



**STRATEGY AND POLICY
REVIEW COMMITTEE
MINUTES**

6 APRIL, 2009

**MINUTES OF THE STRATEGY AND POLICY REVIEW COMMITTEE
OF THE PORT PHILLIP CITY COUNCIL HELD ON 6 APRIL, 2009 IN
THE COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.05 pm.

PRESENT

Cr. Klepner (Chairperson), Cr. Bolitho, Cr. Middleton, Cr. Thomann, Cr. Touzeau.

IN ATTENDANCE

Darrell Treloar CEO (Interim), Sally Calder Executive Director Organisation Systems & Support, Geoff Oulton Executive Director Community Development & Planning, David Yeouart Executive Director Community Assets & Services, David Filmlter Chief Financial Officer, Sam Hewett Manager Asset Services, Greg Wood Manager Community Services, Cathy Henderson Manager Governance and Risk Management, Ian Hicks Manager Culture and Recreation, Colin Langham Manager People and Culture, Darko Popovski Acting Manager Economic Development, Kirsten Hughes Coordinator Local Laws, David Graffen Property Coordinator, Jo Smale Coordinator Family and Children's Services, Heather Betts Coordinator Community Care, Norm McClelland Governance Advisor, Belinda Hayes Communications Consultant, Carmel Shute Media Officer, Sheena Frost Special Projects, Eva Parkin Business and Trader Liaison.

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

1. APOLOGIES

MOVED Crs Thomann/Bolitho

That apologies be received and leave of absence granted to Cr. O'Connor and Cr. Powning.

A vote was taken and the MOTION was CARRIED.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

MOVED Crs Touzeau/Thomann

That the minutes of the Strategy and Policy Review Committee held on 2 March 2009, be confirmed.

A vote was taken and the MOTION was CARRIED.

3. CORRESPONDENCE

Nil.

4. PUBLIC QUESTION TIME

Item 1

Ms Jill Quirk (representing Friends of Catani Gardens) and Ms Julianne Bell (representing Protectors of Public Land Victoria) addressed the council about possums and Catani Gardens. In summary their comments were:

- Possums do not damage palm trees; they do not carry fusarium wilt disease and they do not eat palm fronds.
- The council should not have acted to reduce the possum colony; the council wrongly relied on advice from a consultant and acted in contravention of the Wildlife Act 1975.
- Possums were sleeping in the traps until several weeks ago when the traps were removed - were those possums destroyed?
- Sporting events should be held in purpose built venues and not in the Catani Gardens.
- There is concern over the treatment of homeless people.
- Speed humps should be introduced on surrounding roads
- Bands on trees should be removed, and the council should call an amnesty and discontinue events in Catani Gardens until a Master Plan has been drawn up and recommendations made as to restoration and revegetation of the whole precinct.

Cr Bolitho asked that the range of matters raised by Ms Bell be the subject of a full response from the organisation. Cr Klepner referred the matter to the CEO (Interim) Darrell Treloar to be dealt with accordingly.

Item 2

Shane Dowling asked the following questions regarding the proposed Kyme Place Rooming House Development:

1. Was there a tendering process for the development of this site? How many tenders were received? If more than one, who were they?
2. Can council confirm that both Gary Spivak and Darren Ray were both on the board of directors of the Port Phillip Housing Association (PPHA) prior to and during the tendering process?
3. The original report recommending proceeding with the PPHA planning submission dated 7 April 2008 was co-authored by Gary Spivak, a director of PPHA whilst also employed as the housing development officer for the CoPP. Does the current council believe this is appropriate given the clear conflict of interest?
4. Does the current council concur with the previous council's decision to refer this matter to a Section 86 Panel?
5. When will council provide answers to individual's questions raised in submissions and at council meetings on the 19 May 2008 and 2 June 2008 respectively?
6. How many times has the Section 86 committee met and on what dates? Are the minutes of those meetings available for inspection?
7. Why has the Section 86 committee failed to consult with objectors prior to council staff making a recommendation to the committee?
8. Does the current council believe that all objectors should be engaged in consultation prior to the final decision? If so, when will this occur?

9. Will council clarify when the decision will be made in respect of this application?
10. What are the specific plans to provide alternative parking given the reduction of 1/3 of the current capacity?
11. In the current proposed plans, will there be any alterations to the existing parking conditions/restrictions?
12. Where will 40+ rubbish bins be placed for collection?
13. What provisions have been made to facilitate the collection of commercial waste collected on a daily basis?
14. The original proposal stated the sale of “air-space” protecting the original car park. However the submitted plans result in only 2/3 of the land remaining for car parking and 1/3 being used by the proposed development. Given this is a deviation from the original plans, is this acceptable to council given it is council owned land?
15. Does the current council propose to rely on 10-year old data in relation to the vehicle ownership by rooming house residents?
16. Will council make available the final copy of the environmental report?
17. Is there a construction management plan available for review?
18. Will council clarify the issue of ownership regarding the two properties – 2/63 Carlisle Street St Kilda and Units 1 & 2, 144 Nott Street, Port Melbourne?
19. How much did council receive and for how many car spaces from any persons for the Kyme Place car park?
20. In view of matters raised, Port Melbourne Alliance would like to invite councillors to visit the site to gain an understanding and appreciation of the issues in respect of this development.

Cr Klepner advised these questions will be taken on notice

Item 3

David Linden-Smith asked the following questions regarding the site of the proposed Kyme Place Rooming House Development:

I understand GHD drilled the site back in 2004 to determine what levels of toxins were present:

1. What were the results?
2. Where can I get the results?
3. Should the EPA have concerns and should they have been consulted?
4. Is ongoing EPA compliance being adhered to?
5. How independent is GHD as a drill contractor and what is their experience in this field?
6. Was there a council representative on the site at the time of drilling?
7. Can we access data and history of the foundry?
8. Is the current environment safe and what is in place to make sure contamination is not spreading or going to spread?
9. Is there any oil seepage from the car park built up over time in the soil?
10. Why was a previous development around the time of drilling stopped? Was it the cost to rehabilitate the area or was the area too toxic to develop after the results?
11. What is the cost to rehabilitate or prevent contamination spreading if a development was granted?

Cr Klepner advised that these questions will be taken on notice.

Item 4

Adrian Jackson made a number of comments about council response to questions raised, road closures, traffic and children's facilities. He asked if council would:

- Consider exercise stations for adults on the foreshore?
- Consider teaching children on bikes road rules by setting up a mini street setting?

Item 5

Les Rosenblatt asked the following question:

1. On 2 April 2009 a communication was sent to City of Port Phillip Councillors from people associated with the Community Alliance of Port Phillip, the Greens Branch of Port Phillip and Unchain Port Phillip regarding environmental issues and climate change. These groups requested input into the Council Plan before it is finalised to improve environmental components of the plan. When might the Groups receive a response to our communication to Councillors and a copy of the draft Council Plan?

Cr Klepner apologised for the delay in response from Council and assured Mr Rosenblatt that Council has placed a high priority on the proposal, considering it a sound one. Council would like to ensure this forum leads in a constructive way into the Council planning process. A draft is currently being prepared for circulation. Consultation with the community on the draft will begin mid May and Council has allowed a longer time for community response and feedback both at the early framing stage and at consultation stage, so Council is hoping that all groups will provide good input into that process.

Item 6

Stephen Boyall asked the following questions regarding Lady Forster Kindergarten:

1. Did Council consider that it is poor timing to have a childcare issue during the school holidays?
2. Could the Council acknowledge that in future more consideration should be given to the timing of future meetings?

Cr Klepner noted that the timing could be more convenient, but stressed that this meeting will make a recommendation to the full Council meeting so that if people haven't had the chance to be heard at this meeting, there would be a chance later in the month to be heard at the Ordinary Meeting of Council on 27 April 2009. Cr Klepner apologised on behalf of the Council for any inconvenience and acknowledged that some people have put themselves out considerably to be in attendance. Cr Klepner stated that Council would prefer not to be in these circumstances but it is a very important issue that Council wants to deal with and it will endeavour to take on board any comments that are made later in the month.

Item 7

Peter Tsetis asked the following questions regarding Lady Forster Kindergarten (LFK):

1. Why is the council pursuing this proposed plan when the current LFK committee, parents and other concerned community members have rejected this (refer to LFK petition)?

2. What legal rights does council have if in fact the LFK committee and parents reject this proposal?
3. Are there any alternative proposals that Council may seek if in fact the current proposal involving LFK is rejected?

Cr Klepner advised that these questions will be taken on notice.

Cr Thomann left the meeting at 6.55pm, returned at 6.57pm

Item 8

Jim Coates asked the following questions regarding Lady Forster Kindergarten:

1. How many preschool places (including both kindergarten and childcare) are currently available in both Lady Forster Kindergarten and Albert Park College Childcare and how many places will be available in the proposed new childcare facility created under each of the options?
2. Why has the option of taking part of the park (also Crown Land) to the south not been put forward?
3. Have any negotiations been undertaken with Port Melbourne Primary School to permanently locate the new early childhood hub on PMPs grounds and why was this option not discussed?
4. Why was this meeting held during school holidays and at extremely short notice?

Cr Klepner advised that these questions will be taken on notice.

Item 9

Andrew Cocking asked the following questions regarding Lady Forster Kindergarten:

1. Will Council assure that the Lady Forster Kindergarten (LFK) current philosophies such as play-based learning remain?
2. If the philosophies or standing practices of the LFK and that of Council and Education Department conflict, will the philosophies of the LFK take precedence? Will children still be permitted to climb trees? Will children be allowed to play outside without having to wear shoes if that is their wish?
3. Do you think this is a reasonable expectation to have the proposed Hub completed by October 2010, given that the displaced secondary school children of the area have waited years for their school to even start being constructed?
4. What plans has Council in place to cater for children for the period of time when the current LFK is decommissioned?

Cr Klepner advised that these questions will be taken on notice.

Item 10

Kathy Hondrogiannis asked the following questions regarding the Lady Forster Kindergarten:

1. Is Council alleging incompetence of the running of Lady Forster Kindergarten? Where is the evidence?
2. What is the reason for this action by Council?

Cr Klepner advised that these questions will be taken on notice.

Item 11

Wendy-Jane Anderson asked the following questions regarding the Lady Forster Kindergarten (LFK):

1. In reference to Item 1.2 of the report, who is asking Council to assume control of the land currently controlled by LFK?
2. In reference to Item 2.1 of the report, what does City of Port Phillip (CoPP) identify as the history and traditions of LFK?
3. In reference to Item 5.15 of the report, what policies/traditions of LFK does CoPP recognise as being consistent with CoPP, State and Federal government policies on the provision of quality education, health & care of families and children?
4. In reference to Item 5.1.3 of the report, what attempts beside LFK's attendance at 2 steering Committee meetings and private meeting with Mayor and Councillors including Greg Wood, has CoPP made to engage LFK in the consultation process?
5. In reference to Item 3.9 of the report, what other attempts has CoPP made to ensure a successful outcome for all stakeholders in the discussions with LFK? How many Councillors have visited LFK?
6. In reference to Item 3.10 of the report, what were the dates and what are the minuted outcomes of the discussions between CoPP and families at APCCC?
7. In reference to Item 3.11 of the report, how many other locations in Port Melbourne has the CoPP identified as having facilities for playgroups? How many playgroups currently operate in Port Melbourne? How many rostered playgroups (Occasional Child Care Model) operate in CoPP?
8. In reference to Item 3.13 of the report, if the CoPP MYEP plan has identified "the importance of maximizing children's access to the natural environment and Open Space as a key determinate in improving child development, health and wellbeing" – how will removing an open play space from one group of children at LFK be of any benefit to these children and does CoPP have any impact studies on effects of this removal on the children?
9. In reference to Item 5.3.4 of the report, if the hub located at 85 Liardet Street is a double storey facility, how does this not meet the Federal and State government broad reform agenda?
10. In reference to Items 5.2.4, 5.2.5 and 5.3.4 of the report, why is a 2 storey building not consistent with its proximity to Lagoon Reserve when one side of Lagoon Reserve is occupied by multiple multi storey buildings?
11. In reference to Item 5.3.3.3 of the report, what is the CoPP's purpose in including a comparison of the assumed outdoor play space between APCCC and LFK?
12. In reference to Item 5.6.4 of the report, why does the COPP want to disadvantage the human rights of LFK families and children by removing their existing outdoor play area?
13. In reference to Item 5.7.3 of the report, what process is CoPP putting into place to repair the damage to existing strong neighbourhood partnerships if the COPP proposal to adversely possess the site from LFK succeeds?
14. In reference to Item 3.15 of the report, CoPP assumes that LFK needs soil redemption – has CoPP sent a written request to LFK asking about the soil quality?
15. In reference to Item 4.6.1 of the report, has CoPP investigated the possibilities with the Department of Sustainability and Environment to have a very small parcel of Lagoon

Reserve transferred to Management of CoPP to extend the site at 85 Liardet Street which would be the best outcome for all the stakeholders?

16. In reference to Item 4.6.1 of the report, has the CoPP commissioned any surveys with Lagoon Reserve tenants and public users as to their opinion on the use of a small parcel of the reserve to create a larger play space for the children at APCCC?
17. In reference to Item 5.3.3.4 of the report, Council has stated in 3 sections that the building at LFK is declining in quality or has a limited lifespan, what documentation does CoPP have to support this claim?
18. In reference to Item 5.1.6.2 of the report, CoPP states 68 long day care places – does this mean 118 children will use the site for playing all day every day, or does the 68 include LFK long day places?
19. In reference to Item 5.1.3 of the report, why has CoPP not been successful in engaging LFK parents and Management in the project?
20. In reference to Item 5.1.7.3 of the report, the play area of 2000sqm for use by 118 children on a daily basis – what is the actual breakdown of the allocated play areas to the different facilities and will fences be placed to separate the play areas therefore negating the Open Space policy of the MYEP plan for the CoPP? LFK has no internal fenced play space and complies with MYEP.
21. In reference to Item 5.1.7.6 of the report, what are the sustainable design features of the new building? What is the carbon footprint regarding the sustainability of the materials used in the construction process?
22. In reference to Item 5.2.3.5 of the report, CoPP again makes an unsubstantiated statement about the declining LFK building and also makes a claim that it has prior knowledge that any funding LFK may seek from 3 tiers of government would not be available. What information does CoPP have to back up this claim?
23. In reference to Item 5.2.3.6 of the report, how long is the foreseeable future in actual measurable terms?
24. In the original funding submission to both State and Federal government, was it written that CoPP had management rights for the 3 sites in Liardet Street or was it made clear in the submission that 2 parcels in the site were under the management of LFK and only 1 site was under management of COPP? Was it written that the funding for this Hub be only linked to the Liardet Street site or available to any site deemed suitable by CoPP?
25. What other sites have been identified by CoPP as suitable for this Hub?
26. At the Steering Committee meetings why was CoPP's intention to adversely possess the LFK site not made clear by Greg Wood?
27. What safety precautions will the Council implement to protect the decontaminated land at LFK and the health and wellbeing of the staff, children and families and neighbours of the site when the site soil is being moved and the buildings being demolished which possibly contain asbestos?
28. What compensation structure is in place for families and neighbours who suffer any cross contamination from this process to their land or buildings and adverse health problems initiated by the decontamination of the site and the demolition and building process?

Cr Klepner advised that these questions will be taken on notice.

Item 12

Michele Williams asked the following questions regarding Lady Forster Kindergarten:

1. On several occasions the newspaper stated that the Federal Government, the State Government and the City of Port Phillip has committed \$4.5 million to the construction of the community centre on the land comprising 85 Liardet Street and the LFK land. Is this factually correct?
2. LFK had no understanding that the funding was based on the takeover of its land – why has it not previously been informed of this?
3. Where and when was it stated that the funding was given on this basis?
4. Equally the paper states that if the council is not able to use the LFK land, it will result in the loss of the federal funding – how can this be the case?
5. Why would the federal government provide funding on the basis of a false assumption that the council has control over the LFK land?
6. Shouldn't the Council have properly obtained funding on the basis of the land over which it currently has control?
7. Has the Council misled the Federal government into providing this funding?
8. Further, 5.3.3.5 states that the option that does not involve the LFK land is “inconsistent with Federal government funding” – what are the conditions of their funding, why was LFK not made aware of those conditions if it involves their land?
9. What community consultation has the Council carried out with respect to this proposal?
10. If the Council resolves to pass this recommendation LFK wants to know what its rights to be heard by Council are and also what the Council proposes to do with the LFK children for the period?
11. What is the appeal process that is available to the kindergarten?

Cr Klepner advised that these questions will be taken on notice.

Item 13

Russell Crowe asked the following questions regarding Lady Forster Kindergarten:

1. How does Council propose to recognise the history and traditions of the LFK since the proposal is to demolish the current building, cut down existing trees, take away current open space and completely change 80 plus years of history and tradition of LFK?
2. Why should LFK disclose any funding or their need to replace their current building?
3. How will open space be maximized in the context of this development, when open space will actually be taken away?
4. How will maximum play space be achieved?

Cr Klepner advised that these questions will be taken on notice.

Item 14

Joanna Peterson asked the following questions regarding Lady Forster Kindergarten:

1. How has natural justice and procedural fairness been met given proposed timeframes?
2. What representations were made to Federal and State government to obtain a commitment to funding when no agreement had been reached with LFK?
3. Council has resolved to support continuity of the features of LFK – will this include the fees which are significantly less than Council childcare?
4. Were remediation costs included in the proposal for funding and if not, why not?
5. How is the proposal that LFK cater to 113 children consistent with the interests of LFK as it doesn't have any children under 3 at present?

Cr Klepner advised that these questions will be taken on notice.

Item 15

Clinton Ford asked the following questions regarding Lady Forster Kindergarten:

1. What option studies, other than the use of the land surrounding LFK and affecting LFK, have actually been investigated by the Council?
2. What is the Council's position regarding the use of part of the Lagoon Reserve for the establishment of a Family and Children's Centre and hence significantly enhance the viability of option 2 and option 3?
3. What space evaluation studies have been conducted on the Lagoon Reserve to understand, if any, the impact of utilizing a portion of the open space to establish a "worth while" Children's Centre?
4. Does the Council endorse the significant loss of creative play space for LFK children, currently at an average of 54 sqm per child to an average of 17 sqm – some 68% space loss per child under the proposed option?
5. If Council were to develop a Family and Children Centre in replacement of LFK, what commitment do they have to maintain the same fee structure and price point for services offered?
6. Does the council feel any reputation risk in disenfranchising the more than 100 parents and residents whose children will be affected by such operational changes?
7. What is Council's plan to accommodate the more than 50 children who will be displaced by the development at LFK? What quality of interim services can be offered and how as parents will we have our choice of difference maintained?

Cr Klepner advised that these questions will be taken on notice.

Item 16

Megan Williams asked the following question regarding Lady Forster Kindergarten:

1. In reference to Item 5.6.4 of the report, please explain how family and children's human rights would be adversely affected if LFK remained as is?

Cr Klepner advised this question will be taken on notice.

Item 17

Kerry Ruse asked the following questions regarding Lady Forster Kindergarten:

1. What will the Council do to guarantee another comparable experience for my daughter to that of my son who attended LFK?
2. What other options have been explored rather than taking away what is so clearly a much loved and valued kindergarten?
3. Why, in an area that is clearly short of quality childcare places, does the only option appear to be to interfere with (at the protest of all LFK stakeholders) what has been a successfully run traditional kindergarten for the past 80 years?

Cr Klepner advised that these questions will be taken on notice.

6. PRESENTATION OF REPORTS

The order of business was as follows:

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

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

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

A4 - LIARDET STREET FAMILY AND CHILDREN'S CENTRE DEVELOPMENT OPTIONS

A2 - URBAN STUDIES CENTRE REFERENCE GROUP (USCRG)

A6 - REVIEW OF THE COUNCILLOR SUPPORT AND EXPENSE REIMBURSEMENT POLICY

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

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.

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

Ms Pearce is a business owner in Acland Street and urges Council to continue the special rate scheme for promotion to embrace and promote the cultural, colourful and artistic nature of Acland Street, to encourage families to visit Acland Street and to continue to foster a strong sense of community in this precinct.

MOVED Crs Thomann/Bolitho

That the Strategy and Policy Review Committee recommend 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.

A vote was taken and the MOTION was CARRIED

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.

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

- Reverend John Tansey (representing St Kilda Uniting Care Drop-In Centre, Port Phillip Community Group and St Kilda Legal Services)

Reverend Tansey stated that St Kilda Parish Mission is very actively involved in social justice issues, supporting the marginalised in the community but can no longer afford to subsidise the rental of current premises into the future. In order to help finance the development of a revitalized community hub, the church has determined to sell to council some of the property it holds.

In order to do this, four requirements must be met:

- The Public Acquisition Overlay needs to be removed
- Council is asked to ensure the ongoing use of the play area by children associated with the Parish
- An agreed financial arrangement with regards to the sale
- Council to make provision for car parking spaces for the development.

If the above are met, the Reverend Tansey urged Council to adopt the Recommendation in the report.

MOVED Crs Middleton/Touzeau

That the Strategy and Policy Review Committee recommend 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.

4. In the event that Council and the Church do not reach agreement in relation to the acquisition of the Land and the payment of compensation for the acquisition, a further report be prepared and submitted to Council.
5. Immediately following the transfer of land, Council proceed with removal of the existing Public Acquisition Overlay (PAO4) affecting land at 101 Carlisle Street, and 161 and 169 Chapel Street, East St Kilda, from Clause 45.01 of the Port Phillip Planning Scheme through:
6. Request the Minister for Planning to process the amendment to the Port Phillip Planning Scheme, pursuant to section 20(4) of the Planning and Environment Act 1987.
7. Authorise the Executive Director, Community Development and Planning to prepare amendment documentation for submission to the Minister in association with the amendment request.
8. Agree to provide access to shared parking facilities to the St Kilda Uniting Church as part of the St Kilda Family and Children's Centre development.
9. Declare "Attachment 3: Maximum Amount of Compensation Payable by Council (confidential)" as confidential in accordance with section 89 (2) (d) and of the Local Government Act 1989.

A vote was taken and the MOTION was CARRIED

**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.

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

- Les Rosenblatt

Mr Rosenblatt spoke about point 3.7 of the report relating to recyclable waste collection in Port Phillip and how it is difficult to deliver this service because of the considerable high density housing in the municipality. He stated that Council is not meeting the recycling targets set by the State government.

Mr Ray Liggett, Chairperson of the Audit Committee, presented the 2008 Audit Committee Annual Report to the Council

MOVED Crs Thomann/Touzeau

That the Strategy and Policy Review Committee recommend 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.

A vote was taken and the MOTION was CARRIED

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.

The following speaker made a verbal submission to this item:

- Melanie Collett

Children from the Albert Park College Childcare Centre have been housed in portable buildings at Port Melbourne Primary School for the last 12 months and the centre is currently losing staff and potential families because of these conditions plus there is a need to expand due to the urgent need for childcare in the City of Port Phillip. This is why a timely solution is required by the Management Committee, who would like to keep running the centre once the community hub is completed. The centre supports the recommendation to achieve the outcome that is in the best interests of the community and all children.

The following speakers made verbal submissions against this item:

- Fiona Hehir, Michele Williams, Stephen Boyall, Jim Coates, Sally Davison, Wendy-Jane Anderson, Andrew Cocking, Fraser Brown, Alison Prasser, Russell Crowe.

The aforementioned speakers made the following arguments as reasons for their opposition to the proposal:-

- Lady Forster Kindergarten (LFK) is a much loved kindergarten providing a very special service.
- Council's lack of appropriate notice in presenting the proposal to the community and the inappropriate timing of the consideration of the report (during school holidays).
- Council has not engaged in proper consultation with parents, committee members and staff of LFK regarding the proposal.
- Council has not properly explored other options in acquiring alternate sites other than that of LFK.
- LFK has not asked and will not in the future ask Council for funds to repair the current building, as indicated by Council in the report.
- How will Council retain the 80 year history and reputation of LFK?
- The unique quality of care offered at LFK, including the open space and sense of community.
- Whilst in support of a Children's Community Hub, speakers do not believe LFK should be included in that hub.

MOVED Crs Bolitho/Middleton

That the Strategy and Policy Review Committee recommend 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.

A vote was taken and the MOTION was CARRIED

Cr Klepner adjourned the meeting at 9.50pm.

The meeting resumed at 10.10pm.

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.

MOVED Crs Bolitho/Thomann

That the Strategy and Policy Review Committee recommend 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

A vote was taken and the MOTION was CARRIED.

A6 REVIEW OF THE COUNCILLOR SUPPORT AND EXPENSE REIMBURSEMENT POLICY

Purpose

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

MOVED Crs Middleton/Thomann

That the Strategy and Policy Review Committee recommend that Council resolves:

1. To 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.

A vote was taken and the MOTION was CARRIED.

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.

MOVED Crs Bolitho/Touzeau

That the Strategy and Policy Review Committee recommend 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.

A vote was taken and the MOTION was CARRIED.

**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.

MOVED Crs Touzeau/Bolitho

That the Strategy and Policy Review Committee recommend 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.

A vote was taken and the MOTION was CARRIED.

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.

MOVED Crs Middleton/Touzeau

That the Strategy and Policy Review Committee recommend 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.

A vote was taken and the MOTION was CARRIED.

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.

MOVED Crs Bolitho/Thomann

That the Strategy and Policy Review Committee recommend 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.

A vote was taken and the MOTION was CARRIED.

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.

MOVED Crs Touzeau/Middleton

That the Strategy and Policy Review Committee recommend that Council resolves:

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.

A vote was taken and the MOTION was CARRIED.

5. COUNCILLOR QUESTION TIME

Item 1

Cr Thomann asked a question of the CEO regarding the St Kilda Triangle Development and the timing of the release of the Development Agreement in a non-redacted form to the public?

The CEO advised that, as previously reported to the Council, Council Officers have worked with solicitors to modify the redacted agreement so that more clauses are made available to the public. That document has now gone to the Developer to approve the changes that have been made and council is waiting for the document to be returned. Once received it will need to be approved by the Department of Sustainability and Environment also and as soon as all parties are agreed the document can then be placed on the Council's website. No timing is in place at present.

Item 2

Cr Touzeau stated that she had spoken to a number of objectors from A4 (Lady Forster Kindergarten) and she suggested to them that it would be a good idea to hold meeting with Councillors, to which the objectors were very receptive. Cr Touzeau suggested to them a session in the afternoon on the first day back of term (20 April 2009) at 3pm. Cr Touzeau asked that Councillors and Officers attend and support the meeting and advised objectors that Council would provide a facilitator for the meeting.

Cr Klepner advised that on 20th April there is a budget session on that day and a 6pm Section 86 committee meeting regarding Kyme Place already scheduled but Councillors will liaise with the CEO to arrange another more convenient time. The CEO advised that changing the budget session time would not be the best outcome due to the pressure council staff are under to deliver budgets given the time constraints in place. The CEO also advised that Greg Wood Manager Community Services would be the correct person to facilitate and organise that meeting. Mr Wood sought clarification as to who the Councillors would like to attend the meeting and it was agreed that consultation would take place later in the week to determine this.

Item 3

Cr Klepner asked a question about the City of Port Phillip's submission on the draft exposure legislation of the carbon pollution reduction scheme (CPRS).

The following draft statement was submitted by Geoff Oulton Executive Director Community Development & Planning:

SUMMARY OF RECOMMENDATIONS – CITY OF PORT PHILLIP'S SUBMISSION ON THE DRAFT EXPOSURE LEGISLATION OF THE CARBON POLLUTION REDUCTION SCHEME (CPRS)

The City of Port Phillip has prepared a submission voicing its concerns and desired changes to the draft exposure legislation of the federal Carbon Pollution Reduction Scheme (CPRS). The submission is due by 14 April 2009 and Council will also formally consider for endorsement its submission at the end of this month (27th April). The submission recommendations are listed below.

Councillors will also advocate through Local Government Associations and directly to relevant Senators and Members of Parliament in an effort to gain desired changes to the CPRS.

- 1. The City of Port Phillip (CoPP) recommends modifications to the CPRS that set science-based targets, under which the mandated CPRS cap is accordingly set.*
- 2. Further, CoPP strongly recommends that initial greenhouse abatement targets be respectively set at a minimum of 30% less than 2000 levels by 2020, and 90% less than 2000 levels by 2050.*
- 3. The CoPP recommends that the design of the CPRS is strengthened to recognise voluntary action and to minimise unintended consequences on voluntary action.*
- 4. Further, CoPP recommends the development of a CPRS that utilises more than simply market-based mechanisms to gain valid greenhouse abatement and recognise voluntary action.*
- 5. The CoPP recommends that the CPRS recognise verified voluntary action as valid in extinguishing carbon pollution permits and Kyoto units, and as additional to the mandated target and its set annual permits.*
- 6. CoPP further recommends that mechanisms be developed within the CPRS that tighten Australia's national target and CPRS cap with such mechanisms to provide the best opportunity for genuine and accelerated greenhouse abatement.*
- 7. CoPP recommends that the design of the CPRS is strengthened through recognising community-based energy efficiency as necessary complementary measures to gain sustained greenhouse abatement.*
- 8. CoPP recommends that the design of the CPRS is strengthened to minimise the capacity of liable entities to use subsidies (free permits) and offsets as the primary abatement format for achieving annual reduction targets. Instead, the first five-year plan also needs to demonstrate real greenhouse reductions within the core business of industries liable under the emissions trading scheme.*
- 9. CoPP recommends that fuel subsidies are limited and that the design of the CPRS is strengthened through a range of complementary measures that increase investment in sustainable transport infrastructure.*
- 10. WASTE – Awaiting Infrastructure Services consultation with Metropolitan Waste Board to insert point and recommendation with regard to managing landfill waste.*

Cr Klepner enquired as to when the draft would be able to be distributed.

Geoff Oulton Executive Director Community Development & Planning, advised that although the draft was ready to go, perhaps it would be more appropriate to circulate the final submission with some media advice once the submission is lodged.

8. CHIEF EXECUTIVE OFFICER’S REPORT

Nil.

**9. REPORTS BY DELEGATES (COUNCILLOR) APPOINTED TO
OTHER BODIES**

Nil.

10. URGENT BUSINESS

Nil.

11. PRESENTATION OF CONFIDENTIAL REPORTS

Nil.

As there was no further business the meeting closed at 11.10pm

Confirmed: 4 May 2009

Chairperson: _____