



**ORDINARY
MEETING OF
COUNCIL**

AGENDA

27 APRIL, 2009

Ordinary Meeting of Council

Welcome

Welcome to this Meeting of the Port Phillip City Council.

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

About this meeting

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

The agenda may include new items that have not previously been considered before at a Committee Meeting, these items are known as Orders of the Day. The agenda may also include supplementary reports which provide additional information requested by Council.

Recommendations from Council's Strategy and Policy Review Committee and at times the Statutory Planning Committee (which both have met during the month) will also be presented.

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

Public Question Time

Provision is made at the beginning of the meeting for question time from members of the public. Question time is limited to 20 minutes unless the meeting resolves to extend this time.

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

Public Comment

Any person who has made a written submission on an item and requested that she or he be heard in support of that written submission pursuant to section 223 of the Local Government Act will be entitled to address Council. Any other public comment at this meeting is at the discretion of the Chairperson.

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

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



CITY OF PORT PHILLIP

PORT PHILLIP CITY COUNCIL BUSINESS PAPER

To Councillors

Notice is hereby given that an **Ordinary Meeting** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Monday, 27 April, 2009** at **6.00 pm**.

AGENDA

1. APOLOGIES

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of the Ordinary Meeting of the Port Phillip City Council held on 23 March 2009.

Potential Motion to confirm Minutes of Ordinary Meeting of the Port Phillip City Council held on 23 March 2009:

"That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 23 March 2009 be confirmed subject to the following wording being added to Petitions and Joint Letters Item 1 after the sentence, 'the petition states the following':

What is the best way forward for St Kilda market?

St Kilda Market's day to day operations are currently run by the committee for the St Kilda Art & Craft Market Association. The committee's tasks include advertising, roll taking, making policy, adjudicating disputes, vetting new potential artists, educating fellow stall-holders, policing of bad behaviour and breaches in rules among other things. The simple fact is stall-holders police stall-holders, this situation can leave the committee in a direct conflict of interest and thus can be grossly inappropriate."

- Minutes of the Special Meeting of the Port Phillip City Council held on 6 April 2009.

3. PETITIONS AND JOINT LETTERS

4. SEALING SCHEDULE

5. CORRESPONDENCE

6. PUBLIC QUESTION TIME

7. COUNCILLOR QUESTION TIME

8. PRESENTATION OF REPORTS AND RECOMMENDATIONS FROM S86 SPECIAL COMMITTEE MEETINGS

Reports of the Strategy and Policy Review Committee - 6 April 2009

- A1 - Intention To Declare A Special Rate For Marketing, Management And Business Development Of St Kilda Village
- A2 - Urban Studies Centre Reference Group (USCRG)
- A3 - St Kilda Family & Children's Centre Outdoor Space Land Acquisition
- A4 - Liardet Street Family And Children's Centre Development Options
- A5 - Audit Committee Activities Update & Presentation Of The 2008 Audit Committee Annual Report To Council

- *A6 - Review Of The Councillor Support And Expense Reimbursement Policy (see Supplementary Report)*
- *A7 - Proposed Sale of A Section Of Former Drainage Reserve No. R1621 At The Rear Of 17 Austin Avenue, Elwood*
- *A8 - Item Withdrawn*
- *A9 - Appointment Of New Member And Chairperson To Older Persons' Consultative Committee (OPCC)*
- *A10 - New Footpath Activities Local Law*
- *A11 - Capital Works Project Board Quarterly Report*
- *A12 - Council Projects Consultation Framework*

Reports of the Statutory Planning Committee - 14 April 2009

- *B2 - Delegate Report*

9. CHIEF EXECUTIVE OFFICER'S REPORT

10. ORDERS OF THE DAY

- *Order 1 – Appointment of Councillors to Committees*
- *Order 2 – Mayoral & Councillor Allowances*
- *Order 3 – St Kilda Arts and Craft Market*
- *Order 4 – Middle Park Beach Landscaping*
- *Order 5 – Carbon Pollution Reduction Scheme – Exposure Draft*

11. REPORTS BY COUNCILLOR DELEGATES APPOINTED TO OTHER BODIES

12. URGENT BUSINESS

13. CONFIDENTIAL MATTERS

- *Order 6 – Food Production Tender Contract 1314 - (Confidential)*

Darrell Treloar
Chief Executive Officer (Interim)
22 April 2009

3. PETITIONS AND JOINT LETTERS

Item 1

A Petition was received from 69 stallholders in regards to the St Kilda Market.
The Petition states the following:

'We stallholders wish the CoPP to continue its role collecting the "levy" and we wish to continue the association's role in the allocation of those funds. In line with the previous agreed arrangements which have stood for many years.

We wish to continue without interruption the norms in our governance and relationship with the CoPP as we have in the past enjoyed.

We ask the Council to help improve our governance and relationship with CoPP.

That the stall holders; through the committee, directly manage the market and our relationship with CoPP.

To enhance this market and enable it to remain Australia's premiere arts and craft market.

That Council ensure that the market remain made of Association members of the St Kilda Esplanade Art and Crafts Association Incorporated A0033092T, who are the crafts men and women who make and sell their products on market day.

This aspect is a unique aspect of the market and should be continued.

**Please see Order of the Day 3 – "St Kilda Arts and Craft Market - Update" in relation to this petition*

4. SEALING SCHEDULE

The following documents are submitted for signature and sealing:
SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and DASH CORP
PTY LTD, to ensure Condition 9 of Planning Permit No. 1218/2008 in relation to the
development at 1 Lambeth Place, St Kilda is satisfied
Item not previously considered by Council

Responsible Manager: George Borg, Manager City Development.

RECOMMENDATION

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

5. CORRESPONDENCE

6. PUBLIC QUESTION TIME

7. COUNCILLOR QUESTION TIME

8. PRESENTATION OF REPORTS AND RECOMMENDATIONS FROM S86 SPECIAL COMMITTEE MEETINGS

8(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 6 APRIL 2009.

A1 INTENTION TO DECLARE A SPECIAL RATE FOR MARKETING, MANAGEMENT AND BUSINESS DEVELOPMENT OF ST KILDA VILLAGE

Purpose

The St Kilda Village Special Rate for marketing expires on 30 June 2009. The St Kilda Village Traders Group (SKVTG) has formally requested Council to renew the Special Rate. This report enables Council to proceed with the statutory process for the re-introduction of a new special rate accommodating the wider St Kilda Village Activity Centre.

COMMITTEE'S RECOMMENDATION

That Council:

1. Adopts the proposed notice of intention to declare the St Kilda Village Activity Centre Special Rate for the purpose of marketing the precinct, as requested in the letter (attachment 2) from St Kilda Village Traders Group, encompassing an expanded catchment area as described in the map attachment 3.
2. Authorise in accordance with Section 163(1A) and 163B(3) of the Act, a public notice (attachment 1) of the proposed intention to declare (including the rights of a person to make a submission) is to be given in the Port Phillip Leader. Separate copies of the public notice are to be sent to all property owners and occupiers who are to be made liable for the special rate. A person affected by the special rate may make a written submission to the Council within 28 days of the publication of the public notice. Submissions must be directed to the City of Port Phillip Coordinator Economic Development. Council will consider submissions in accordance with Sections 163A, 163B and 223 of the Local Government Act 1989 and hear persons who wish to be heard in support of their submission.
3. Require that if the Special Rate is declared, the St Kilda Village Traders Group must enter into a formal agreement with Council prior to the special rate or any part of it being paid to the Traders Group. Amongst other matters, the agreement acknowledges and confirms that:
 - Council advise the role of the St Kilda Village Traders Group in expending the monies raised by the Special Rate on behalf of Council is of an administrative nature only and at all times under the direction of and for Council; and
 - Council reserves to itself all discretions relevant to the application of the proceeds of the Special Rate.

A2 URBAN STUDIES CENTRE REFERENCE GROUP (USCRG)

Purpose

This report provides Council with information on the process followed in calling for nominations for an Urban Studies Centre Reference Group (USCRG), in order to enable Councillors to select the 6 community representatives to be appointed to the USCRG as proposed in the attached Terms of Reference.

COMMITTEE'S RECOMMENDATION

That Council:

1. Note the process followed in calling for nominations for membership of a Reference Group for the Urban Studies Centre (USC) at Emerald Hill
2. Establish the Urban Studies Centre Reference Group and endorse the Terms of Reference in the attachment, noting the proposal that the USCRG will cease operation following the approval of the USC Operations Plan by Council.
3. Endorse the appointment of the following 6 community members for the Urban Studies Centre Reference Group; noting these candidates suitably represent the stakeholders and target audiences identified for the USC and meet the selection criteria:
 - Michael Sabada
 - Adair Bunnnett
 - Meyer Eidelson
 - Joan Maxwell
 - Dr. Katharina Benzler
 - Elizabeth Buckle

A3 ST KILDA FAMILY & CHILDREN'S CENTRE OUTDOOR SPACE LAND ACQUISITION

Purpose

To provide council with information to make a decision as to whether to proceed to acquire a parcel of land under the Land Acquisition and Compensation Act 1986 (LACA) and subsequently remove a Public Acquisition Overlay which affects land at 101 Carlisle Street, and 161 and 169 Chapel Street, East St Kilda.

COMMITTEE'S RECOMMENDATION

That Council:

1. Commence the statutory process to compulsorily acquire the land at the rear of 169 Chapel Street, St Kilda (Land) from The Uniting Church in Australia Property Trust (Victoria) (Church) in accordance with the Land Acquisition and Compensation Act (LACA) 1986. (refer Attachment 2 – hatched area)
2. Following the service of a Notice of Intention to Acquire on the Church and all other persons with an interest in the Land, the Chief Executive Officer shall be authorised to enter into negotiations with the Church to acquire the Land by agreement from the Church for a sum not exceeding the amount specified in Attachment 3: Maximum Amount of Compensation Payable by Council (confidential) inclusive of all costs and claims.
3. In the event that Council and the Church reach agreement in relation to the acquisition of the Land and the payment of compensation for the acquisition, the Chief Executive Officer shall be authorised to execute any contract of sale and Council directs that Council's seal be affixed to any transfers of land and to any other documents in relation to the acquisition of the Land.

A4 LIARDET ST FAMILY AND CHILDREN'S CENTRE DEVELOPMENT OPTIONS

Purpose

For Council to consider progress to date and options for the construction of the new Liardet St Family and Children's Centre.

COMMITTEE'S RECOMMENDATION

That Council:

1. Recognise the history and traditions of the Lady Forster Kindergarten and support the continuation of those features of the Kindergarten valued by the community which are consistent with council, State and Federal government policies on the provision of quality education, health and care of families and children.
2. Note that the Federal Government has committed \$1.6 M, the Victorian government has committed \$1.2M and the City of Port Phillip proposes \$1.7M for the 2009/2010 Capital Works Program to the construction of a new Liardet St Family and Children's Centre.
3. Support the construction of an integrated family and children's centre on the three parcels of land known as 85 Liardet St, 186 Esplanade West and the rear of 85 Liardet St.
4. Include in the new facility as a minimum:
 - A replacement of the 50 kindergarten places at Lady Forster Kindergarten
 - A minimum of 60 long day care places including replacing those from Albert Park College Childcare centre currently temporarily located at Port Melbourne Primary School.
 - Maternal and child health consulting rooms and new parent group space
 - Space for playgroups (available for community use after hours)
 - Orientation on the land to maximize the use of the natural environment by children
 - That the Liardet St Family and Children's Centre Steering Committee recommend to council a final design based on these parameters.
5. Request that the Minister for the Environment and Climate Change approve a transfer of committee of management status for the two land parcels at 186 Esplanade West, Port Melbourne and rear 85 Liardet St (Crown Land Reservation 1204270) to Port Phillip City Council for the following reasons:
 - Council proposes to construct, in partnership with the Federal and State governments, a new family and children's centre on the land.
 - A new centre provides maximum utilisation of available land for an integrated family and children's services centre
 - A new facility will replace the existing Lady Forster Kindergarten building which has a limited lifespan.
6. Note that it is intended that children's services at the new facility would continue to be community managed notwithstanding the transfer of committee of management status for the land.
7. Encourage Lady Forster Kindergarten and Albert Park College Childcare committees of management to continue their ongoing role in the development and management of the new facility.

**A5 AUDIT COMMITTEE ACTIVITIES UPDATE & PRESENTATION OF THE 2008
AUDIT COMMITTEE ANNUAL REPORT TO COUNCIL**

Purpose

To present to Council the City of Port Phillip Audit Committee Annual Report for 2008 and to update Council about the matters considered at the Audit Committee meeting conducted in February 2009.

COMMITTEE'S RECOMMENDATION

That Council:

1. Receive and note the 2008 City of Port Phillip Audit Committee Annual Report to Council (attached) detailing the activities of the Committee for the year including the internal audits undertaken and how the Committee meets its responsibilities within its Terms of Reference.
2. Receive and note the report outlining the matters considered by the Audit Committee at its February 2009 meeting, including issues such as the internal audit program, excessive leave accruals, annual report to Council, the 2008 Management Letter, and the following internal audits – Council management of leased properties, recyclable waste collection, compliance with Council's road management plan and payroll review.

**A6 REVIEW OF THE COUNCILLOR SUPPORT AND EXPENSE REIMBURSEMENT POLICY
(SEE SUPPLEMENTARY REPORT)**

Purpose

Review, and amend if required, the draft Councillor Support and Expense Reimbursement Policy.

COMMITTEE'S RECOMMENDATION

That this item be deferred for further consideration and that a Supplementary Report be presented to the Ordinary Meeting of Council to be held on Monday, 27 April 2009, and that Council:

1. Adopt the attached Councillor Support and Expense Reimbursement Policy containing issues relating to reimbursement or payment of reasonable, bona fide, out-of-pocket expenses incurred by Councillors in the performance of their official duties and for reimbursement of travel expenses for members of special committees, subject to the following changes to the policy document:
 - that the reference at 3.1.3 (a) to "sustainable transport (public transport)" be amended to read "sustainable transport (public transport and, where relevant, bicycle maintenance expenses)"; and
 - that clause 3.1.7 of the policy be deleted and replaced with new 3.1.7 as follows:
 - "3.1.7 the Chief Executive Officer or the Council will approve discretionary trips and overseas travel, with travel related to training and conferences subject to the budget restrictions set out at 3.4.3.
 - insert new 3.4.3 as follows:
 - "3.4.3 The Chief Executive Officer or delegate will approve travel, registration and accommodation costs for training and conferences in Victoria or interstate, up to the amount allocated in the annual budget for conferences and courses costs. The Mayor will be entitled to 20% of the annual budget and each Councillor will be entitled to a pro rata allocation of the remaining 80%"
2. Subject to a Supplementary Report to be presented at the Ordinary Meeting of Council on 27 April 2009 regarding provision of bicycles and reimbursement of bicycle expenses used for Council business.
3. That this policy continue to have effect until amended by the Council or reviewed after the next Council general election by the new Council prior to 30 June 2013.

A7 PROPOSED SALE OF A SECTION OF FORMER DRAINAGE RESERVE NO. R1621 AT THE REAR OF 17 AUSTIN AVE, ELWOOD.

Purpose

The owners of 17 Austin Ave, Elwood, have requested to purchase a section of a former drainage reserve at the rear of the property to them. Council is the owner of the land and a drainage easement protects Council's interests.

It is proposed that Council undertake the procedures to ensure formal public consultation, as set out in sections 189 and 223 of the Local Government Act 1989, before a final decision is made.

COMMITTEE'S RECOMMENDATION

That Council:

1. Being of the opinion that the former drainage reserve at the rear of 17 Austin Ave, Elwood as shown on the plan attached to this report is shown as surplus to requirements and therefore, intends to sell the land to the abutting owner by private treaty for a purchase price of \$39,600.00 ;
2. Notes that the existing drainage easement will remain on title to preserve Council rights for maintenance purposes and that other easements will be created if required by servicing authorities;
3. Directs that under Sections 189 and 223 of the Local Government Act 1989, a notice of intention to sell be published in the Local Newspaper inviting interested persons to make a submission, and
4. Appoint the Strategy and Policy Review Committee to hear and consider any submissions received in response to the public notice at an appropriate time and date.

**A8 PROPOSED DISCONTINUANCE AND SALE OF RIGHT OF WAY NO'S.R3193,
R3195 & CROMWELL PLACE, SOUTH MELBOURNE.**

Item withdrawn.

A9 APPOINTMENT OF NEW MEMBER AND CHAIRPERSON TO OLDER PERSONS' CONSULTATIVE COMMITTEE

Purpose

In accordance with its Terms of Reference the Older Persons' Consultative Committee (OPCC) has undertaken a recruitment process for a new member. The OPCC is also forwarding to Council its recommendation for the appointment of OPCC Chairperson for 2009.

COMMITTEE'S RECOMMENDATION

That Council:

1. Appoint Michael Gibson a member of the Older Persons' Consultative Committee.
2. Appoint Liz Robson as Chairperson of the Older Persons' Consultative Committee reference group for 2009.

A10 NEW FOOTPATH ACTIVITIES LOCAL LAW

Purpose

It is proposed that a new Local Law be created, essentially replicating the current Footpath Activities Local Law No 7, with some minor wording changes to improve readability but not alter the intent of the Local Law and the following changes:

- A new clause (Clause 12 – special events) has been created to distinguish events, which are regulated by Community Amenity Local Law No 3;
- Increase the infringement penalty to 10 penalty units and increase the maximum penalty to 20 penalty units for Clause 7, Permit Required, Clause 11, Offences and Clause 17, Permit Conditions.

COMMITTEE'S RECOMMENDATION

That Council:

1. Resolve that, in accordance with section 119(1) of the Local Government Act 1989, that:
 - give notice in the Government Gazette and by public notice that it proposes to make the Footpath Activities Local Law No 7 (2009); and
 - any submissions made in response to the notice in the Government Gazette and the public notice, be considered by Council at its meeting on 1 June 2009 commencing at 6.00pm.

A11 CAPITAL WORKS PROJECT BOARD QUARTERLY REPORT

Purpose

This report is the third quarterly report to Council since the formation of the Capital Works Project Board in August 2008.

COMMITTEE'S RECOMMENDATION

That Council:

1. Endorses the recommendations made by the Executive Director Community Assets and Services outlined in Attachment 1 - Capital Works Project Board Recommendations March 2009.
2. Notes the decisions made by the Executive Director Community Assets and Services under existing delegations – Attachment #2 - Capital Works Project Board Decisions by Executive Director Community Assets and Services March 2009.
3. Notes that the next detailed report from the Capital Works Project Board will be in July 2009.

A12 COUNCIL PROJECTS CONSULTATION FRAMEWORK

Purpose

This report addresses the matter of community stakeholder consultation associated with key Council projects and recommends the adoption of a generic model and its application to current and future projects.

COMMITTEE'S RECOMMENDATION

That Council:

1. That the generic stakeholder consultation model set out in this report, including the generic terms of reference for Council project steering committees and the guidelines for Councillors and officers, be adopted.
2. That the generic model be applied to future projects and that a report recommending Terms of Reference for each new steering committee be presented to Council prior to the project commencing.
3. That the generic model be reviewed and a report presented to Council regarding its effectiveness and any recommended changes, by 30 June 2010.
4. That the revised Terms of Reference for the Fitzroy Street - Streetscape Plan Steering Committee be adopted.
5. That Cr John Middleton and Cr Serge Thomann be appointed to the Fitzroy Street - Streetscape Plan Steering Committee
6. That a Fitzroy Street - Streetscape Plan Project Coordination Committee be formed to monitor progress and emerging issues between meetings of the Steering Committee.
7. That the members of the Fitzroy Street - Streetscape Plan Project Coordination Committee be Cr John Middleton, Cr Serge Thomann, Tanja Heil and Paul Smith.
8. That the Terms of Reference for the Liardet Street Family and Children's Centre Steering Committee be adopted.
9. That nominations be invited for two community representatives on the Liardet Street Family and Children's Centre Steering Committee.
10. That a Liardet Street Family and Children's Centre Project Coordination Committee be formed to monitor progress and emerging issues between meetings of the Steering Committee.
11. That the members of the Liardet Street Family and Children's Centre Project Coordination Committee be Cr Judith Klepner, Cr Janet Bolitho, Jo Smale, Greg Wood and Sam Hewett.
12. That the Terms of Reference for the Port Melbourne and South Melbourne Lifesaving Club Facility Steering Committee be adopted.
13. That Cr Judith Klepner and Cr John Middleton be appointed to the Port Melbourne and South Melbourne Lifesaving Club Facility Steering Committee.
14. That the Terms of Reference for the St Kilda Family and Children's Centre Steering Committee be adopted.
15. That a St Kilda Family and Children's Centre Project Coordination Committee be formed to monitor progress and emerging issues between meetings of the Steering Committee.

16. That the members of the St Kilda Family and Children's Centre Project Coordination Committee be Cr John Middleton, Cr Rachel Powning, Jo Smale, Greg Wood and Sam Hewett.
17. That Council notes that further reports will be presented over the coming months in relation to appointment of steering committees for other Council projects.
18. That where Steering Committees meet prior to this matter being considered by Council at its meeting to be held on 27 April 2009, those Councillors to be newly appointed to the various Committees as a consequence of this report, be authorised to attend.

**8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST
KILDA TOWN HALL ON 14 APRIL 2009.**

Note: Business item B1 was resolved by the Statutory Planning Committee held on 14 April 2009 in accordance with Section 86 of the Local Government Act 1989.

B2 DELEGATE REPORT

Purpose

To present Council with a summary of all Planning Permits issued under Delegation.

COMMITTEE'S RECOMMENDATION

That the Council receive and note the report regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

9. CHIEF EXECUTIVE OFFICER'S REPORT

10. ORDERS OF THE DAY

ORDER OF THE DAY 1
MAYORAL & COUNCILLOR ALLOWANCES
(Refer to attached report)

ORDER OF THE DAY 2
APPOINTMENT OF COUNCILLORS TO COMMITTEES
(Refer to attached report)

ORDER OF THE DAY 3
ST KILDA ARTS AND CRAFT MARKET
(Refer to attached report)

ORDER OF THE DAY 4
MIDDLE PARK BEACH LANDSCAPING
(Refer to attached report)

ORDER OF THE DAY 5
CARBON POLLUTION REDUCTION SCHEME – EXPOSURE DRAFT
(Refer to attached report)

**11. REPORTS BY COUNCILLOR DELEGATES APPOINTED TO
OTHER BODIES**

12. URGENT BUSINESS

13. CONFIDENTIAL MATTERS

**ORDER OF THE DAY 6
FOOD PRODUCTION TENDER (CONFIDENTIAL)**

This Item Is Classified As A Confidential Item In Accordance With Section 89 (2)(d) Of The Local Government Act 1989