



**ORDINARY  
MEETING OF  
COUNCIL**

**MINUTES**

**12 APRIL 2010**

**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP  
CITY COUNCIL HELD ON 12 APRIL 2010 IN THE COUNCIL  
CHAMBER, PORT MELBOURNE TOWN HALL**

The meeting opened at 6.09pm.

**PRESENT**

Cr O'Connor (Chairperson), Cr Bolitho, Cr Klepner, Cr Middleton, Cr Thomann, Cr Touzeau.

**IN ATTENDANCE**

Kay Rundle Chief Executive Officer, Mark Brady General Manager Corporate Services, Sue Wilkinson General Manager Environment and Planning, Vanda Iaconese General Manager Cultural and Community Development, John Hicks General Manager City Infrastructure Services, Anita Lange Special Projects Manager, Sam Hewett Manager Asset Services, Cathy Henderson Manager Culture and Leisure, Sandra Wade Manager City Strategy, Norm McClelland Governance Advisor, Stav Athanasopoulos Footpath Trading Coordinator.

*Council pays its respects to the people and elders, past and present, of Yalukit Wilam and the Kulin Nation. We acknowledge and uphold their relationship to this land.*

**1. APOLOGIES**

**MOVED Crs Klepner/Middleton**

An apology was received and leave of absence was granted to Cr Powning.

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

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Bolitho/Thomann**

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 22 March 2010 be confirmed.

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

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.

## 4. PETITIONS AND JOINT LETTERS

### Item 1

A Petition was received from 29 signatories regarding the proposed removal of Hills Fig street trees in Clifford Street, Port Melbourne.

*\*The letter has been referred to the Manager Parks and Open Spaces for an Officer Comment and Recommendation.*

### OFFICER COMMENT

Council considered the removal of the fig trees at its meeting on 14 September 2009. The Office of Housing, as the land owner, has been requesting council to remove and replace the fig trees with a more appropriate species for some time. Requests have also been received from residents to remove and replace the fig trees.

- Initial consultation occurred with residents in 2006. Following this, Council commissioned an independent arborist report 'Weeping Fig Trees in Clifford Street, Port Melbourne November 2006'. This is available on the council web site at <http://www.portphillip.vic.gov.au/trees.htm>.
- This report stated the fig trees were damaging the surrounding infrastructure and the report lists lifting of brick paved footpaths, lifting of the concrete service pits and lifting of brick paved driveways.
- The Arborist Report 2006 states that whilst the figs could be retained in the medium term, it is not feasible to retain them in the long term. It also notes root barrier installation is not feasible and only minor root pruning would be possible. Root pruning to remove the roots causing the damage was not an option and would result in a severe decline in tree health, tree death in some instances and some trees would up root in severe winds.
- The 'Council commissioned Arborist Report' referred to in the petition is a report about trees in a different location in Beacon Cove. A copy of this report can be accessed from the web site <http://www.portphillip.vic.gov.au/trees.htm>.
- The 'Engineer's Report' is owned by the Office of Housing and the council is unable to provide a copy of this report. The Office of Housing has advised council officers that their Engineers report will be available through a Freedom of Information Request.
- The Council has undertaken repairs and maintenance, including:
  - Formative pruning and uplifting of trees on the 9/12/09, 12/12/2007, 06/07/05.
  - Selected trees in Clifford Street were root pruned and the pavement bricks reset in June 2002.
  - Root pruning and reset of pavers at 23 Clifford Street in April 2003.
  - Root pruning and reset of pavers at 23 Clifford Street in May 2004.

- Selected trees were root pruned and the pavers reset in February and March 2007.
- Root pruning and reset of lifted pavers at 25 Clifford Street in January 2008.

The following members of the public made a verbal submission in relation to this item:

- Carmel Begun – Concerns regarding the Officer Comment provided in the Council Agenda in that there has not been any work done outside of 23 and 25 Clifford Street.
- Kerry Byrne – Concerns regarding the lack of consultation and transparency in relation to Council's decision to remove the trees. Seeking realistic option to preserve these trees.

**MOVED Crs Bolitho/Thomann**

That an information meeting be held with the Office of Housing, residents and Council to discuss the removal of the Fig Trees in Clifford Street and Harper Court.

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

**Item 2**

A Petition was received from 9 signatories regarding vehicular crossovers in Maryville Street, Ripponlea.

*\*The letter has been referred to the Manager Engineering Services for an Officer Comment and Recommendation.*

**OFFICER COMMENT**

A petition has been received from residents of Maryville Street seeking less expensive options to modify their vehicle crossings accessing their properties. Vehicle crossings are the responsibility of the property owner and must be constructed and maintained to council's requirements. Residents may need to undertake modifications to prevent cars scraping as they access private property, especially when new vehicles are purchased. Council's powers over vehicle crossings are outlined in Local Law No 3 - Community Amenity.

Most of Port Phillip's roads are over 50 years old and often the road profile features higher crowns, steeper cross falls and deeper channels than would occur using modern design standards. This road profile can limit a resident's ability to construct a functional vehicle crossing for a car with low ground clearance. The current policy followed by council officers, in response to a complaint about a car scraping on an existing vehicle crossing, is to advise the owner of the property of their responsibility to install an access that suits their needs and also meets Council's requirements for drainage, cleanability etc. The options available to the property owner include relaying the crossing to a better profile, if practical, or raising a section of the kerb and channel.

Council officers offer advice on possible options to residents and ensure that any modifications meet Council's requirements. Officers are also in regular contact with their counterparts in other Councils who also face the same issues.

**MOVED Crs Klepner/Thomann**

That the petition be received.

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

**Item 3**

A Petition was received from 118 signatories regarding the resurfacing of the footpath on both sides of Camden Street, Balaclava and improving street lighting.

*\*The letter has been referred to the Manager Engineering Services for an Officer Comment and Recommendation.*

**OFFICER COMMENT**

The petition requests Council to consider re-surfacing Camden Street footpaths, addressing tree root problems that are occurring and improving street lighting.

Camden Street has been inspected by council's Asset Management and Parks and Open Spaces teams. Both sides of the footpath between Carlisle Street and Alfred Street are in good condition and no works are deemed necessary. However, approximately 20% of the west side between Alfred Street and Inkerman Street needs repair due to tree root damage and uneven asphalt surface. On the east side, repairs are required to 5%.

The condition of the existing trees is listed as fair but they will be inspected. The three missing trees will be replaced. Tree works will occur after footpath works are complete.

The street lighting in Camden Street meets the guidelines for residential streets. There is a light on every electricity pole (11 lights in 320m). The road reserve is 15m wide and the street trees are not particularly large or numerous.

Council officers will meet with local residents shortly and implement the works in the new financial year.

**MOVED Crs Thomann/Touzeau**

That Council receives the petition.

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

**5. SEALING SCHEDULE**

Nil.

## 6. PUBLIC QUESTION TIME

### Item: 1

Mr Kemal Barut asked the following questions:

Would Council consider taking into consideration in its new Footpath Trading Guidelines:

- Loss of trade to businesses.
- Issues around the size of the pedestrian zones.
- Signage on and location of glass barriers.
- Different per square metre formulae for determining permits.
- Increase outside public seating.
- Introduction of clear blinds.

***\*The Mayor advised that these comments will be taken into consideration when determining the item later on tonight.***

### Item 2:

Mr Bob Newey asked the following question:

What is the progress of improving the Emerald Hill Library in regards to increasing the number of books and computers, obtaining better heritage signage and the fixing of the leaky roof.

***The CEO advised that the question in regards to increasing the number of books and computers will be taken on notice and responded to. In relation to signage, Council is in the process of ordering a new heritage sign and it will be installed at an appropriate location that can be viewed and identified by residents.***

### Item 3:

Mr Adrian Jackson asked the following question:

Will Beaconsfield Parade (Middle Park / West St Kilda) on the seaward side be made into a permanent clearway zone by removing the parking?

***The Mayor advised that the road pavement along Jacka Boulevard does not allow for a third lane, it will always be a two car lane along Jacka Boulevard with a bicycle lane.***

What is the progress of the construction of the former Danish Club site along Beaconsfield Parade?

***The Mayor advised that the owner of the site has all the proper planning and building permits to construct within the time-frame allowed by those permits.***

Item 4:

Ms Patricia Finegan asked the following question:

Why is it that the report on the Foote Street closure is not listed on tonight's Agenda as objectors were notified that the report will be considered at tonight's meeting?

***The Mayor stated that at this time Council has not made a decision to close Foote Street as Council is going through the formal process for this matter.***

***The CEO (via the General Manager City and Infrastructure Services) will investigate and respond to Ms Finegan's question and in addition Council will resend another letter to all parties clearly stating the process and the times that people can make submissions to Council on this matter.***

Item 5:

Ms Margaret Buzza asked the following question:

I have great concerns regarding the potential closure of Foote Street. As an objector I got a letter via the post indicating that this item will be considered at tonight's meeting, why is it that this report is not listed on tonight's Agenda?

***The CEO (via the General Manager City and Infrastructure Services) will investigate and respond to Ms Buzza's question and in addition Council will resend another letter to all parties clearly stating the process and the times that people can make submissions to Council on this matter.***

Item 6:

Ms Julianne Bell asked the following questions:

Does the Council plan to continue to install metal bands on trees and what justification is there given:

- There has been no proven threat of any disease.
- Possums are not vectors of Fusarium Palm Wilt.
- There is positive proof that the bands are useless as there are currently at least 457 unbanded palm trees many with possums (including 36 Peanut Farm Reserve and 28 in Renfrey Reserve) and these palms are in magnificent health.

If you have abandoned your policy of banding palms will you now remove the bands in Catani Gardens as they are offensive to the community and tourists and degrading of the palms and St Kilda's Heritage?

If Council proceeds to install more bands on trees will there be contracts to cover this work?

***The Mayor advised that these questions will be responded to in writing.***

Item 7:

Ms Julianne Bell asked the following questions on behalf of Rod Quantock:

In relation to the installation of 'terrestrial mammal guards' for the palms along certain roads will Council approve this ludicrous proposal even though the myth that possums eat palms has well and truly been debunked? Or is Council still concerned to make easy work for City Wide contractors engaged in putting up steel bands on palm trees?

Will Council now agree to remove the offensive steel bands in the Catani Gardens and so allow possums to return to the palms to sleep?

***The Mayor advised that these questions will be responded to in writing.***

**7. COUNCILLOR QUESTION TIME**

Nil.

## **8. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 1 St Kilda Festival Review Report
- 6 Footpath Trading – Consider and Hear Submissions/Results of Further Consultation and to Determine and Adopt Final Guidelines and Transition Plan
- 3 Hard and Green Waste Tender
- 2 Audit Committee Activities Update
- 4 North Port Oval Redevelopment – Final Design Drawings
- 5 1 – 13 Cobden Street, South Melbourne – Road Discontinuance
- 7 Animal Management Terms of Reference
- 8 Appointment of Representative to Port Phillip Housing Association Board

## 1 ST KILDA FESTIVAL REVIEW REPORT

### Purpose

That Council receives the St Kilda Festival Review Report, releases for public comment options for the Festival's future, and thanks the St Kilda Festival Review Reference Group for their work.

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

- Peter Holland – Concerns regarding the lack of funding to the Festival by the Council and no thought has been given to alternative funding options; lack of engagement with the community and community participation.
- Krystyna Kynst – Concerns regarding the increase in operating costs; significant numbers of local traders are increasingly closing their doors on this date; replace Festival Sunday with an alternative model; Council increase its funding commitment to the Festival; and that Council increase consultation with various parties on this matter.
- David Brand – Concerns regarding the definition of the term 'Public submission' from range of audiences and looking forward to the results of the consultation. There is a challenge in capturing and balancing all the views from all the different types of communities that exist, e.g. Port Phillip community, St Kilda community and Greater Melbourne community.
- Julianne Bell – Serious consideration be given to the damage done to Catani Gardens by Festival participants and that Council should not allow the installation of fun-fair equipment in Catani Gardens.
- Prue Griffiths – Concerns regarding the limited duration of the consultation period for feedback from concerned residents.

**MOVED Crs Bolitho/Thomann**

That Council:

- 2.1 Receives the St Kilda Festival review report as attached.
- 2.2 Notes that the St Kilda Festival contributes to the civic identity and cultural life of Port Phillip, and the social and cultural wellbeing of the local community, and therefore supports the St. Kilda Festival's continuing in some form.
- 2.3 Invites public submissions for a period until 10 May 2010 on the following options for the St Kilda Festival from 2011 onwards:
  - 2.3.1 Run the St Kilda Festival in a similar manner to 2010.
  - 2.3.2 Run the St Kilda Festival and implement some or all of the Review Report's recommendations.
  - 2.3.3 Run Yalukit Willam Ngargee Festival and Live N Local, cancel Festival Sunday.
  - 2.3.4 Run Yalukit Willam Ngargee Festival and Live N Local, cancel Festival Sunday and run other events around the municipality during the year.
  - 2.3.5 Receive other suggestions regarding the future and conduct of the St Kilda Festival.
- 2.4 Resolves that submissions will be considered at the Council meeting on 24 May 2010.
- 2.5 Notes the feedback of the St Kilda Festival Review Reference Group and thanks the group members for their participation.

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

**6 FOOTPATH TRADING – CONSIDER AND HEAR SUBMISSIONS/RESULTS OF FURTHER CONSULTATION AND TO DETERMINE AND ADOPT FINAL GUIDELINES AND TRANSITION PLAN**

**Purpose**

This report provides a summary of all submissions received in relation to the draft Footpath Trading Guidelines and report on the research assessing car parking demand.

Cr Thomann left the meeting at 7.43pm.

Cr Thomann returned to the meeting at 7.44pm.

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

- Peter Stubbs – Concerns regarding the potential threat to the Elwood Village culture if new guidelines are enforced in Ormond Road and that council should take into account present trading conditions; there is strong community support to maintain the Elwood Village; and supports 400mm kerb zones to ensure the continued viability of the Elwood Village.
- Ken Bellingham – Suggestion to increase pedestrian seating in Fitzroy Street (between Grey Street and Park Street, St Kilda).
- Adrian Jackson –Suggests that footpath trading focus should be on the business and customers not pedestrians; consideration should be given to the health aspect of smoking outside of restaurants with a view to banning it; emphasise the dining aspect of drinking / dining and better control patrons who have consumed too much alcohol; that trader zones should be near the shop and the pedestrian zone should be closer to the kerb nearer public transport / car parks; and the total elimination of street furniture without backs.
- Teresa Warren – Concerns that there are too many sandwich boards / tables / chairs outside on footpaths in South Melbourne and that their positioning is haphazard.
- Mathew Hills – Council should consider the introduction of bollards for angle parking and investigate the possibility of extending the sidewalk outside 'Lentil as Anything' from angle parking to parallel parking.
- Sam Reid – Concerns regarding the loss of village culture in Carlisle Street if footpath trading is reduced.

**MOVED Crs O'Connor/Thomann**

That Council:

- 2.1. Notes and receives all submissions and all survey results received to the Draft City of Port Phillip Footpath Trading Guidelines – February 2010.
- 2.2. Notes the issues raised in the submissions received and the draft options outlined in this report.
- 2.3. Notes the outcomes of the research contained in the City of Port Phillip, Assessment of Car Parking Demand for Outdoor Dining March 2010.
- 2.4. Resolves to include “Prosperous Local Economy” as one of the specific priorities for footpath trading.
- 2.5. Resolves that the following parts of the Guidelines be amended for further consideration by Council:
  - 2.5.1. Trading up to the property line – clarify that applicants can trade up to the property line if there is no adjacent trading zone.
  - 2.5.2. Minimum kerb zone adjacent to parallel parking – revised standard for kerb zone of 500mm.
  - 2.5.3. Minimum footpath width for footpath trading – revised minimum footpath width of 2.49m if adjacent to parallel parking.
  - 2.5.4. Compliance with DDA requirements – provide flexibility to allow a departure from the DDA requirements in particular circumstances after review by the Footpath Trading Panel and recommendation to Council.
  - 2.5.5. Queuing for licensed premises – allow queuing along the building line subject to further consultation on what arrangements would apply.
  - 2.5.6. Umbrellas – allow umbrellas to overhang the pedestrian zone provided there is a minimum 2.2m height clearance.
- 2.6. Requests a further detailed report on the following matters:
  - 2.6.1. The process for assessing footpath trading applications and implementation of an appropriate appeal process.
  - 2.6.2. Details of enforcement procedures which emphasise a cooperative approach, including an appeal system.
  - 2.6.3. Any possible reduction in the kerb zone if adjacent to angle parking.
  - 2.6.4. Process for allowing trading within 10m of an unsignalised intersection based on sightlines and current engineering standards.
  - 2.6.5. Review of pedestrian zones in specific precincts where the proposed wider pedestrian zones may limit vibrant streetscapes.

2.6.6. The use of fee relief or discounts in relation to the need for traders to install compulsory socket and sleeve systems.

2.6.7. The conditions that might apply regarding the installation of transparent blinds in specific precincts.

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

**3 HARD AND GREEN WASTE TENDER**

**Purpose**

This report is to provide information for consideration of the proposed contract for hard & green waste collection and dumped rubbish service, for a period of two years and forty seven days and recommends council approve the proposed tender.

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

- Adrian Jackson – Requested Council not enter into any contract with any firm that has been involved in cartel price fixing in recent years.

**MOVED Crs Klepner/Middleton**

2.1 That Council proceed to tender for the hard and green waste collection and dumped rubbish service for a period from 22 October 2010 until 31 December 2012.

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

## 2 AUDIT COMMITTEE ACTIVITIES UPDATE

### Purpose

The purpose of this report is to bring to the attention of Council the matters discussed at the March 2010 meeting of the City of Port Phillip Audit Committee.

### MOVED Crs Klepner/Thomann

That Council receives and notes:

- 2.1 The report outlining the matters dealt with at the March 2010 meeting of the City of Port Phillip Audit Committee, including a review / update about:
  - 2.1.1 The Committee's Annual Work Plan.
  - 2.1.2 The status of staff accruals of annual leave.
  - 2.1.3 The implementation of the Ombudsman's recommendations with respect to contracts and tendering.
  - 2.1.4 The implementation of audit recommendations.
  - 2.1.5 The December 2009 Quarterly Management Report to Council.
  - 2.1.6 Audit Committee and Internal Audit Charters.
  - 2.1.7 The St Kilda Triangle Site; and
  - 2.1.8 The classification of non-rateable properties.

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

**4 NORTH PORT OVAL REDEVELOPMENT – FINAL DESIGN DRAWINGS**

**Purpose**

This report seeks council's approval for the final detailed design for the proposed new \$4.7M pavilion at the North Port Oval.

**MOVED Crs Bolitho/Klepner**

That Council:

- 2.1 Considers and approves the final detailed design drawings for the new pavilion at the North Port Oval and the refurbishment of the Norman Goss Grandstand.
- 2.2 Commences the statutory procedures under Section 190 and 223 of the Local Government Act 1989 ("the Act") and publishes a notice in local newspapers advising of Council's intention to grant a lease and inviting interested persons to make a submission under Section 223 of the Act for the proposed lease of the land subject to the new pavilion (when built) at North Port Oval at the corner of Ingles St and Williamstown Rd Port Melbourne to the Port Melbourne Football Club Ltd on the following terms:
  - Lettable Area: approximately 1256 square metres (ground floor 639 square metres and upper floor 617 square metres)
  - Permitted use: football club activities and associated administration with ancillary gymnasium, café and function rooms.
  - Term: 21 years.
  - Rental: Rental: \$104.00 per annum plus GST and outgoings.
- 2.3 Resolves that the terms and conditions of the lease be approved by Council.
- 2.4 Resolves to hear and consider any submissions made under Section 223 of the Act at its meeting to be held on 15 June 2010 at the Port Melbourne Town Hall.
- 2.5 Authorises John Hicks, General Manager, City and Infrastructure Services, to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act 1989 in relation to this matter.

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

**5 1 – 13 COBDEN STREET, SOUTH MELBOURNE – ROAD DISCONTINUANCE**

**Purpose**

This report is to seek Council approval to commence the road discontinuance and sale process in accordance with the powers and statutory procedures contained in the Local Government Act 1989.

**MOVED Crs Klepner/Thomann**

That Council acting under clause 3 of schedule 10 of the Local Government Act 1989:

- 2.1 Resolves that the statutory procedures be commenced to discontinue that part of 1-13 Cobden Street, South Melbourne that is a road which is shown on the plan attached to this report and labelled as Attachment 2.
- 2.2 Authorises the public notice of the proposed discontinuance be advertised under sections 207A and 223 of the Local Government Act 1989.
- 2.3 Resolves that the public notice required to be given under sections 207A and 223 of the Local Government Act 1989 should state that if the road is discontinued, it will be sold by private treaty to the abutting owner Baygap Pty Ltd.
- 2.4 Authorises John Hicks, General Manager City and Infrastructure Services to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act 1989.
- 2.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Local Government Act 1989 at a Council meeting to be held at Port Melbourne Town Hall on 15 June 2010.

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

**7 ANIMAL MANAGEMENT TERMS OF REFERENCE**

**Purpose**

To endorse the terms of reference for the establishment of the Domestic Animal Management Community Reference Committee.

**MOVED Crs Thomann/Touzeau**

That Council:

- 2.1 Establishes the Domestic Animal Management Community Reference Group as an Advisory Committee of the Council.
- 2.2 Adopts the Terms of Reference for the Domestic Animal Management Community Reference Group included in Attachment 1.
- 2.3 Seek expressions of interest from the community to nominate for the Domestic Animal Management Community Reference Group.
- 2.4 Convene the first meeting of the Domestic Animal Management Community Reference Group in July 2010.

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

**8 APPOINTMENT OF REPRESENTATIVE TO PORT PHILLIP HOUSING ASSOCIATION BOARD**

**Purpose**

To appoint a Council representative to the Board of the Port Phillip Housing Association.

**MOVED Crs Bolitho/Klepner**

2.1 That Council appoints the Housing Development Officer to the Board of directors of the Port Phillip Housing Association.

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

**9. NOTICES OF MOTION**

Nil.

## 10. REPORTS BY COUNCILLOR DELEGATES

Nil.

## 11. URGENT BUSINESS

### **MOVED Crs Bolitho/Touzeau**

That Council consider an item of business regarding amending its Council meetings timetable.

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

### **MOVED Crs Thomann/Middleton**

That Council reschedule the 15 June 2010 Ordinary Meeting of Council to Wednesday 16 June 2010 commencing at 6.00pm at the Port Melbourne Town Hall.

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

As there was no further business the meeting closed at 8.45pm.

Confirmed: 27 April 2010

Chairperson: \_\_\_\_\_