



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

8 FEBRUARY 2010

**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD ON 8 FEBRUARY 2010 IN THE COUNCIL
CHAMBER, PORT MELBOURNE TOWN HALL**

The meeting opened at 6.10pm.

PRESENT

Cr O'Connor (Chairperson), Cr Bolitho, Cr Klepner, Cr Middleton, Cr Powning, 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, Fiona Blair Manager Parks and Open Space, Anita Lange Special Projects Manager, Sam Hewett Manager Asset Services, Cathy Henderson Manager Culture and Leisure, Fiona Blair Manager Parks and Open Spaces, Sandra Wade Manager City Strategy, David Graffen Property Coordinator, Noel Kiernan Coordinator Building and Development, Steve Scott Place Manager Port Melbourne, 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

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Klepner/Thomann

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 14 December 2009 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 115 signatories in regards to the Kerferd Road Pavilion.

The Petition states the following:

'Keep Heritage Kerferd Road Kiosk a Restaurant and Function Venue'.

**Petition has been referred to the Manager Property Services for appropriate actioning.*

Officer Comment

Council ran an Expression of Interest process in late 2009 for the future lease of the site. Both commercial and community use proposals were requested and received. Council is now considering submissions received under Section 223 of the Local Government Act 1989 with respect to the proposed lease to Inner Melbourne VET Cluster Inc.

It is recommended that the petition be noted and considered as part of the Council report regarding the proposed lease of 129 Beaconsfield Parade, Albert Park to Inner Melbourne VET Cluster Inc.

The petition urges Council to keep the venue as a restaurant, function centre and art gallery. However it should be noted that the current permitted use of the property is 'restaurant' only.

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

- Spiros Grammenos –
 - Is it the Council's decision to bring the problems of other areas in Melbourne to Albert Park or is the State Government's decision?
 - Council would lose revenue if it leased the property to Inner Melbourne VET Cluster Inc.
 - Why is it that objectors were not notified of the meeting by letter?

MOVED Crs Klepner/Bolitho

That Council receive the Petition and note the officer's comments.

A vote was taken and the MOTION was CARRIED.

Item 2

A Petition was received from 33 signatories in regards to the parking problems in Danks Street Albert Park.

The Petition states the following:

'Petition to have Permit Only Parking in Danks Street, Albert Park between Victoria Avenue and Phillipson Street'.

**Petition has been referred to the Manager Engineering Services for appropriate actioning.*

Officer Comment

A Traffic Engineer will inspect Danks Street and assess the best possible restriction arrangements for the street for formal consultation (e.g. permit or tighter time-based restriction). A consultation process in Danks Street will then be performed by one of our Traffic Engineers. The consultation will run two weeks plus 1 extra week for late comers, and then the results will be letter-dropped to all residents and any restriction changes made.

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

- Jo'Anne Allen –
 - Lack of provision of residential parking for residents in the immediate area. Visitors to the area are parking outside our residential homes as there is no provision for visitor parking in the immediate area.
- Michael Barrowcliff –
 - Concerns regarding vandalism and late night nuisance from people who have parked there in the evening.
- Jan Weate –
 - When the area is busy the area fills up and there is no where for the residents to park.

MOVED Crs Middleton/Klepner

That Council receive the Petition and note the officer's comments.

A vote was taken and the MOTION was CARRIED.

Item 3

A Petition was received from 15 Petitioners and 70 additional signatories to a document not containing Petition preamble in regards to turn Queens Lane into a one way street between Roy and Beatrice Streets.

The Petition states the following:

'The Contexx plans would severely restrict the conduct of traffic around the Grosvenor on Queens, 55 Queens Street, Melbourne building. Simply turning from the pull-in area in front of our building into Queens Lane would require a trip around the block. Just imagine delivery truck drivers whom after having located the building would then have to drive right round the block to deliver the goods via Queens Lane, which would require them to be taken across Queens Lane. Some delivery trucks are already finding it difficult to negotiate the Contexx Bridge, which was erected without any consultation with the local residents.

The inconveniences caused by the proposed change are innumerable. And, as I said earlier, they are for the convenience of Contexx, who obviously wish to avoid their responsibility of paying traffic controllers. Their pretence at trying to obtain the attitudes of residents is sneaky and underhand, but blatantly obvious. Unfortunately they also seem to have pre-empted any discussion by making prior arrangement with Port Phillip Council. They have already by-passed existing planning regulations for building height and parking provision, and seem to be using their industrial and financial muscle to bully existing residents with this one way proposal.

We the undersigned oppose the proposal by Contexx to have Queens Lane converted into one way between Roy and Beatrice Streets and would like the opportunity to formally address the Traffic Management Department of the Port Phillip City Council'.

**Petition has been referred to the Manager Engineering Services for appropriate actioning.*

Officer Comment

In November 2009, Contexx Pty Ltd sought Council and VicRoads approval for the current traffic management arrangement on the St Kilda Road and Queens Lane frontages of the development site at 568 St Kilda Road, Melbourne.

In early December, representatives of Contexx Pty Ltd met with Council. In that meeting the request for approval to convert the section of Queens Lane between Beatrice Street and Roy Street from its current two-way operation into a one-way operation during the construction period was discussed. Council advised Contexx at the time that they needed to undertake consultation with affected properties to gauge whether the proposed one-way arrangement will be supported by property occupiers.

Contexx subsequently sent out a questionnaire survey to properties that have access to the section of Queens Lane, between Beatrice Street and Roy Street, seeking community input on the proposed conversion of the existing two-way to a one-way traffic arrangement.

A number of property owners/occupiers objected to the proposal and contacted Council. Contexx has reviewed the returned questionnaire surveys and decided that they will no longer pursue the proposed one-way traffic arrangement on Queens Lane due to the results of the returned questionnaires. Contexx will send a letter to advise property occupiers of the decision.

MOVED Crs Middleton/Thomann

That Council receive the Petition.

A vote was taken and the MOTION was CARRIED.

5. SEALING SCHEDULE

Item 1

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and NALA PTY LTD, to restrict future use of the discontinued right of way at the rear of 208 Albert Road, South Melbourne, to preserve amenity and restrict future building works.

Item considered by Council on 18 December 2008.

Responsible Manager: Sam Hewett, Manager Property Services

MOVED Crs Klepner/Thomann

That the Common Seal of the Port Phillip City Council be affixed to the above document.

A vote was taken and the MOTION was CARRIED.

6. PUBLIC QUESTION TIME

Item 1

Adrian Jackson asked the following question:

'I would like to compare the regulations of running a Bed and Breakfast with the regulations of squatter accommodation that Council allows at shelter sheds in Catani Gardens?'

The Mayor responded by stating that the Council will continue to make sure that there is affordable social housing for the disadvantaged via the injection of funding by the appropriate levels of Governments.

Item 2

Bob Newey asked the following question:

'Will Council provide an update on the improvements to the signage outside the Emerald Hill Library? What about the internal improvements such as the increase in ethnic books or further computers?'

The CEO responded by stating that because the building is heritage listed, there are restrictions on what improvements can be done to the building. Council is looking at the whole precinct and working out the next step in terms of the library heritage centre and that will happen over the next few months.

In the terms of the increase in ethnic books or further computers, this issue will be taken on notice and a response will be provided to you and published on Council's website.

7. COUNCILLOR QUESTION TIME

Nil.

8. PRESENTATION OF REPORTS

DISCUSSION TOOK PLACE IN RELATION TO THE FOLLOWING ITEMS:

- 1 PROPOSED LEASE AGREEMENT TO INNER MELBOURNE VET CLUSTER INC
- 2 CONTRACT NO. 1384 CLEANING BUILDINGS, PUBLIC CONVENIENCES AND BARBECUES
- 3 PROPOSED LEASE AGREEMENT TO SOUTH MELBOURNE COMMUNITY CHEST INC
- 4 STORMWATER HARVESTING AND REUSE FOR ELWOOD PARK
- 5 FOOTPATH TRADING REVIEW
- 6 PORT MELBOURNE WATERFRONT URBAN DESIGN FRAMEWORK COMMUNITY REFERENCE COMMITTEE
- 7 SKYDIVING TRIAL

1 PROPOSED LEASE AGREEMENT TO INNER MELBOURNE VET CLUSTER INC

Purpose

To provide Council with information regarding the outcome of the statutory advertising process with respect to the grant of a 10 year lease to Inner Melbourne VET Cluster Inc for use of 129 Beaconsfield Parade, Albert Park for community education and training purposes.

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

- Adrian Jackson – 60-70 percent support of this lease are from elite schools not in the area. Concerns regarding the minimal rent offered by the proposed organization and the type of usage of the building on the seafront.
- Penny Vakakis – Endorse the proposed use of the building for community use and as an educational hub.

MOVED Crs Klepner/Bolitho

That Council:

- 2.1 Hears and considers the written petition and the submission made under Section 223 of the Local Government Act 1989 with respect to the proposed lease of 129 Beaconsfield Parade Albert Park to Inner Melbourne Vet Cluster Inc.
- 2.2 Resolves to make a decision with respect to the proposed lease at the Ordinary Meeting of Council on 22 February 2010.

A vote was taken and the MOTION was CARRIED.

2 CONTRACT NO. 1384 CLEANING BUILDINGS, PUBLIC CONVENIENCES AND BARBECUES

Purpose

This is the report of the Tender Evaluation Panel (“TEP”) for Cleaning Buildings, Public Conveniences and Barbecues and recommends the awarding of a contract for 3 + 2 years commencing on 1 March 2010.

MOVED Crs Middleton/Powning

That Council:

- 2.1 Resolves to award Contract No. 1384 - Cleaning of Buildings, Public Conveniences and Barbecues to GJ&K Cleaning Services Pty Ltd (trading as GJK Facility Services) for three years from 1 March 2010 for the lump sum price of \$4,348,906.55 with an option for Council to extend for a further two years.

A vote was taken and the MOTION was CARRIED.

3 PROPOSED LEASE AGREEMENT TO SOUTH MELBOURNE COMMUNITY CHEST INC

Purpose

To provide Council with information regarding the outcome of the statutory advertising process with respect to the grant of a 5 year lease agreement to South Melbourne Community Chest Inc for the Ground Floor at 200-202 Bank Street, South Melbourne.

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

- Adrian Jackson – Staff at the centre are disengaged and concerns regarding the non removal of accumulated donated clothing.

MOVED Crs Klepner/Thomann

That Council:

2.1 Resolves to conclude the statutory procedures under Section 190 and 223 of the Local Government Act 1989 noting that no submissions were received in response to the notice of intention to lease the Ground Floor at 200-202 Bank Street, South Melbourne to the South Melbourne Community Chest Inc.

2.2 Authorises the General Manager, City and Infrastructure Services to execute a lease agreement with the South Melbourne Community Chest Inc on the following terms:

Area: Ground Floor, 200-202 Bank Street, South Melbourne (approximately 250 square metres).

Permitted Use: Office and shop for charitable purposes.

Term: 5 years.

Rental: \$104.00 per annum plus GST.

A vote was taken and the MOTION was CARRIED.

4 STORMWATER HARVESTING AND REUSE FOR ELWOOD PARK

Purpose

The purpose of this report is to present the Stormwater Harvesting and Reuse project for Elwood Park for endorsement by Council.

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

- Geoff Par Smith – Supports the proposal that is presented and the proceeding of the officer's recommendation. The proposal should go further because the current proposal is a minimal design option and that a large project is feasible.
- Helen Halliday – Supports the proposal. That Council should take on a broader perspective on this issue and approach City of Bayside and make the two Councils work together to put forward a proposal which will have a substantial number of benefits.

MOVED Crs Middleton/Touzeau

That Council:

2.1 Endorses the Stormwater Harvesting and Reuse project for Elwood Park and:

- Supports the funding application to the Federal Government's National Urban Water and Desalination Fund.
- Ratifies the Memorandum of Understanding between the consortium of Councils applying for the Federal Government's National Urban Water and Desalination Fund.
- Notes the funding commitment required from the 2010/2011 budget required to support the funding application.

2.2 Should the Federal Funding Application not be successful, Council will reconsider the Stormwater Harvesting and Reuse project for Elwood Park in conjunction with other priorities.

A vote was taken and the MOTION was CARRIED.

5 FOOTPATH TRADING REVIEW

Purpose

An extensive review of the council's current footpath trading service has been undertaken and a revised set of draft guidelines has been prepared. It is recommended that the opportunity be provided for traders and the general community to input to the draft guidelines so that the council can determine the final guidelines by late April 2010.

MOVED Crs Klepner/Thomann

That Council:

- 2.1 Agrees to release the "Draft City of Port Phillip Footpath Trading Guidelines –February 2010" for public review.
- 2.2 Adopts the proposed Community Consultation and Transition Plan to guide the review, adoption and implementation of the new guidelines.
- 2.3 After due consideration of all issues raised, agrees to receive and hear submissions and determine a final position on the footpath trading guidelines by the end of April 2010.
- 2.4 Notes that the outcomes of the assessment of car parking demand for outdoor dining should be available by the end of March and will be able to be considered prior to the Council determining its final position on the footpath trading guidelines.

A vote was taken and the MOTION was CARRIED.

6 PORT MELBOURNE WATERFRONT URBAN DESIGN FRAMEWORK COMMUNITY REFERENCE COMMITTEE

Purpose

The purpose of this report is for Council to consider and appoint six community members to the Port Melbourne Waterfront Urban Design Framework Community Reference Committee.

MOVED Crs O'Connor/Bolitho

That Council:

- 2.1 Appoints community members, Graeme Bentleigh, Robert Ditton, Robert Harrison, Bernard Mandile, Dr Richard Nowotny, Kylie Holland and Don Hossack to the Port Melbourne Waterfront Urban Design Framework Community Reference Committee.

A vote was taken and the MOTION was CARRIED.

7 SKYDIVING TRIAL

Purpose

This report presents Council with the assessment of applications to conduct a trial period of skydiving at Moran Reserve, Marine Parade and Elwood.

The following speakers made a verbal submission in relation to:

- Ossie Khan & Nir Davidson – Supports the application. It's a chance to showcase the sport of skydiving and to introduce communities to the sport. Our company jumps into major parks and has an immaculate safety record.
- Anthon Boucat & Tim Rodford – Ask Council to consider our company's original application to operate tandem skydive on the same park. We are the largest tandem organisation in Victoria.

MOVED Crs Middleton/Klepner

That Council:

- 2.1 Issues a temporary permit to Melbourne Skydive Centre to conduct skydiving onto Moran Reserve, Marine Parade and Elwood for the period 27 February 2010 to 30 May 2010, subject to Melbourne Skydiving centre obtaining all other approvals and permits required.
- 2.2 Approves a fee of \$5,000 to be charged to Melbourne Skydive Centre to enable evaluation and assessment of the trial.
- 2.3 Completes an assessment of the impacts and benefits of skydiving throughout the trial period and a report presented to council in July 2010.

A vote was taken and the MOTION was CARRIED.

9. NOTICE OF MOTION

Cr Bolitho presented a Notice of Motion in regards to the planning framework for Port of Melbourne land and buffer areas.

MOVED Crs Bolitho/Thomann

That Council:

- 1 Support the issues and outcomes reflected in the City of Port Phillip's preliminary submission (December 2009) to the Minister for Planning's Advisory Committee, established pursuant to section 151 of the Planning and Environment Act to consider the planning framework for Port of Melbourne land and buffer areas including:
 - a) A review of the full range of likely impacts from the proposed port development and a clear statement of the environmental and amenity standards to be met.
 - b) Inclusion of specific controls in the Port of Melbourne Planning Scheme which ensure the construction of an effective buffer consisting of well designed landscape and built acoustic buffer treatments.
 - c) A commitment from the State Government that the construction of Dockside Road will occur at a nominated and agreed point in the Port's expansion.
 - d) A commitment from the State Government that an investigation of the feasibility of the Webb Dock rail will be undertaken as soon as possible and reported to the public.
- 2 Advise of its intent to expand / elaborate on these matters following Council's consideration and community input on the Advisory Committee's discussion papers programmed for released by mid 2010.

A vote was taken and the MOTION was CARRIED.

10. REPORTS BY COUNCILLOR DELEGATES

Nil.

11. URGENT BUSINESS

Nil.

As there was no further business the meeting closed at 8.20pm.

Confirmed: 22 February 2010

Chairperson: _____