details of staffing arrangements including numbers and working hours of all security staff.
 - f) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the Responsible Authority or an officer of the liquor licensing authority.
 - g) Location of lighting within the boundaries of the site, security lighting outside the licensed premises and any overspill of lighting.
 - h) Details of waste management including storage and hours of collection for general rubbish, bottles and recycling, and delivery times associated with the licensed premises.
 - i) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
 - j) Any other measures to be undertaken to ensure minimal impacts from uses on the premises.

Implementation of acoustic measures

9. Prior to the occupation of the building, all acoustic measures required by the *Noise and Amenity Action Plan* must be implemented to the satisfaction of the Responsible Authority.

Noise Limits

10. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) and measured in accordance with the Noise Protocol to the satisfaction of the Responsible Authority.

Noise Protocol means Publication 1826.4: *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, published by the Environment Protection Authority on its website, as in force from time to time.



Any works required to ensure and maintain the noise levels from the venue are compliant with the regulations must be limited to internal works and completed prior to the commencement of the use or occupation of the building and maintained thereafter, to the satisfaction of the Responsible Authority.

Doors to remain closed and fitted with automatic closers

11. The entry/exit door is to be fitted with an operating automatic closer. No doors are to be left open during operation hours to the satisfaction of the Responsible Authority.

Staff must be present at the entry/ exit door between 6:00pm and 2:00am. Staff must actively manage pass out requests to limit the number of patrons occupying the footpath and / or adjoining laneway.

Pre commencement testing

12. Prior to the commencement of the use the Responsible Authority requires noise vibration testing to be carried out. This must be undertaken by a suitably qualified acoustic consultant to confirm that the use complies with the noise and vibration requirements stated in Condition 10 of this permit. Where non-compliance is measured, rectification works shall be carried out and re-tested prior to commencement of the use, until compliance is demonstrated to the satisfaction of the Responsible Authority. A report shall be provided by the consultant to the Responsible Authority for endorsement, confirming that any testing carried out was representative of all impact sources of noise and vibration.

Post commencement acoustic compliance testing

13. At the end of a period of three months from the commencement of the approved use, a post commencement acoustic report must be prepared by a suitably qualified acoustic engineer and provided to the satisfaction of the Responsible Authority. The report is to assess the use of the venue as shown on the endorsed plans and must include:
- a) The time and date during which noise levels are measured.
 - b) The number of patrons present at the time which the noise levels are measured.
 - c) Measurements of the noise levels at the nearest residential building.
 - d) Conclusions and recommendations concerning compliance with the relevant State Environmental Protection Policies as they relate to noise emissions.
 - e) A statement confirming that the noise assessment is representative of typical operations.
 - f) A statement confirming that all acoustic measures have been implemented in accordance with the endorsed acoustic report and/or plans.

Prior to the continuation of the use of the venue, all noise and vibration issues identified in the acoustic report must be addressed by the operator to the satisfaction of the Responsible Authority.

On-going noise testing



14. At any time the Responsible Authority may request the occupier/owner of the land carry out noise and vibration testing. This must be undertaken by a suitably qualified acoustic consultant to confirm that the use complies with the noise and vibration requirements stated in Condition 10 of this permit. Where non-compliance is measured, rectification works shall be carried out and re-tested prior to commencement of the use, until compliance is demonstrated to the satisfaction of the Responsible Authority. A report shall be provided by the consultant to the Responsible Authority for endorsement, confirming that any testing carried out was representative of all impact sources of noise and vibrations from within the venue.

Noise-limiter

15. Amplified music (including background music) is not permitted to be played other than through a Limiting Device installed and operating to ensure compliance with the Environmental Protection Regulations 2021 and EPA Publication 1826 (Noise Protocol) to the satisfaction of the Responsible Authority.

Noise-limiter installation/certification/inspection

16. Prior to commencement of the use, a suitably qualified acoustic consultant must install and calibrate a Limiting Device ('the Device') and confirm that it is operating and has all the following characteristics which are also operating:
 - a) The Device limits noise levels to ensure compliance with the music noise limits according to the EPA Noise Protocol.
 - b) The Device includes a microphone incorporated into its own tamper-proof enclosure.
 - c) The Device controls are in a locked case or is password protected so that is not accessible by personnel other than a qualified acoustic consultant or technician nominated by the permit holder of the land and notified to the Responsible Authority.
 - d) The Device is installed to control all amplification equipment and associated loudspeakers.
 - e) The Device monitors noise levels at octave band frequencies between 63Hz and 4kHz or C-weighting.
 - f) The Device must be able to automatically store for a minimum of 30 days records of logged noise levels in 15-minute intervals.
 - g) The Device must be re-calibrated as necessary to maintain Noise Protocol compliance, and when any changes are made to the Device sensor position or the venue changes operating conditions, building works, sound system configuration or anything else that may necessitate re-calibration of the Device.

A written statement and plan prepared by the suitably qualified acoustic consultant must be submitted to and endorsed by the Responsible Authority. The statement must confirm the installation and calibration of the Device in accordance with the above requirements. The plan of the premises must show the location of the Device, the tamper proof enclosure and the microphone to the satisfaction of the Responsible Authority.



Upon request, the Device, the tamper proof enclosure and microphone must be made available for inspection by the Responsible Authority.

Upon request, records of logged noise by the Device must be produced to the satisfaction of the Responsible Authority.

No external noise sources

17. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.

Venue and Patron Management Plan

18. Before the commencement of the use including the sale and consumption of liquor, a *Venue and Patron Management Plan* to the satisfaction of the Responsible Authority must be submitted. When approved, the plan will be endorsed and will then form part of this permit. The plan must include the following details:
- a) "Venue rules" to set a clear standard of behaviour for patrons attending the premises.
 - b) Details of the venue booking system and how staff will manage patrons who attend the venue without pre-booked tickets.
 - c) Details of how the venue will inform patrons of travel options to the venue including nearest public transport options, drop-off and collection points for taxi / car ride services, recommended areas for parking and recommendations not to park on residential streets.
 - d) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons in accordance with the Crowd Controllers requirements at Condition 21 of this permit.
 - e) The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner including queuing within the foyer / reception area and maintain satisfactory clearance for other pedestrians on the footpath.
 - f) Details of measures, including the use of CCTV, to be taken by management and staff to ensure that patrons do not loiter or cause nuisance in the adjoining laneway.
 - g) The keeping of a register recording the number of patrons on the premises during operating hours being 10am to 2am the following day.
 - h) The training of staff in the management of patron behaviour.
 - i) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
 - j) Signage to be used to encourage responsible off-site patron behaviour.
 - k) How staff will be made aware of minimising noise from the premises, particularly during the sensitive early morning hours.
 - l) Staff communication arrangements.



- m) Compliant handling process to effectively manage any complaints received. This must include a telephone number provided for residents to contact the premises and linked to the Complaints Register. The Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant.
- n) Details of waste management, including the location of the storage area and hours of collection for rubbish and bottles associated with the licensed premises. This must comply with Council's local laws.

The requirements of the endorsed noise and amenity management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Crowd Controllers

- 19. During operating hours the Licensee must ensure that registered crowd controllers licensed under the Private Agents Act are employed at a ratio of two crowd controllers for the first 100 patrons and one crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving and departing the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided and 30 minutes after closure.

Exit Signs

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

Lighting Baffled

- 21. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties to the satisfaction of the Responsible Authority.

Car Parking

- 22. Before the use commences, the works shown on the Public Works and Implement Plan to reassign car parking in front of the site must be delivered at the applicant's cost and to the satisfaction of the Responsible Authority.

Storage and Waste Management

- 23. Provision must be made for the storage and disposal of waste and recycled goods to the satisfaction of the Responsible Authority. All waste and recycling storage areas must be located within the building.
- 24. Before the use starts, a Waste Management Plan based on the City of Port Phillip's *Waste Management Plan Guidelines for Developments* must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
 - a) Land use type.
 - b) The estimated garbage and recycling volumes for the use.



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

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

Amenity

25. The amenity of the area must not be detrimentally affected by the use through the:
- a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Time for Starting and Completion

26. This permit will expire if one of the following circumstances applies:
- a) The use is not started within two years of the date of this permit.
 - b) The use is discontinued for a period of two years.
27. The Responsible Authority may extend the periods referred to if a request is made in writing:
- Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started.
 - Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

A vote was taken and the MOTION was LOST.

MOVED Crs Baxter/Nyaguy

That Council:

- 3.1 Being the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.



- 3.2 Issues a Notice of Decision to Grant a Permit for Planning Permit Application Number PDPL/00264/2023 at 427 City Road, South Melbourne, subject to the following permissions and conditions:

Planning Scheme Clause No:	Description of what is allowed
Clause 33.01-1	To use land for a Section 2 use (adult lifestyle meeting place)
Clause 52.27	To use land to sell or consume liquor

Amended Plans Required

1. Before the 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. The plans must be generally in accordance with the advertised plans prepared by *BQ Architects, Project No: BQ23-001, Dated 2 November 2023, Drawing No: A01, A.02, A.03, A1.1, A1.2, A1.3, A2.1, A2.1 and A2.3* but modified to show:
 - a) Seating for a minimum of 100 patrons.
 - b) Designated internal queuing area in the reception / foyer area for a minimum of 20 patrons.
 - c) Acoustically treated doors between the ground floor reception / foyer area and the main bar / entertainment area.
 - d) Location of waste and recycling storage inside the building.
 - e) A Public Works and Implementation Plan to reallocate two 1P car parking spaces in front of the site to two short-stay car parking spaces (ie. P-10 Mins or P-15 Mins) from 6pm to 8am only remaining 1 hour from 8am-6pm.
 - f) Any changes required by the Noise and Amenity Management Plan at Condition 8 of this permit.
 - g) Any changes required by the Venue and Patron Management Plan at Condition 18 of this permit.
 - h) Any changes required by the Waste Management Plan at Condition 24 of this permit.

Layout Not to be Altered (Use)

2. The layout and description of the uses including the licensed area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Hours of Operation

3. Unless with the prior written consent of the Responsible Authority, the use must operate only between the hours of 10:00am and 2:00am the following day.



Hours for the Sale and Consumption of Liquor

4. Unless with the prior written consent of the Responsible Authority, the sale and consumption of liquor must only occur between the following times:
 - a) Monday to Sunday: 10am to 1am the following day.
 - b) Good Friday and ANZAC Day: 12pm to 1am the following day.

Hours of Operation – Entertainment and/or live or amplified music

5. Unless with the prior written consent of the Responsible Authority, live music or entertainment must only occur between the hours 7:00pm to 12am.

Number of Patrons

6. Unless with the prior written consent of the Responsible Authority, the number of patrons occupying the premises must not exceed:
 - a) 20 patrons between 10:00 and 5:59pm.
 - b) 200 patrons between 6:00pm and 2:00am.

Number of Staff

7. Unless with the prior written consent of the Responsible Authority, the number of staff occupying the premises must not be:
 - a) Less than 2 between 10:00am and 5:59pm.
 - b) More than 6 between 6:00pm and 2:00am.

Noise Amenity Action Plan

8. Prior to the commencement of the use, a *Noise and Amenity Action Plan* must be submitted to and approved by the Responsible Authority. When approved, the *Noise and Amenity Action Plan* will be endorsed and will then form part of the permit. The use must operate in accordance with the Noise and Amenity Action Plan to the satisfaction of the Responsible Authority. The *Noise and Amenity Action Plan* must generally be in accordance on *The DDEG Acoustic Report, Project Number 201619-A Rev 1 dated 31/07/2023*, but amended to include the following information:\
 - a) The identification of all noise sources associated with the uses on site (including, but not limited to, music and entertainment noise, patrons queuing, sex on premise venue, entries and exits to the premises and waste storage areas).
 - b) Hours of operation for all uses on the premises.
 - c) The identification of noise sensitive areas including residential uses and accommodation uses in close proximity to the licensed premises.
 - d) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
 - e) Details of staffing arrangements including numbers and working hours of all security staff.
 - f) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised



officer of the Responsible Authority or an officer of the liquor licensing authority.

- g) Location of lighting within the boundaries of the site, security lighting outside the licensed premises and any overspill of lighting.
- h) Details of waste management including storage and hours of collection for general rubbish, bottles and recycling, and delivery times associated with the licensed premises.
- i) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- j) Any other measures to be undertaken to ensure minimal impacts from uses on the premises.

Implementation of acoustic measures

- 9. Prior to the occupation of the building, all acoustic measures required by the *Noise and Amenity Action Plan* must be implemented to the satisfaction of the Responsible Authority.

Noise Limits

- 10. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) and measured in accordance with the Noise Protocol to the satisfaction of the Responsible Authority.

Noise Protocol means Publication 1826.4: *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, published by the Environment Protection Authority on its website, as in force from time to time.

Any works required to ensure and maintain the noise levels from the venue are compliant with the regulations must be limited to internal works and completed prior to the commencement of the use or occupation of the building and maintained thereafter, to the satisfaction of the Responsible Authority.

Doors to remain closed and fitted with automatic closers

- 11. The entry/exit door is to be fitted with an operating automatic closer. No doors are to be left open during operation hours to the satisfaction of the Responsible Authority.

Staff must be present at the entry/ exit door between 6:00pm and 2:00am. Staff must actively manage pass out requests to limit the number of patrons occupying the footpath and / or adjoining laneway.

Pre commencement testing

- 12. Prior to the commencement of the use the Responsible Authority requires noise vibration testing to be carried out. This must be undertaken by a suitably qualified acoustic consultant to confirm that the use complies with the noise and vibration requirements stated in Condition 10 of this permit. Where non-compliance is measured, rectification works shall be carried out and re-tested prior to commencement of the use, until compliance is demonstrated to the satisfaction of the Responsible Authority. A report shall be provided by the



consultant to the Responsible Authority for endorsement, confirming that any testing carried out was representative of all impact sources of noise and vibration.

Post commencement acoustic compliance testing

13. At the end of a period of three months from the commencement of the approved use, a post commencement acoustic report must be prepared by a suitably qualified acoustic engineer and provided to the satisfaction of the Responsible Authority. The report is to assess the use of the venue as shown on the endorsed plans and must include:
- a) The time and date during which noise levels are measured.
 - b) The number of patrons present at the time which the noise levels are measured.
 - c) Measurements of the noise levels at the nearest residential building.
 - d) Conclusions and recommendations concerning compliance with the relevant State Environmental Protection Policies as they relate to noise emissions.
 - e) A statement confirming that the noise assessment is representative of typical operations.
 - f) A statement confirming that all acoustic measures have been implemented in accordance with the endorsed acoustic report and/or plans.

Prior to the continuation of the use of the venue, all noise and vibration issues identified in the acoustic report must be addressed by the operator to the satisfaction of the Responsible Authority.

On-going noise testing

14. At any time the Responsible Authority may request the occupier/owner of the land carry out noise and vibration testing. This must be undertaken by a suitably qualified acoustic consultant to confirm that the use complies with the noise and vibration requirements stated in Condition 10 of this permit. Where non-compliance is measured, rectification works shall be carried out and re-tested prior to commencement of the use, until compliance is demonstrated to the satisfaction of the Responsible Authority. A report shall be provided by the consultant to the Responsible Authority for endorsement, confirming that any testing carried out was representative of all impact sources of noise and vibrations from within the venue.

Noise-limiter

15. Amplified music (including background music) is not permitted to be played other than through a Limiting Device installed and operating to ensure compliance with the Environmental Protection Regulations 2021 and EPA Publication 1826 (Noise Protocol) to the satisfaction of the Responsible Authority.

Noise-limiter installation/certification/inspection



16. Prior to commencement of the use, a suitably qualified acoustic consultant must install and calibrate a Limiting Device ('the Device') and confirm that it is operating and has all the following characteristics which are also operating:
- a) The Device limits noise levels to ensure compliance with the music noise limits according to the EPA Noise Protocol.
 - b) The Device includes a microphone incorporated into its own tamper-proof enclosure.
 - c) The Device controls are in a locked case or is password protected so that is not accessible by personnel other than a qualified acoustic consultant or technician nominated by the permit holder of the land and notified to the Responsible Authority.
 - d) The Device is installed to control all amplification equipment and associated loudspeakers.
 - e) The Device monitors noise levels at octave band frequencies between 63Hz and 4kHz or C-weighting.
 - f) The Device must be able to automatically store for a minimum of 30 days records of logged noise levels in 15-minute intervals.
 - g) The Device must be re-calibrated as necessary to maintain Noise Protocol compliance, and when any changes are made to the Device sensor position or the venue changes operating conditions, building works, sound system configuration or anything else that may necessitate re-calibration of the Device.

A written statement and plan prepared by the suitably qualified acoustic consultant must be submitted to and endorsed by the Responsible Authority. The statement must confirm the installation and calibration of the Device in accordance with the above requirements. The plan of the premises must show the location of the Device, the tamper proof enclosure and the microphone to the satisfaction of the Responsible Authority.

Upon request, the Device, the tamper proof enclosure and microphone must be made available for inspection by the Responsible Authority.

Upon request, records of logged noise by the Device must be produced to the satisfaction of the Responsible Authority.

No external noise sources

17. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.

Venue and Patron Management Plan

18. Before the commencement of the use including the sale and consumption of liquor, a *Venue and Patron Management Plan* to the satisfaction of the Responsible Authority must be submitted. When approved, the plan will be endorsed and will then form part of this permit. The plan must include the following details:



- a) "Venue rules" to set a clear standard of behaviour for patrons attending the premises.
- b) Details of the venue booking system and how staff will manage patrons who attend the venue without pre-booked tickets.
- c) Details of how the venue will inform patrons of travel options to the venue including nearest public transport options, drop-off and collection points for taxi / car ride services, recommended areas for parking and recommendations not to park on residential streets.
- d) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons in accordance with the Crowd Controllers requirements at Condition 21 of this permit.
- e) The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner including queuing within the foyer / reception area and maintain satisfactory clearance for other pedestrians on the footpath.
- f) Details of measures, including the use of CCTV, to be taken by management and staff to ensure that patrons do not loiter or cause nuisance in the adjoining laneway.
- g) The keeping of a register recording the number of patrons on the premises during operating hours being 10am to 2am the following day.
- h) The training of staff in the management of patron behaviour.
- i) The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
- j) Signage to be used to encourage responsible off-site patron behaviour.
- k) How staff will be made aware of minimising noise from the premises, particularly during the sensitive early morning hours.
- l) Staff communication arrangements.
- m) Compliant handling process to effectively manage any complaints received. This must include a telephone number provided for residents to contact the premises and linked to the Complaints Register. The Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant.
- n) Details of waste management, including the location of the storage area and hours of collection for rubbish and bottles associated with the licensed premises. This must comply with Council's local laws.

The requirements of the endorsed noise and amenity management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Crowd Controllers

19. During operating hours the Licensee must ensure that registered crowd controllers licensed under the Private Agents Act are employed at a ratio of two crowd controllers for the first 100 patrons and one crowd controller for each



additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving and departing the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided and 30 minutes after closure.

Exit Signs

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

Lighting Baffled

21. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties to the satisfaction of the Responsible Authority.

Car Parking

22. Before the use commences, the works shown on the Public Works and Implement Plan to reassign car parking in front of the site must be delivered at the applicant's cost and to the satisfaction of the Responsible Authority.

Storage and Waste Management

23. Provision must be made for the storage and disposal of waste and recycled goods to the satisfaction of the Responsible Authority. All waste and recycling storage areas must be located within the building.
24. Before the use starts, a Waste Management Plan based on the City of Port Phillip's *Waste Management Plan Guidelines for Developments* must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
 - a) Land use type.
 - b) The estimated garbage and recycling volumes for the use.
 - c) Bin quantity, size and colour.
 - d) The garbage and recycling equipment to be used.
 - e) Collection frequency.
 - f) The location and space allocated to the garbage and recycling bin storage area internal to the building and collection point.
 - g) The waste services collection point for vehicles.
 - h) Waste collection provider.
 - i) Scaled waste management drawings including waste and recycling collection vehicles.
 - j) Signage.

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

Amenity



25. The amenity of the area must not be detrimentally affected by the use through the:
- Transport of materials, goods or commodities to or from the land.
 - Appearance of any building, works or materials.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Time for Starting and Completion

26. This permit will expire if one of the following circumstances applies:
- The use is not started within two years of the date of this permit.
 - The use is discontinued for a period of two years.
27. The Responsible Authority may extend the periods referred to if a request is made in writing:
- Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started.
 - Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Permit notes

Background music

- Background music, in relation to premises, means music played at a level that enables persons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.

Building approval required

- This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

Other approvals may be required

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

Environmental Health

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

Permit required for signs

- This permit relates only to the use of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land and not exempt pursuant to the Port Phillip Planning Scheme, must be the subject of a separate planning permit application.

A vote was taken and the MOTION was CARRIED.



Cr Pearl called for a DIVISION.

FOR: Crs Baxter, Bond, Crawford, Martin and Nyaguy.

AGAINST: Crs Cunsolo, Pearl and Sirakoff.

The MOTION was CARRIED.

10.2 St Kilda Foreshore Upgrade - Completion of Statutory Road Closure Process

1. PURPOSE

- 1.1 The purpose of this report is to conclude the formal process to close a section of the Pier Road between Jacka Boulevard and Royal Melbourne Yacht Squadron, St Kilda in accordance with Clause 9 of Schedule 11 of the *Local Government Act 1989 (Vic)*, (known as the “road closure”)

MOVED Crs Nyaguy/Sirakoff

That Council:

- 3.1 Notes that on 19 April 2023, Council resolved to commence the process to restrict the passage of vehicles on the section of Pier Road between Jacka Boulevard and Royal Melbourne Yacht Squadron, St Kilda (the Proposal).
- 3.2 Notes that on 19 July 2023, Council received and considered the written submission to the Proposal.
- 3.3 Resolves to pursue the Proposal and formally complete the process of the permanent road closure.
- 3.4 Directs that the Chief Executive Officer or delegate to notify, in writing, every person who has lodged a separate submission of the decision and reason/s for the decision.

A vote was taken and the MOTION was CARRIED unanimously.

10.3 49 Pakington Street, St Kilda - PDPL/00142/2024

1. PURPOSE

- 1.1 To determine a planning application involving the demolition of a contributory graded heritage dwelling and fencing at 49 Pakington Street, St Kilda.

MOVED Crs Nyaguy/Baxter

That Council:

- 3.1 Issue a Planning Permit for land at 49 Pakington Street, St Kilda with the following permissions:
 - Clause 43.01-1 – Demolish or removal a building.



3.2 Issue the decision subject to the following conditions:

No alterations

1. The extent of demolition and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Satisfactory continuation and completion

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

Heritage Interpretation Strategy

3. Before the demolition starts, a Heritage Interpretation Strategy (HIS) must be submitted to and approved to the satisfaction of the Responsible Authority. When approved, the HIS will form part of this permit. The HIS must be prepared by a suitably qualified heritage expert to identify how the history (Indigenous and post-contact) and significance of the heritage place will be incorporated into the planning and design of the Pakington Street Reserve.

Time for starting and completing the development

4. 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 four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

A vote was taken and the MOTION was CARRIED unanimously.

10.4 Waste Review Management Action Plan

1. PURPOSE

- 1.1 To present the Management Action Plan in response to the findings of the Independent Waste Review and provide an update on the commercial matters between Council and Citywide.

MOVED Crs Pearl/Nyaguy

That Council:

- 3.1 Notes the Management Action Plan endorsed by Council's Audit & Risk Committee at its meeting of 21 May 2024.



- 3.2 Notes the key terms of the settlement between The City of Port Phillip and Citywide Service Solutions P/L.

A vote was taken and the MOTION was CARRIED.

Cr Nyaguy called for a DIVISION.

FOR: Crs Sirakoff, Martin, Pearl, Cunsolo, Nyaguy, Baxter and Crawford.

AGAINST: Cr Bond

The MOTION was CARRIED.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

12.1 Fitness Training and Outdoor Commercial Recreation Policy Review

1 PURPOSE

- 1.1 To provide Council with proposed updates to the Fitness (Personal) Training and Outdoor Commercial Recreation Policies

MOVED Crs Baxter/Bond

That Council:

- 3.1 Endorses the updated Fitness Training Policy;
- 3.2 Endorses the updated Outdoor Commercial Recreation Policy; and
- 3.3 Notes that a full review of both policies will be undertaken in 2025/26.

A vote was taken and the MOTION was CARRIED unanimously.

12.2 Events Strategy and Outdoor Events Policy Review

1. PURPOSE

- 1.1 To present amendments to the Events Strategy and Outdoor Events Policy 2023 - 2026 following mid-term review.

MOVED Crs Cunsolo/Bond

That Council:

- 3.1 Adopt the revised Events Strategy 2023 – 2026
- 3.2 Adopt the revised Outdoor Events Policy 2023 – 2026
- 3.3 Notes that traders and event providers have agreed on roads re-opening prior to 11.30am rather than 11am (as in the report) from the 24/25 Events Season and that the Events Strategy 2023-2026 and the Outdoor Events Policy 2023-2026 will be updated with this change of time accordingly. Delegations will still apply to events unable to meet this timeframe.



- 3.4 Note the event evaluation and economic benefit estimate from recent major event seasons as undertaken by Culture Counts
- 3.5 Delegates to the CEO the ability to make changes to the Strategy or Policy where those changes do not alter their substantive content

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 Councillor Expense and Support Policy 2024

1. PURPOSE

- 1.1 To present a consolidated and updated Councillor Expense and Support policy to Councillors.

MOVED Crs Martin/Pearl

That Council:

- 3.1 Adopts the Councillor Expenses and Support Policy as outlined in Attachment 1 and notes that the Policy will be published on Council's website.
- 3.2 Notes that 'preparatory time' in section 2.3.12 of this policy, is only in relation to the ability to claim childcare expenses for preparatory time and requests officers to update the policy accordingly.
- 3.3 Notes the Federal Government Child Care hourly rate cap for 'In Home Care' will increase to \$38.87 from 8 July 2024. Requests officers to update the cap annually, in line with the Federal Government cap, based on CPI increases.
- 3.4 Requests officers to update the cap annually, in line with the Federal Government cap, based on CPI increases.
- 3.5 Requests officers to update the policy to reflect the cost of the Optus Daily International Roaming Pass to be \$10 per day for countries outside of New Zealand and the USA, and up to \$30 per day to allow for remote participation in Council Meetings, in line with Council's existing Enterprise User Agreement.
- 3.6 Authorises the Chief Executive Officer, or their delegate, to finalise the document and make any minor amendments that do not materially alter the intent of the policy.

AMENDMENT

MOVED Crs Bond/Crawford

That Council:

- 3.7 Amends 3.2.3 of the policy to reflect that Councillors conducting business of Council can park in paid parking locations without purchasing a ticket and are exempt from permit zones and from the time restrictions in timed areas, excluding 15 minute zones, as long as the vehicle clearly displays a valid Parking Permit.

A vote was taken and the AMENDMENT was CARRIED unanimously.

The AMENDMENT became the SUBSTANTIVE MOTION.

The SUBSTANTIVE MOTION was PUT.

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



13.2 Councillor Expenses Monthly Reporting - May 2024

1. PURPOSE

- 1.1 To report on the expenses incurred by Councillors during May 2024, in accordance with the Councillor Expenses and Support Policy.

MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Notes the monthly Councillor expenses report for May 2024 (attachment 1) and that this will be made available on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

Item 14.1 Councillor Pearl - Governance arrangements - HousingFirst and Port Phillip Housing Trust

MOVED Crs Pearl/Bond

That Council:-

1. Request officers to provide a report to Council on the governance arrangements and considerations of Council's involvement in HousingFirst, the Port Phillip Housing Trust and related entities including options and advice in relation to:
 - a. Improvements to governance practices to mitigate real and/or perceived conflicts of interest identified in relation to Council's role in both the board of directors for HousingFirst Ltd and the Port Phillip Housing Trust.
 - b. Council's role in the appointment of trustees / representative of the PPHT.
 - c. Ability to appoint different members to the Board of HF and Trustees of the PPHT.
2. Notes the preparation of a report on governance arrangements and considerations will be met through existing budgets and resources.
3. Requests that lawyers with expertise in property and community housing be selected to assist Officers in completing the report.
4. Notes that the purpose of this motion is to review the governance arrangements for Housing First Ltd and PPHT, ensuring that the structure and appointments are suitable for the next 10-20 years and align with current accepted standards. It is not intended to review the protection in perpetuity of housing for community housing purposes.

A vote was taken and the MOTION was TIED.

The chair exercised their casting vote in favour of the MOTION.

The MOTION was CARRIED.



Item 14.2 Councillor Crawford - Parking Restriction Changes in Elwood Village

MOVED Crs Crawford/Nyaguy

That Council:-

1. Request officers to forego the standard requirements for demonstration of community support to consider changing parking restrictions on Ormond Road, between Beach Avenue and Pine Avenue.
2. Request officers investigate all timed restrictions on Ormond Road, between Beach Avenue and Pine Avenue, to finish at 7pm.
3. Requests officers consult the community on the proposed change if there is a justification to proceed.
4. Request officers notify Councillors of the outcome of the investigation.

A vote was taken and the MOTION was CARRIED.

15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Martin/Bond

That Council resolves to move into confidential to deal with the following matters pursuant to section 66(2) of the *Local Government Act 2020*:

17.1 Pound Services Contract

- 3(1)(a). Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Reason - Paper includes recommendation for successful tenderer for Pound Services Contract, if made public this would compromise awarding the contract.

17.2 Shrine to Sea Masterplan Advocacy and Implementation

- 3(1)(c). land use planning information, being information that if prematurely released is likely to encourage speculation in land values

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3(1)(e). legal privileged information, being information to which legal professional privilege or client legal privilege applies.

Reason - While Council have endorsed the draft Masterplan, the final Masterplan is yet to approved by the Minister for public release. This is expected to be in the next few months.

17.3 Legal matter

3(1)(a). Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

3(1)(e). legal privileged information, being information to which legal professional privilege or client legal privilege applies

3(1)(g(ii)). private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Reason - Includes legal advice and commercially sensitive information relating to a lease dispute.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting was closed to the public at 11.27pm.

The meeting reopened to the public at 11.41pm.

As there was no further business the meeting closed at 11.41pm.

Confirmed: 03 July 2024

Chairperson _____