



**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 Bunnett
 - 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

**ORDINARY MEETING OF COUNCIL
27 APRIL 2009**

SUPPLEMENTARY REPORT

A6	REVIEW OF THE COUNCILLOR SUPPORT AND EXPENSE REIMBURSEMENT POLICY
LOCATION/ADDRESS:	N/A
RESPONSIBLE EXECUTIVE DIRECTOR:	SALLY CALDER EXECUTIVE DIRECTOR ORGANISATION SYSTEMS AND SUPPORT
AUTHOR:	NORM MCCLELLAND GOVERNANCE ADVISOR
FILE NO.:	18/08/02
ATTACHMENTS:	DRAFT COUNCILLOR SUPPORT AND EXPENSE REIMBURSEMENT POLICY

1. EXECUTIVE SUMMARY

- 1.1. The attached Draft Councillor Support and Expense Reimbursement Policy has been amended to include the changes recommended by the 6 April 2009 Strategy and Policy Review Committee, as well as, a request by the Committee to consider the inclusion of clauses:
- 1.1.1. Providing for the reimbursement of maintenance expenses for bicycles owned by Councillors and used for Council business; and
 - 1.1.2. Allowing for the provision of Council owned bicycles for the exclusive use by a Councillor in the performance of Council business.
- 1.2. Council is requested to review and adopt the attached draft policy.

2. RECOMMENDATION

That the Council resolve to adopt the attached Port Phillip City Council Councillor Support and Expense Reimbursement Policy which contains:

- 2.1. The amendments recommended in the resolution for item A6 at the April 2009 Strategy and Policy Review Committee meeting; and
- 2.2. Inclusions requested by the April 2009 Strategy and Policy Review Committee relating to:
 - 2.2.1. Reimbursement of maintenance expenses for bicycles owned by Councillors and used for the performance of Council business; and

- 2.2.2. The provision of Council owned bicycles for the exclusive use by a Councillor in the performance of Council business.

3. BACKGROUND AND CONTEXT

- 3.1. At the Strategy and Policy Review Committee on 6 April 2009, the Committee considered report A6 "Review of the Councillor Support and Expense Reimbursement Policy". The resolution passed by the Committee included a request for Council officers to present a supplementary report providing details about:
 - 3.1.1. Reimbursement of expenses for bicycles owned by Councillors and used for Council business; and
 - 3.1.2. The provision of Council owned bicycles for use by Councillors in the performance of Council business.

4. SUPPLEMENTARY INFORMATION

- 4.1. The City of Yarra has a policy that allows for the reimbursement of bicycle maintenance expenses incurred by Councillors (and staff) while using their own bicycles for Council business. The City of Yarra also has a scheme whereby Council purchases bicycles for exclusive use of a Councillor (or staff member) if various conditions can be met.
- 4.2. As the Port Phillip City Council strongly promotes the use of sustainable transport, it would be consistent with this stance if the "Councillor Support and Expense Reimbursement Policy" promoted the use of bicycles and provided for associated expense reimbursements similar to that provided for taxis, privately owned motor vehicles and other forms of sustainable transport.
- 4.3. Bicycle maintenance expense reimbursement in the City of Yarra policy is based on a cents per kilometre rate recommended by the Victorian Employers' Chamber of Commerce and Industry (VECCI). An enquiry to VECCI found that the rate it recommends is derived from the Victorian Local Authorities Award for a person who uses their personal bicycle for Council purposes. The rate is currently set at 11.56 cents per kilometre.
- 4.4. It is proposed that because it would be difficult for a Councillor to keep accurate records of the kilometres travelled by bicycle, it would be easier to administer the reimbursement if a maintenance allowance was provided based on an estimate by the relevant Councillor of the average weekly distance travelled for the year [see 3.1.3 (b) of the policy, as well as, Attachment 3 of the policy]. It is proposed that the appropriate allowance be paid in a lump sum annually.
- 4.5. With respect to the provision of a Council owned bicycle for use by a Councillor, it is proposed that the Councillor would have to ride, or commit to riding, at least 15 kilometres per week on Council business to qualify for the provision and exclusive use of a bicycle [see clause 3.1.4 (c) of the policy]. Attachment 3 of the policy sets out the conditions associated with the provision of a bicycle. It is proposed to set the ceiling price for the purchase of each bicycle, including accessories, at \$1,000. If a Councillor was to

make a request for a bicycle, it would be allocated for a maximum of four years before being traded.

- 4.6. The City of Yarra appears to be the only Council with a policy to reimburse Councillors for bicycle maintenance expenses or provide bicycles to Councillors for use whilst conducting Council business.

**ORDINARY MEETING OF COUNCIL
27 APRIL 2009**

ORDERS OF THE DAY

ORDER 1	APPOINTMENT OF COUNCILLORS TO COMMITTEES
LOCATION/ADDRESS:	N/A
RESPONSIBLE EXECUTIVE DIRECTOR:	SALLY CALDER EXECUTIVE DIRECTOR ORGANISATION SYSTEMS & SUPPORT
AUTHOR:	NORM MCCLELLAND GOVERNANCE ADVISOR
FILE NO.:	18/04/12
ATTACHMENTS:	

1. EXECUTIVE SUMMARY

- 1.1. Council is requested to change two Councillor appointments to Committees that were made by a resolution of Council in December 2008.

2. RECOMMENDATION

- 2.1. That Council resolve to appoint Cr Touzeau to the Community Grants Assessment Committee and Cr Thomann to the Cultural Development Fund Committee for the remainder of 2009.

3. BACKGROUND AND CONTEXT

- 3.1. In December 2008, Council appointed Councillors to internal and external committees and bodies for 2009.
- 3.2. Cr Touzeau was appointed to the Cultural Development Fund Committee and Cr Thomann to the Community Grants Assessment Committee. The two Councillors have requested that they swap committees.
- 3.3. As the appointments were made by a resolution of Council, any changes have to be resolved by Council.

**ORDINARY MEETING OF COUNCIL
27 APRIL 2009**

ORDERS OF THE DAY

ORDER 2	MAYORAL & COUNCILLOR ALLOWANCES
LOCATION/ADDRESS:	N/A
EXECUTIVE DIRECTOR:	SALLY CALDER EXECUTIVE DIRECTOR ORGANISATION SYSTEMS AND SUPPORT
PREPARED BY:	NORM MCCLELLAND GOVERNANCE ADVISOR
FILE NO.:	18/04/05-04
ATTACHMENTS:	SUBMISSIONS 1 - 4

1. PURPOSE

- 1.1. Council to hear and assess submissions to the review of the Mayoral and Councillor allowances for the period 1 July 2009 to 30 June 2013.
- 1.2. Having assessed the submissions, Council determine the level of the Mayoral and Councillor allowances for the period 1 July 2009 to 30 June 2013.

2. RECOMMENDATION

- 2.1. That Council, having received and assessed the submissions to the review of the Mayoral and Councillor allowances, resolve to set the allowances for the period 1 July 2009 to 30 June 2013 at the maximum level for a Category 3 Council, being \$84,257 per annum for the Mayor and \$26,378 per annum for Councillors. Council notes that these amounts will be adjusted automatically by the appropriate indexation factor determined by the Minister for Local Government on an annual basis.

3. BACKGROUND AND CONTEXT

- 3.1. The payment of Mayoral and Councillor allowances is governed by the *Local Government Act 1989*. The upper and lower levels of allowances for various categories of councils are set by an Order in Council (approved by the Minister for Local Government) for all councils.
- 3.2. Councils must review their allowances within seven months of a Council general election and set their allowances within the Minister's upper and lower levels for their respective category.
- 3.3. The Council must set its allowances for a period of four years, in this instance for the period 1 July 2009 to 30 June 2013.

- 3.4. The Council must invite the public to make submissions to its review process.
- 3.5. The previous Council had set the Mayoral and Councillor allowances at the maximum for a Category 3 Council.
- 3.6. In the February 2009 meeting cycle, Council determined to commence the review of allowances, proposed that allowances be set at the maximum for a Category 3 Council and authorised officers to advertise for public submissions.
- 3.7. Public notices calling for submissions to the allowances review were placed in the Port Phillip Leader on 3 March 2009, the Emerald Hill Weekly 4 March 2009 and on Council's website. Council also issued a media release to the local newspapers.
- 3.8. Public submissions could either be lodged in writing to Council's postal address or sent to a special email address set up specifically for the receipt of submissions to the allowances review.
- 3.9. At the close of submissions on Thursday 2 April 2009, Council had received three submissions (see attachments 1 to 3). One submission was received after the due date (attachment 4). The submitters were advised of the date, time and place of the meeting at which Council would review the submissions.

4. CONSULTATION AND STAKEHOLDERS

- 4.1. The *Local Government Act 1989* (the Act) requires Council when reviewing Mayoral and Councillor allowances to conduct a section 223 submission process. This section of the Act outlines a very specific process to be undertaken when conducting a public submission process.
- 4.2. Council has complied with the requirements of the Act and called for submissions from the public.
- 4.3. The submitters were advised that they could be heard in support of their submission at a meeting called by the Council to hear submissions.
- 4.4. Council at its meeting conducted on 23 February 2009 determined that submissions would be received and heard at the Council meeting scheduled for 27 April 2009.
- 4.5. An extract from each submission is reproduced below:
 - 4.5.1. Attachment 1 – *“since the remuneration levels are determined by the State Government on the basis of workload and responsibilities, the councillors should be entitled to and should receive the full amount of such allowances.”*
 - 4.5.2. Attachment 2 – *“Globally and nationally most people have lost wealth and many people are losing their jobs. In the circumstances it is financially reckless to propose an increase in*

allowances. In its review the Council should determine that those payments remain at their current levels."

- 4.5.3. Attachment 3 – *"I believe that Councillors do a tremendous amount of work and devote extensive hours to public duty, above and beyond their salary remuneration, and believe the salary of \$26,378 is not commensurate with current standards of hours, nor even commensurate with an administration salary."*
- 4.5.4. Attachment 4 – *"I support payment of maximum allowances to our mayor and councillors, and further am interested in lobbying for payment of full salaries to all local government representatives, commensurate with remuneration to other levels of government. I hope to make representation at the next VEC review."*

5. DISCUSSION

5.1. OPTIONS

- 5.1.1. The proposed preferred option is that Council resolve to set the Mayoral and Councillor allowances at the maximum for a Category 3 Council.
- 5.1.2. Councils are categorised within a three-level framework based on population and total revenue. Port Phillip Council is classified in the highest category, level 3. In April 2005 Port Phillip Council made a successful application to the Local Government Councillor Allowances Category Review Panel to be elevated from level 2 to level 3 due to exceptional circumstances which included the considerable range of issues and the array of responsibilities encountered by the Port Phillip Council.
- 5.1.3. The comprehensive review into allowances commissioned by the state government and conducted by an independent panel culminated in a report in 2008 which strongly recommended an increase in the allowances for Mayors and Councillors, as well as, a minimum level of support for Councillors. The review process considered all aspects of the responsibilities and functions of Mayors and Councillors, and sought submissions from peak bodies and all stakeholders. The Minister for Local Government stated the outcome of the review was *"realistic, reasonable and fair"*.
- 5.1.4. The independent panel has affirmed that Councillors are entitled to the level of allowances that have been endorsed by the Minister and it is within Council's power to determine an allowance within the upper and lower levels of category 3.
- 5.1.5. Council can consider an alternate option whereby it could set the Mayoral and Councillor allowances at a level below the maximum for Category 3.

5.2. POLICY IMPLICATIONS

- 5.2.1. The process for determining the Mayoral and Councillor allowances is set out in the Act. The allowances set by Council will apply from 1 July 2009 until 30 June 2013.
- 5.2.2. Section 73B of the Act outlines the process by which the Minister for Local Government must review the limits and ranges of allowances at least once a year. If, as a result of the annual review, the Minister finds that the allowances should be adjusted, Councils must increase the allowances in accordance with the adjustment factor which is to be published in the Government Gazette.

5.3. FINANCE / RESOURCE IMPLICATIONS

- 5.3.1. If the Mayoral and Councillor allowances are set at the maximum for a Category 3 Council, the annual budget for allowances will be \$242,525 subject to annual adjustment factors.

5.4. LEGAL & RISK IMPLICATIONS

- 5.4.1. There should be no legal or risk implications as Council has complied with the legislative requirements in determining the allowances.

5.5. SUSTAINABILITY ASSESSMENT

SOCIAL EQUITY

- 5.5.1. Councillors provide the link between the Council organisation and the community. The allowance provides support to Councillors to assist them in their role as a Councillor

ECONOMIC VIABILITY

- 5.5.2. The current annual cost of mayoral and councillor allowances is \$242,525 which is approximately 0.16% of Council's revenue in 2008. This amount will remain the same if Council adopts the recommendation within this report, subject to any annual adjustments made by the Minister.

ENVIRONMENTAL RESPONSIBILITY

- 5.5.3. The payment of allowances to Councillors has no direct environmental impact, however, the allowances provide support to Councillors in their role to provide leadership on environmental matters.

CULTURAL VITALITY

- 5.5.4. Councillors play an important role in contributing to cultural vitality. Allowances support Councillors in the execution of their duties. The review initiated by the State Government in 2007/2008, determined the appropriateness of the level of allowances for the responsibilities undertaken by Councillors.

6. FURTHER INFORMATION

- 6.1. The allowances set by the previous Council for the period 1 July 2005 to 30 June 2009 were at the maximum for a Category 3 council. The review initiated by the Minister in 2007/2008 and the annual indexation factor for 2008 resulted in a considerable increase in all categories. Port Phillip Councillors have been in receipt of the maximum allowances for a Category 3 Council, including the increases, since being elected. Therefore if Council adopts the recommendation within this report there will be no immediate change to the quantum of allowances which are currently being paid.

7. IMPLEMENTATION STRATEGY

7.1. TIMELINE

If the Council determines to adopt the maximum Mayoral and Councillor allowances for a Category 3 Council and as Councillors are already in receipt of the maximum Category 3 allowances, there will be no need for an implementation strategy.

**ORDINARY MEETING OF COUNCIL
27 APRIL 2009**

ORDERS OF THE DAY

ORDER 3

**ST KILDA ESPLANADE ARTS AND
CRAFT MARKET - UPDATE**

LOCATION/ADDRESS:

EXECUTIVE DIRECTOR:

**GEOFF OULTON, EXECUTIVE DIRECTOR,
COMMUNITY DEVELOPMENT AND
PLANNING**

PREPARED BY:

**IAN HICKS, MANAGER CULTURE &
RECREATION**

FILE NO.:

ATTACHMENTS:

**ATTACHMENT 1 – REFERENCE GROUP
TERMS OF REFERENCE.**

1. PURPOSE

This report updates Council on the proposed way forward for investigating the concerns raised as a result of the petition regarding the St Kilda Arts and Craft Market, as directed by Council at its Ordinary Meeting 23rd March 2009.

2. RECOMMENDATION

- That Council notes the proposed appointment of an independent consultant to undertake the review of the St Kilda Art and Craft Market.
- That Council notes the consultant brief and selection criteria to be used in the selection process for the independent consultant, noting that representatives of the St Kilda Arts and Craft Market Committee will be invited to be represented on the selection panel for the independent consultant.
- That Council notes the membership and terms of reference for the reference group to be established as part of the review of the St Kilda Arts and Craft Market.
- That Council notes the proposed project plan and consultation process to be undertaken as part of the review.

3. BACKGROUND AND CONTEXT

- The St Kilda Art and Craft Market was established in 1978 as a incubator and opportunity for the sale of arts and crafts produced locally by the local artisan community. The market occurs every Sunday and has capacity for over 200 stallholders.
- The St Kilda Art and Craft Market today is iconic and a popular destination in Melbourne.

- The market is now a popular opportunity for trade by artisans across Melbourne, with approximately 90% of stallholders coming from across Melbourne..
- At its Ordinary Meeting on March 23 this year, Council formally received a petition from some of the St Kilda Arts and Craft Market stallholders which stated:

“We the undersigned, urge the City of Port Phillip to temporarily take over the running of the St Kilda Arts & Crafts Market and to do immediately, to ensure that the potential for conflict of interest does not continue. During this temporary period we ask the City of Port Phillip to conduct an independent assessment of the best way to run the market in order to secure its long lasting future.”

- The petition was addressed at the same meeting by a number of petitioners.
- Council resolved that *‘the petition be received and referred to Executive Director, Community Development and Planning for investigation of the concerns raised and for options for the future management of the market and that this item be reported back to Council.’*

4. CONSULTATION AND STAKEHOLDERS

Consultation to date

- Officers have met with committee members to discuss Council's resolution of 23 March 2009 and outlined the proposal to select a consultant suitable for making an independent assessment.
- CoPP officers have been in contact with Stallholders by letter and through visits to the Market on Sundays over March.
- Council officers have drafted an interim short-form version of an Advertising Levy agreement, with a view to reaching agreement with the Committee. The adoption will allow CoPP to resume collection and distribution of the advertising levy.

Proposed Consultation (during review process)

- The review of the Esplanade Arts and Craft Market will involve consultation with a reference group of market stallholder representatives and CoPP. Terms of reference have been developed which outline the key roles of the reference group (refer Attachment 1
- There will be further opportunities for consultation with all individual stallholders as part of the review process.
- An outline project plan is provided in section 6.1 of this report.

5. DISCUSSION

5.1 PROPOSAL

It is proposed an independent assessor (consultant) be appointed to recommend the best model for future management of the market, based on the following brief:

Objectives:

Develop a governance model for the management of the Esplanade Arts and Craft Market that will:-

- Meet best practice in good governance relative to other and like markets;
- Be underpinned by a commitment to community development and engagement in the operation of the market;
- Protect the integrity of the St Kilda Art and Craft Market as a 'makers' market
- Retain the independence of the market operations while minimising risk to market stallholders, the association and the committee from perceived and actual conflict of interest;
- Ensure the successful operations of the market into the future.

Role of the consultant:

- Collate and analyse information pertaining to the current operations of the market.
- Assess and analyse like markets and their governance practices and models.
- Consult with the committee and individual stallholders of the market and CoPP management.
- Develop recommendations of the best practice governance model for the market and provide a report on the analysis that has led to that conclusion and/or recommendation.

Criteria for the selection of a consultant includes:

- Understanding of Community Development
- Experience in strategic and business planning
- Experience in the development of policies and procedures
- Developing strategies for similar operations (ie: market environments)
- Experience in governance and risk assessment
- Experience working with stakeholders in events, recreation, arts and tourism sectors.
- Experience in working with state or local governments.

5.2 POLICY IMPLICATIONS

Council has resolved to investigate the matters raised in the petition and this report and recommendation is consistent with that resolution.

The St Kilda Art and Craft Market is identified as a 'iconic activity', as part of CoPP Creative Futures Strategy 2008, developed as part of the City of Port Phillip Active and Creative Framework. This recommendation is consistent with supporting the importance of the market and the need for a review to ensure its governance is in line with best practice and its viability further enhanced.

5.3 FINANCE / RESOURCE IMPLICATIONS

The cost of engaging an independent consultant is estimated at \$10,000.

5.4 LEGAL & RISK IMPLICATIONS

The City of Port Phillip is committee of management for the land under the *Crown Land Reserves Act 1979* and effectively acts as landlord.

CoPP issue permits for occupancy of the land by stallholders and collects money from stallholders for distribution to the committee. It is reasonable given the role(s) of Council that there is some obligation to act on the matters raised in the petition in order to limit any potential legal and risk exposure of Council.

5.5 SUSTAINABILITY ASSESSMENT

Not required

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

- Establish Reference Group – April 2009
- Engage an independent consultant – May 2009
- Review and Benchmark Esplanade Market governance and management model and provide preliminary recommendations – June 2009
- Undertake consultation with association members and committee – June 2009
- Provide final report and recommendation – 30 June 2009
- Brief Councillors – July 2009
- Report to council – July 2009

6.2 COMMUNICATION

Key messages:

- The iconic Esplanade Arts and Crafts Market is an essential part of the cultural vitality of the City of Port Phillip.
- The City will consult with all stallholders and other stakeholders during this process to develop the best governance model for management of the Market.

**ORDINARY MEETING OF COUNCIL
27 APRIL 2009**

ORDERS OF THE DAY

ORDER 4	MIDDLE PARK BEACH LANDSCAPING
LOCATION/ADDRESS:	MIDDLE PARK BEACH – ADJACENT TO THE INTERSECTION OF BEACONSFIELD PDE AND ARMSTRONG ST.
EXECUTIVE DIRECTOR:	DAVID YEOUART, EXECUTIVE DIRECTOR COMMUNITY ASSETS AND SERVICES
PREPARED BY:	SAM HEWETT, MANAGER ASSET SERVICES
FILE NO.:	14/01/1136-02
ATTACHMENTS:	ATTACHMENT #1 – MIDDLE PARK BEACH FACILITIES – CONCEPT PLANS, REPORT TO THE STRATEGY AND POLICY COMMITTEE (SEPT 2008) ATTACHMENT #2 - MIDDLE PARK BEACH FACILITIES SUPPLEMENTARY REPORT (SEPT 2008) ATTACHMENT #3 – CONCEPT PLANS FROM THE 3 FINALISTS.

1. PURPOSE

1.1 At the Ordinary meeting of Council on 23 March 2009, in response to a question from Councillor Klepner, Council resolved,

“That a report be prepared for Council in relation to Middle Park Beach on:

1. The status of the proposed toilet block to be constructed.
 2. The possibility of undertaking works in conjunction with the construction of the toilet block relating to the landscaping, shade structure and other works that were part of the concept design for public amenities and landscaping works at Middle Park Beach submitted by Aspect Studios/Gregory Burgess Architects.”
- 1.2 This report seeks to update Council on the progress of the design and construction of the public toilet at Middle Park Beach.
- 1.3 Council is asked to consider options available to it in relation to the landscaping of the Middle Park Beach around the public toilet.

2. RECOMMENDATION

That Council resolves to:

- 2.1 Note that a competitive process was conducted for the design of public amenities and open space at Middle Park Beach in 2008.
- 2.2 Note that Council declared Aspect Studios/Gregory Burgess Architects the winner of the design competition for Middle Park Beach.
- 2.3 Note that when Council made a decision to award the contract to Aspect Studios/Gregory Burgess Architects on 22 September 2008, they also resolved to “provide clear advice to the community that the landscaping component was not and is not part of the current project for construction and that there is no funding currently allocated to either design or construction of the proposed landscaping”
- 2.4 Note that the 2008/2009 Capital Works program includes \$94,000 for the design of the public toilet at Middle Park Beach and that \$330,000 has been provisionally budgeted for the construction of the public toilet and this will be considered by Council as part of the 2009/2010 Capital Works budget process.
- 2.5 Refer the landscaping component of the project to Council, along with all other capital works bids, for consideration as part of the 2009/2010 Capital Works budget process.

3. BACKGROUND AND CONTEXT

- 3.1 In 2006, the City of Port Phillip demolished the Harold Alexander Pavilion at Middle Park Beach which housed the Middle Park Life Saving Club, a kiosk, and other public amenities.
- 3.2 At that time Council requested that any future use of the site should include a public toilet.
- 3.3 Council’s Public Toilet Strategy (2007 - 2011) identified the public toilet priority sites across the municipality, one of which was the Middle Park Beach.
- 3.4 In 2008/2009 Council allocated \$50,000 as part of the Capital Works Program (later increased to \$94,000 via the Capital Works Project Board due to insufficient funds) to design a toilet for the Middle Park Beach.
- 3.5 In June 2008, an Expression of Interest was advertised for suitably qualified architects and designers “to take part in a limited design competition for public amenities and open space along the foreshore in Middle Park”. A total of 11 submissions were received from which a tender evaluation panel chose 3 to participate in the design competition – Hassell Architects, Aspect Studios/Gregory Burgess Architects and Zen Architects.
- 3.6 The 3 chosen architects submitted their proposals for community and Council consideration – Attachment #3 Concept Plans from the 3 Finalists.

- 3.7 Eighty Five residents attended community consultations held in July and August 2008 at the Mary Kehoe Centre. The three designs were displayed at local libraries and children from the Middle Park Community Centre were also consulted.
- 3.8 Based on community feedback and the online voting process, the clear popular choice was Aspect Studios/Gregory Burgess Architects.
- 3.9 On September 1, 2008 a report to the Strategy and Policy Review Committee recommended that Council resolve to;
- “Declare the Aspect Studios/Gregory Burgess concept design the winner of the Middle Park Sustainable Design Competition 2008”
 - “Proceed to detailed design and development of the Aspect Studios/Gregory Burgess concept plan”
- 3.10 A Supplementary Report to the Ordinary Meeting of Council on 22 September 2008 recommended Council resolve to;
- “Refer funding for the construction of the toilet to the 2009/2010 Capital Works budget process, unless alternative funds become available prior to that time”
 - “Provide clear advice to the community that the landscaping component was not and is not part of the current project for construction and that there is no funding allocated to either design or construction of the proposed landscaping”
- 3.11 The Capital Works Project Board was recently informed that the design stage of the public toilet project was on target for completion by June 30 2009. The project manager reports that detailed design drawings will be available within a month and that a formal request for Coastal Consent (to construct the toilet) to the Department of Sustainability and Environmental will be made shortly and no issues are anticipated. The project manager reports that it will be possible to go to public tender for the construction of the public toilet by July 1, 2009.
- 3.12 In the coming months, Council will decide upon a draft Capital Works Program for 2009/2010. Should Council choose, it may consider the landscaping component for this site as part of the 2009/2010 Capital Works Program.
- 3.13 The preliminary cost estimates of this landscaping design by the landscape architect (Aspect Studios) puts the cost of design and construction at approximately \$450,000. This has not been confirmed by a quantity surveyor.
- 3.14 Council has options available in order to deliver the landscaping component of the design proposed by Aspect Studios/Gregory Burgess Architects. Given the size and the location of the project, Council is advised that it would be very difficult to deliver the detailed design and the construction of the landscaping project in the same year.
- 3.15 Below is an approximate time line for the implementation of the landscaping at Middle Park Beach. These timelines are based on client manager and project manager estimations.

Project Milestones	Start Date	End Date
Project Planning	July 2009	July 2009
Concept Design Finalisation	July 2009	September 2009
Community Consultation	August 2009	November 2009
Detailed Design Development	November 2009	March 2010
Planning Consent – DSE, Heritage etc	March 2010	March 2010
Detailed Design Signoff	March 2010	March 2010
Tender	March 2010	April 2010
Tender Report to Council	April 2010	May 2010
Construction begins	July 2010	March - June 2011

NB - While it might be possible to speed up some stages of the above timeline, it would only mean that construction could start a little earlier. The construction timeline for a project of this size is estimated to be at least 9 - 12 months.

4. CONSULTATION AND STAKEHOLDERS

- 4.1 The concept designs of all three invited architects went to public consultation in July and August 2008. This included 85 people who attended the Mary Kehoe Centre consultations, the children from the Middle Park Community Centre and those who viewed the submissions at the Middle Park and Albert Park Libraries.
- 4.2 The winner was decided by popular vote through a survey and on line voting system. The Aspect Studios/Gregory Burgess Architects design was the clear winner.
- 4.3 Should Council decide to consider the landscaping component of the project as part of the 2009/2010 Capital Works Program, further consultation will be necessary with key stakeholders and residents through the detailed design stage of the project.
- 4.4 Council will be required to apply for Coastal Consent from the Department of Sustainability and Environment for the landscaping component of this project should it decide to proceed with design and construction. A positive response is anticipated.

5. DISCUSSION

5.1 OPTIONS

Recommended Option

- 5.1.1 It is recommended that the Landscaping of Middle Park Beach be referred to Council for consideration, along with all other capital bids, as part of the capital works program in 2009/2010.
- 5.1.2 In order to increase the chances of successful delivery of the landscaping component, it is recommended to split the delivery of the project over multiple years. That is, detailed design to be completed one year with the delivery of the construction stage in a future year. This approach is entirely consistent with the Capital Works Improvement Plan that states delivery of large and complex capital projects should be delivered in 3 stages (Concept Design, Detailed Design, Implementation).
- 5.1.3 It is possible to deliver the construction stage of the public toilet project in the same year as designing the landscaping component. However, it would be almost impossible to deliver the landscaping concurrently with the public toilet due to the size and complexity of both projects.

Option 2

Council may choose to direct the design and construction stages of the landscaping together (along with the construction of the Public Toilet) to the 2009/2010 Capital Works Program at an initial estimated cost of \$450,000.

This option has the advantage that it provides a clear statement of commitment to the project and Council's intent to deliver a significant upgrade to the foreshore at Middle Park.

The disadvantages of this option are:

- It is unlikely that the design and construction of such a significant landscaping project is possible in one year. This would almost certainly result in a roll over at June 30, 2010.
- By budgeting for the design and construction of the landscaping of Middle Park Beach in 2009/2010, it would mean that Council will be unable to fund other capital works projects currently under consideration for 2009/2010, which would have a higher probability of successful delivery.

Option 3

Another option would be to deliver a modest landscaping project in 2009/2010 to complement the construction of the Public Toilet. This modest intervention, at a cost of say \$50,000, would have a more realistic chance of being delivered within the 2009/2010 financial year.

This option would ensure that a landscaping intervention would integrate the public amenities with the foreshore.

The disadvantages of this option are:

- That there was a positive public response to the landscaping design proposed by Aspect Design/Gregory Burgess Architects and to deliver an alternative option might result in some community disappointment.
- This landscaping intervention would make less of a statement in this significant coastal location.

5.2 POLICY IMPLICATIONS

5.2.1 The process outlined in this report to consider the landscaping of Middle Park Beach as part of a capital works program is consistent with the process for other projects being considered by Council.

5.2.2 Council would also need to seek Coastal Consent from the department of Sustainability and Environment should it decide that it wanted to landscape the Middle Park Beach.

5.3 FINANCE / RESOURCE IMPLICATIONS

5.3.1 The construction of a Public Toilet on Middle Park Beach has been included, at a cost of \$330,000, for Council's consideration as part of the 2009/2010 Capital Works Program. Design fees for the toilet are expected to total an additional \$94,000 (funded in 08/09).

5.3.2 The initial cost estimate for the landscaping concept design proposed by Aspect Studios/Gregory Burgess Architects is \$350,000. In addition to this, an amount of approximately \$90,000 would be required to complete the detailed design of the concept. Should Council choose to refer the more modest landscaping project to the capital works program, a provisional amount of \$50,000 will need to be added.

5.4 LEGAL & RISK IMPLICATIONS

5.4.1 A competitive process was used to undertake the design competition for the Middle Park Beach Toilet and associated landscaping in accordance with Port Phillip's Guidelines for Tendering and the Local Government Act.

5.4.2 The only risk to either the public toilet or landscaping project is that Coastal Consent is not granted. From telephone conversations between the project manager, project sponsor and the Department of Sustainability and Environment, this is a low risk.

5.4.3 Should Council choose to refer the landscaping project to the 09/10 capital works program and fund both design and construction in the one year, a significant risk of rollover would exist.

5.5 SUSTAINABILITY ASSESSMENT

SOCIAL EQUITY

- This public toilet project delivers on the need identified in Council's Public Toilet Strategy (2007 - 2011) for a toilet on Middle Park Beach. The landscaping component will ensure the delivery of a foreshore upgrade project on Middle Park Beach which complements the re-nourishment of the beach at Middle Park completed in 08/09, along with upgrades to foreshore precincts in Port Melbourne, St. Kilda and Elwood in recent years.

ECONOMIC VIABILITY

- The delivery of any capital works program is monitored by the Capital Works Project Board which is chaired by the Executive Director Community Assets and Services. This process ensures accountability to organisational processes and ensures budgets are managed responsibly.

ENVIRONMENTAL RESPONSIBILITY

- The delivery of a public toilet and any associated landscaping will comply with Council's Environmentally Sustainable Design framework. This will include rain water harvesting for toilet flushing, water sensitive urban design for landscaping irrigation, natural ventilation, and the designs are cognisant of, and respond to, a corrosive coastal location.

CULTURAL VITALITY

- The delivery of an upgrade to this popular beach would ensure an inclusive space for all residents and visitors to Port Phillip's beaches. Any design must be inclusive and respect the views and aspirations of all.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

6.1.1 – Detailed design for the public toilet will be complete by May 2009.

6.1.2 – Coastal Consent for toilet construction will be sought in May 2009.

6.1.3 – Draft Capital Works Program 2009/2010 (for community consultation) will be complete by May 2009.

6.1.4 – Tender for public toilet construction in July 2009.

6.1.5 – Detailed design of the landscaping proposal could begin in July 2009.

6.2 COMMUNICATION

Key messages

- 6.2.1 Council will consider the construction of the public toilet for Middle Park Beach as part of the 2009/2010 Capital Works Program.
- 6.2.2 This public amenity will complement the recently re-nourished Middle Park Beach
- 6.2.3 The landscaping project proposed by Aspect Studios/Gregory Burgess Architects should be referred to Council for consideration, along with all other capital bids, as part of the Capital Works Program in 2009/2010.
- 6.2.4 The community will be able to comment on the draft Capital Works Program 2009/2010, including any landscaping proposal for Middle Park Beach, through the normal budget submission process.

**ORDINARY MEETING OF COUNCIL
27 APRIL 2009**

ORDERS OF THE DAY

ORDER 5	CARBON POLLUTION REDUCTION SCHEME - SUBMISSION AND ADVOCACY STRATEGY
EXECUTIVE DIRECTOR:	GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING
PREPARED BY:	LALITHA RAMACHANDRAN, SENIOR PROJECT MANAGER SUSTAINABILITY
FILE NO.:	
ATTACHMENTS:	1. SUBMISSION TO DEPARTMENT OF CLIMATE CHANGE INTO THE EXPOSURE DRAFT LEGISLATION OF THE CARBON POLLUTION REDUCTION SCHEME 2. SUBMISSION TO SENATE SELECT COMMITTEE ON CLIMATE POLICY (CONFIDENTIAL) 3. CARBON POLLUTION REDUCTION SCHEME - ADVOCACY STRATEGY

1. PURPOSE

1.1. This report presents two actions for Council to consider:

- Formal and public endorsement of Council's submission on the Carbon Pollution Reduction Scheme – respectively to the *Senate Select Committee on Climate Change Policy* on 8 April 2009, and to the *exposure draft legislation on the Carbon Pollution Reduction Scheme* (federal Department of Climate Change) on 14 April 2009 – see Attachments 1 and 2.
- Council's advocacy strategy to the federal government on recommended modifications to the Carbon Pollution Reduction Scheme – see Attachment 3.

2. RECOMMENDATION

That Council resolves to:

- 2.1. Endorse the submission to the Department of Climate Change in relation to the Carbon Pollution Reduction Scheme Exposure Draft Legislation, as detailed in Attachment 1,
- 2.2. Endorse the submission to the Senate Select Committee on Climate Change Policy as detailed in Attachment 2,

- 2.3. Endorse and action the Carbon Pollution Reduction Scheme - Advocacy Strategy that provides recommendations and options for Council to lobby the federal government in seeking modifications to the Carbon Pollution Reduction Scheme as detailed in Attachment 3,
- 2.4. Inform the Port Phillip community of Council's concerns and the actions being taken to seek modifications to the Carbon Pollution Reduction Scheme via website and media release.

3. BACKGROUND AND CONTEXT

- 3.1. In early March 2009, Council was briefed on the constraining effects of the proposed Carbon Pollution Reduction Scheme (CPRS) and its primary greenhouse abatement mechanism, the Emissions Trading Scheme (ETS). Key issues are:
 - Failure to account for voluntary community action - In summary, whilst the CPRS in its current form allows Australia to meet its binding Kyoto targets by 2012, it also poses several constraining factors on recognising greenhouse abatement efforts outside a market-based carbon permit system and additional to the ETS abatement target. It also threatens to disenfranchise community engagement in carbon reductions. Further, it does not recognise the value of activities such as energy efficiency in both reducing and preventing carbon emissions.
 - Impact on some council operations – Waste: the CPRS is anticipated to lead to rising landfill costs while limiting the capacity to consider alternative waste technologies. Sustainable Transport Infrastructure: fuel subsidies under the proposed ETS will act as a disincentive to introducing sustainable transport infrastructure and increase the use of road freight.
 - Targets inadequate to prevent dangerous climate change – The greenhouse abatement targets adopted for the CPRS (5-15% reduction on 2000 levels by 2050) will commit Australia to necessarily failing to do its bit to prevent a rise in global average temperatures to well above 2-2.5⁰ Celsius, which current science suggests will cause dangerous climate change.
- 3.2. It was agreed that Council should:
 - Endorse a CoPP submission to the draft exposure legislation on the CPRS
 - Receive information on available and effective advocacy approaches for Council to gain federal consideration of its desired modifications to the CPRS.

- 3.3. Subsequently, Council received the draft submission and recommended options for advocacy at a second briefing on 6 April 2009, and provided feedback on both papers.

4. CONSULTATION AND STAKEHOLDERS

- 4.1. Consultation already undertaken with regard to both the submission and Council's advocacy strategy include:

4.2. Internal:

- The submission and background information was provided to all relevant Business Units for input and modification to Council's recommended position. Units consulted are Transport & Traffic Management, Infrastructure Services, Governance & Risk Management, and Corporate Planning. Except for some minor modifications, officer consultation concurred with the recommendations of the draft submission presented to Council on 6 April 2009.
- Council's internal Energy Taskforce (involving all units responsible for carbon emissions or procurement of carbon-intensive activities) was briefed on the constraining effects of the CPRS on local government activities and the Council submission in late March 2009, and invited to provide comment.
- Council was briefed on the constraining effects of the CPRS on local government activities in early March 2009. Council was further consulted on the draft submission to the Department of Climate Change on the exposure draft legislation on the CPRS. All suggested modifications to the submission and advocacy strategy have been included. Council was also consulted on effective advocacy options to gain modifications to the CPRS in early April 2009.
- An additional submission has been provided to the *Senate Select Committee on Climate Change Policy*. This submission is a confidential Committee document until such as time as released by the Committee.

4.3. External:

- The Municipal Association of Victoria and the Victorian Local Governance Association have been provided with a copy of council's submission. In addition, they have been informed of Council's concerns and preferred position. Council officers have also verbally reinforced Council's position about the need for strong association representation on member concerns and Council's intended advocacy strategy.

- Council officer representation of concerns around recognising voluntary action as additional carbon abatement has also been reflected through strong submissions made by the Voluntary Carbon Markets Association.

4.4. It is proposed that planned advocacy over the next 3-5 months to the federal government include:

- Gaining effective lobby through Local Government Associations - the Municipal Association of Victoria, the Victorian Local Governance Association and the Australian Local Government Association;
- Influencing local state and federal parliamentary representatives to effectively present Council's recommended modifications to the most effective federal representatives and channels; and
- Influencing Senate representatives to advocate for appropriate amendment to the legislation during its passage through the Upper House.

5. OPTIONS

5.1. Option 1: Endorse a submission highlighting concerns with the CPRS and initiate an advocacy campaign to gain modifications

Council fully supports the federal government's commitment to internationally binding carbon reduction targets under the Kyoto Protocol and its intention to introduce a market cap on Australia's carbon production through an emissions trading system. However, Council believes that the design of the proposed CPRS is fundamentally flawed and actually limits Australia's capacity to achieve meaningful carbon reductions in a timely way that reduces the risk of dangerous climate change (preventing global mean temperatures reaching above 2-2.5⁰Celcius of the known conventional mean temperature). Of particular concern to Council is that a definite, if unintended, consequence of the CPRS in its current format will be to disenfranchise community activism and engagement in abatement actions.

Seeking modifications to the CPRS, as raised in Council's submission, will be a primary and viable strategy for achieving any amendments to the CPRS and its accompanying legislation before it is finalised through passage in the Lower and Upper Houses of Parliament.

5.2. Option 2: Do nothing

This is not a recommended option. Council is committed to continued community engagement and capacity building in actively reducing local carbon emissions.

6. POLICY IMPLICATIONS

6.1. Council's umbrella environment strategy, *Toward Zero*, illustrates commitment to actively reducing local carbon emissions and preventing the worst impacts of climate change. Council's framework for environmental

action also focuses on enabling and assisting significant and timely reductions in community carbon emissions. Whilst the proposed CPRS supports this in principle, it will also have the effect of rendering local action largely ineffective in reducing Australia's carbon emissions. This has major future implications for council's continued provision of community engagement and environment programs to local communities.

- 6.2. The targets in the proposed CPRS also fall short of clear science-based targets that dictate the level of abatement required and by when. This has major future implications for Council's climate adaptation actions as well as increased costs in some services and maintenance regimes (such as beach re-nourishment and cleaning, infrastructure maintenance).

7. FINANCE / RESOURCE IMPLICATIONS

- 7.1. The CPRS utilises a polluter-pays principle, which means that consumers will see a rise in costs. In the long-term, Council is likely to have some impacts from rising landfill costs. Council will also have to manage increased community costs from landfill waste management.

8. LEGAL & RISK IMPLICATIONS

- 8.1. The design of the CPRS is likely to disenfranchise community activism and engagement, with a risk in Council being perceived by the community as inactive on carbon reductions.
- 8.2. The CPRS' proposed targets are likely to mean a higher risk of dangerous climate change and will lead to higher risks and legal implications for local community and council assets, particularly after 2050.

9. SUSTAINABILITY ASSESSMENT

- 9.1. **SOCIAL EQUITY** - The preferred option provides a strategy for Council to actively resist the introduction of a CPRS that will devalue verified community abatement and may disengage community activism in favour of a modified Scheme that recognizes verified voluntary abatement and values social activism and inclusion in this important area. Council's requested modifications also seek a more just Scheme with better distribution of the costs back to polluters rather than consumers.
- 9.2. **ECONOMIC VIABILITY** - The preferred option takes a financially responsible and precautionary approach to ensuring that costs resulting from climate change are minimized and community resilience is built to ensure better local management of climate change risks.
- 9.3. **ENVIRONMENTAL RESPONSIBILITY** - The preferred option seeks to continue an environmentally responsible approach to ensuring national carbon reduction mechanisms. These mechanisms should provide local communities and municipalities with the best opportunity for achieving low-carbon and cost-effective greenhouse reduction activities.

- 9.4. CULTURAL VITALITY - The preferred option seeks to build on local cultural strengths (urban vitality, sense of place, pride of place) and value community efforts. It also seeks modifications the CPRS that will not disenfranchise community carbon reduction efforts.

10. IMPLEMENTATION STRATEGY

- 10.1. Timeline - As indicated under section 1.1 Purpose, the submissions are completed and were submitted by the respective due dates.
- 10.2. The recommended timelines and options for advocacy on the CPRS are outlined in Attachment 3.

11. COMMUNICATION

- 11.1. Council's submission asks that the proposed CPRS recognise complementary efforts such as voluntary abatement action as well as use current science-based targets to set the CPRS cap.
- 11.2. Council will strive to independently influence the 'voluntary actions' aspect of the final CPRS and also through joint advocacy with peak local government groups such as the MAV, VLGA and ALGA.
- 11.3. Council will continue to reduce its carbon footprint and also help the community to reduce its impact.