



**STRATEGY AND POLICY  
REVIEW COMMITTEE**

**AGENDA**

**6 APRIL 2009**

## Welcome

*Welcome to this Strategy and Policy Review Committee Meeting of the Port Phillip City Council.*

*Committee Meetings are a useful way for Councillors to be presented with, and consider, a large amount of information, from which a recommendation to the full Council can be made. 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.*

*Each item has a report written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. The Committee will consider the report and either accept the recommendation or make amendments to it.*

*As this Committee does not have delegated authority, all decisions of the Committee are not final and will be presented to the next Ordinary Meeting of Council for further refinement and adoption.*

*A recommendation is carried if it receives majority support of the Councillors in attendance at the Committee 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 pursuant to section 223 of the Local Government Act and requested that she or he be heard in support of that written submission will be entitled to address the Committee.*

*If you would like to address the Committee 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 Chairperson's discretion, noting that time available may be limited.*



# **PORT PHILLIP CITY COUNCIL**

## **STRATEGY AND POLICY REVIEW COMMITTEE**

### **To Councillors**

Notice is hereby given that a Meeting of the **Strategy and Policy Review Committee** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Monday, 6 April 2009** commencing at **6.00pm**.

### **AGENDA**

- 1. APOLOGIES**
- 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**  
Minutes of the Strategy and Policy Review Committee held on 2 March 2009.
- 3. CORRESPONDENCE**
- 4. PUBLIC QUESTION TIME**
- 5. COUNCILLOR QUESTION TIME**
- 6. PRESENTATION OF REPORTS**
  - 6.1 Policy and Planning**
    - 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
  - 6.2 Governance and Compliance**
    - 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
    - A7 - Proposed Sale Of A Section Of Former Drainage Reserve No. R1621 At The Rear Of 17 Austin Avenue, Elwood
    - A8 - Proposed Discontinuance & Sale Of Right Of Way No's. R3193, R3195 & Cromwell Place, South Melbourne
    - 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
- 7. CHIEF EXECUTIVE OFFICER'S REPORT**
- 8. REPORTS BY DELEGATES (COUNCILLOR) APPOINTED TO OTHER BODIES**
- 9. URGENT BUSINESS**
- 10. PRESENTATION OF CONFIDENTIAL REPORTS**  
Nil.

Darrell Treloar  
Chief Executive Officer (Interim)  
1 April 2009

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**STRATEGY AND POLICY REVIEW COMMITTEE**

**6 APRIL 2009**

**POLICY AND PLANNING**

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

**LOCATION/ADDRESS: ST KILDA VILLAGE ACTIVITY CENTRE (ACLAND STREET AND SURROUNDS)**

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

**PREPARED BY: DARKO POPOVSKI, COORDINATOR ECONOMIC DEVELOPMENT**

**FILE NO.: 11/01/18-03**

**ATTACHMENTS:**

**ATTACHMENT 1: PUBLIC NOTICE**

**ATTACHMENT 2: FORMAL REQUEST FROM THE ST KILDA VILLAGE TRADERS GROUP FOR RENEWAL OF THE SPECIAL RATE LEVY**

**ATTACHMENT 3: PLAN DEFINING THE SPECIAL RATE PRECINCT**

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**1. PURPOSE**

- 1.1. 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.

**2. RECOMMENDATION**

- 2.1. Council 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.
- 2.2. That Council 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.
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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.

- 2.3. Council 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:
- 2.4. 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.

**3. BACKGROUND AND CONTEXT**

- 3.1. The current St Kilda Village Special Rate commenced on 1 July 2004 for a period of five years and is due to expire on 30 June 2009.
- 3.2. Council provides the proceeds of the Special Rate (currently totalling approximately \$120,000 per annum) to the St Kilda Village Traders Group Council entered into a formal agreement with the Traders Group that confirmed its role in expending the Special Rate funds in an administrative nature only and at all times under the direction of and for Council. Payment of the Special Rate funds to the Traders Group is conditional on entering into such an agreement.
- 3.3. The current Special Rate is used for marketing and managing the St Kilda Village Activity Centre (Acland Street and surrounds).
- 3.4. Some of the Trader Group's recent initiatives and achievements include:
  - Further enhancement of the St Kilda Village brand
  - Ongoing development of The St Kilda Village website [www.stkildavillage.org.au](http://www.stkildavillage.org.au)
  - Continuation of integrated marketing campaigns, events and competitions (aimed at capturing the essence of St Kilda along with networking events for businesses) – Essence of St Kilda Photography Prize, Tastes of St Kilda Recipe Competition, Essence of St Kilda Essay Prize, Melbourne Food and Wine Festival Tastes of St Kilda Teaser event, and a St Kilda Busking Festival.
- 3.5. St Kilda Village Traders Group also supports the St Kilda City Football Club, Sacred Heart Mission (through the Relish Recipe Book sales), St Kilda Beach Night Market, Yalukit Wilam Ngargee Indigenous Festival and Live N Local St Kilda Festival. The St Kilda Laughs Festival is a recent addition as is collaborating with existing Festivals such as Melbourne Food and Wine Festival.
- 3.6. St Kilda Village Traders Group has formally requested Council to re-introduce the special rate for a further five years (commencing 1 July 2009) and to

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extend the boundaries of the scheme to encompass the wider St Kilda Village Activity Centre (Attachment 2).

- 3.7. The proposed Special Rate scheme is designed to raise up to \$180,000 per annum. It will enable the implementation of an ongoing program of marketing, business development, business communication, networking, centre coordination and management. In particular, it will fund the ongoing engagement of a centre marketing coordinator.
- 3.8. A coordinated and collective approach is aimed at maintaining and improving the centre's performance over time. This includes increasing patronage and expenditure, business attraction and investment. The St Kilda Village Traders Group also provide an effective communication, engagement and advocacy role for individual businesses in the precinct and for the precinct as a whole.

This is considered to be of benefit both directly and indirectly to all businesses and property owners located within the designated area and the wider community. It is considered that the value of properties included in the scheme, their desirability as a letting proposition, and their general image will be enhanced.

- 3.9. Special Rates and Charge schemes for marketing, management and development are an important strategy for traditional centres such as St Kilda Village to revitalise and maintain ongoing viability. They provide a means to operate as a collective centre, coordinating activity similar to the "hard top" shopping centres under single ownership. Currently, there are more than 60 special marketing schemes operating in metropolitan Melbourne. There are three other schemes of this type currently operating in the City of Port Phillip – in Fitzroy Street St Kilda, and in the Port Melbourne and South Melbourne Activity Centres.
- 3.10. Council can declare a special rate under Section 163 of the Local Government Act 1989 ("the Act"). In declaring a special rate, Council must consider:
- That the proposal relates to the performance of a function authorised by the Act.
  - That there will be a special benefit to the persons liable to pay the special rate.
  - That there is a reasonable distribution of the rate amongst those persons liable to pay the special rate.
  - The total cost of the special rate including the annual amount which the Traders Group has budgeted to spend on various marketing and other activities as well as Council's administrative costs in relation to the special rate scheme.
- 3.11. Calculating the Special Rate
- 3.12. Under Section 163 of the Local Government Act 1989, the maximum amount of the special rate that is able to be levied based on a specified formula in the Act ( $R \times C = S$ ) where R is the total 'benefit ratio' which is the percentage of the total cost that Council determines is able to be levied, C is the total cost of the scheme and S is the maximum amount that can be levied.

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- 3.13. With regard to the 'benefit ratio', it is considered that all the properties used for retail, commercial and entertainment purposes in the proposed scheme will receive special benefit through increased economic activity. There are no retail or commercial properties within the Special Rate precinct which should not be levied.
- 3.14. It is estimated that the maximum annual cost of implementing the special rate is \$200,000. This includes the maximum annual amount of \$180,000 to be levied for marketing and management activities and \$20,000 to cover Councils administrative costs in relation to the scheme.

Council's administrative costs include preparing the scheme, declaring and levying the rate, collecting the contributions and forwarding the relevant amounts to the St Kilda Village Traders Group, entering into an agreement with the St Kilda Village Traders Group to administer the scheme, and assisting the Group with some of the programs to be run in the Activity Centre. However, it is not proposed that Council recover its administrative costs from liable properties, but see these as a contribution towards the economic development of St Kilda Village. Hence the proposal is to levy up to \$180,000, that amount required for the Association to market and manage the centre.

3.15. Boundaries of the Special Rate

- 3.16. The special rate will be assessed on the basis of ownership of rateable land used or zoned for retail, commercial, or entertainment purposes located in the area indicated in the attached plan (Attachment 4) and specified as follows:

- 46-170 (inclusive) and 65-193 (inclusive) Acland Street
- 167-231A (inclusive) and 136-218 (inclusive) Barkly Street
- 1-9 (inclusive) and 2-26 (inclusive) Belford Street
- 1-21 (inclusive) and 2-10 (inclusive) Irwell Street
- 7-31 (inclusive) and 2-32 (inclusive) Carlisle Street
- 22 and 25-49 (inclusive) Blessington Street
- 1-7 (inclusive) Shakespeare Grove
- 30-40 (inclusive) Jacka Boulevard
- 24-32 (inclusive) The Esplanade
- 14-18 (inclusive) Lower Esplanade

3.17. Expanded area of the proposed Special Rate

- 3.18. Over the last five years, the St Kilda Village Traders Group has worked with the businesses from the peripheral Special Rate precinct and assert that those businesses and the precinct as a whole will benefit from expanding the Special Rate precinct.

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- 3.19. The number of commercially rateable properties in the proposed area is approximately fourteen percent larger than the area covered by the current special rate scheme. The current area focuses primarily on the Acland Street – Carlisle Street – Barkly Street triangle, the west side of Acland Street between Shakespeare Grove and Barkly Street, and a few adjacent properties in Barkly Street, Blessington Street and Shakespeare Grove.
- 3.20. The additional area to be included in the proposed new scheme consists of properties between Acland Street and the Port Phillip Bay foreshore including Luna Park, the Palais Theatre, the Stokehouse and Donovans, the north side of  
  
Carlisle Street between Acland Street and the Home Travellers Motel at 32 Carlisle Street, the east side of Barkly Street between Vale Street and Velour at 184 Barkly Street (which is part of the current scheme). It is considered that retail, commercial and entertainment properties in these areas are part of the St Kilda Village Activity Centre and will receive a special benefit from the proposed special rate in the same way as properties currently in the scheme.
- 3.21. Accommodating changes throughout the life of the Special Rate
- 3.22. It is expected that properties within the special rate area will be added to or subtracted from the scheme as further redevelopments or other changes occur over the next five years. New properties within the Special Rate precinct will be added if they change to retail, commercial or entertainment uses. Properties will be deleted if they change to residential purposes. Amendments to the schedule will occur from the date a supplementary valuation changing its Land Classification Code is returned.

**4. SPECIAL RATE BENEFIT LEVELS**

- 4.1. The proposed Special Rate has been formulated to equitably share the cost of the scheme over the different land uses within the St Kilda Village Activity Centre. The proposed scheme is based to some extent on the current Special Rate scheme for Acland Street and its immediate environs with its four benefit areas. The Special Rate will continue to be assessed and levied during each of the five years on the basis of the rate in the dollar (as specified below for each of the four areas) applied to the Net Annual Value (NAV) of each property each year up to a total of \$ 180,000 per annum for all properties. The contribution from properties generally includes a 5% increase in both the 2008-09 rate in the dollar and the minimums currently applying to each benefit area.
- 4.2. The geographical area of the Primary Area remains the same. However, the Primary Area now includes both retail and office properties fronting Acland Street. The special rate formula to be applied is a rate of 0.00677 multiplied by the property's NAV, with a minimum contribution of \$630.
- 4.3. The Secondary Area covers ground floor properties with an Acland Street address that do not front Acland Street, above ground floor properties in Acland Street as well as ground level properties in key areas of the St Kilda Village Precinct close to Acland Street (e.g., Irwell Street, Belford Street, Shakespeare Grove, the south side of Carlisle Street and the west side of Barkly Street) and extending west to the Port Philip Bay foreshore. The special rate formula to be applied is a rate of 0.00406 multiplied by the property's NAV, with a minimum contribution of \$470.

- 4.4. The Tertiary Area covers above ground floor properties in the Secondary Area as well as ground level properties on the edge of the St Kilda Village Precinct (e.g. the north side of Carlisle Street, the east side of Barkly Street and the south side of Blessington Street). The special rate formula to be applied is a rate of 0.00299 multiplied by the property's NAV, with a minimum contribution of \$345.
- 4.5. The Quaternary Area covers above ground floor properties in the Tertiary Area as well as properties used for above ground signs and ATMs in the wider precinct. The special rate formula to be applied is a rate of 0.00032 multiplied by the property's NAV, with a minimum contribution of \$280.

## **5. CONSULTATION AND STAKEHOLDERS**

- 5.1. Internal consultation has included discussions about the proposal with:  
Executive Director of Community Development and Planning in relation to the timing and process for introducing the Special Rate and the Manager of Rates and Revenue in relation to reviewing the properties to be included in the Special Rate and their associated NAV valuation and calculation of the recommended Special Rate Formula for each of the four benefit levels.

## **6. EXTERNAL CONSULTATION**

- 6.1. The external consultation process included the distribution of a letter from the STVTG to all businesses in the area affected by the Special Rate. A copy of this letter forms attachment two.
- 6.2. The letter explained the details of the proposal as well as an outline of the SKVTG's recent achievements. The letter was accompanied by a form for businesses to indicate their support for the proposed Special Rate.
- 6.3. Members of the SKVTG Committee and the Centre Coordinator have followed up with affected businesses in the Activity Centre, to ascertain their attitude to the proposed Special Rate. At the time of writing this report, there is a reasonable level of support for the proposed special rate. Many businesses are still considering the proposal, and the SKVTG is continuing to build support prior to Council's consideration of the proposal on 27 April 2009.

## **7. OPTIONS**

- 7.1. At its ordinary meeting on 27 April 2009, Council can proceed with a decision to give public notice of its intention to declare the special rate. Submissions subsequently will be invited from property owners and occupiers about the proposed special rate. This enables Council to further gauge the opinions of property owners and occupiers affected by the proposal. Council then will decide whether to declare the special rate fully or partly following the hearing and consideration of submissions received.

## **8. POLICY IMPLICATIONS**

- 8.1. This proposal is supported by the Council Plan under the Economic Viability Pillar. This highlights Council's desire for traditional local shopping strips and centres to remain prosperous and service local needs.

**9. FINANCE / RESOURCE IMPLICATIONS**

- 9.1. Administrative costs will be incurred in the establishment of the special rate.
- 9.2. If the special rate is successfully introduced, it is intended that Council will provide the special rate proceeds to the SKVTG for expenditure on the marketing, management and development of the Activity Centre. A further formal agreement will be entered into between Council and the Traders Group confirming that:
- 9.3. The role of 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.
- 9.4. Council reserves to itself all discretions to the application of the proceeds of the special rate.
- 9.5. Council will not forward any proceeds of the special rate to the Association until such an agreement is entered into.
- 9.6. The Association will continue to be required to prepare a Business and Marketing Plan and an annual budget for the centre outlining how the Special Rate proceeds will be spent. A new Business Plan will be required given that there is an expansion of the Special Rate area. A copy of the plan, calendar of annual activities and budget must be provided to Council's Economic Development and Tourism Unit for approval.
- 9.7. Following approval of the new business and marketing plan, annual budget and compliance with other conditions specified in the payment agreement, Council will provide the St Kilda Village Traders Group with the special rate proceeds in two instalments. A key aspect of this agreement is that the St Kilda Village Traders Group continues to be an incorporated entity and acts in accordance with the Associations Incorporation Act 1981.

**10. LEGAL & RISK IMPLICATIONS**

- 10.1. There are limited financial and political risks for council, ameliorated by a range of arrangements to minimise risk.
- 10.2. The traders associations are required to enter into a formal agreement (driven by a business plan) with Council on the expenditure of special rate. This subsequently negates many of the risks that might arise through the possible irresponsible expenditure of special rates.
- 10.3. Council officers do not forward any proceeds of the Special Rate to the Association until such an agreement is entered into. Upon receipt of financial reporting documentation bi-annually (profit and loss, balance sheet and marketing activity report) the Special Rate funds would be paid to the Traders Group in two instalments per annum.
- 10.4. The role of 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. Council reserves to itself all discretions to the application of the proceeds of the Special Rate. Section 154

of The Local Government Act enables Council to discontinue the project of the Special Rate scheme in this circumstance.

- 10.5. It should be noted a political risk of Council not adopting the special rate within St Kilda Village is the expectation that complimentary marketing and promotional activities may be required within a commercial precinct. It may be suggested under this scenario that Council will be required to fund such services through its economic development function. Marketing and promotions is not currently funded through Council's existing professional services budgets.
- 10.6. The proposed special rate, with accompanying requirements and restrictions, is considered an appropriate and responsible method to support local traders.

## **11. SUSTAINABILITY ASSESSMENT**

- 11.1. The introduction of a marketing and management special rate is only one aspect of an overall process to revitalise and sustain the St Kilda Village Activity Centre. Traditional shopping and business centres are vital to a community's economic, cultural, social and environmental structure and can act as a community barometer, reflecting their values and aspirations. Global trends point towards a recognition that there needs to be a holistic approach to the revitalisation process and that economic outcomes do not occur in isolation to the social, cultural and environmental aspects. The proposed special rate will provide financial support to the St Kilda Village Traders Group to invest further in the marketing and management of the centre. Positive flow-on effects to the community can result in:
  - 11.2. Social and Cultural vitality – There is an opportunity to reinforce the Activity Centre as an important local community centre and 'gathering place' for St Kilda and nearby residents, thereby further developing social connectiveness and cohesion (e.g., 'a sense of belonging'). The development of the community's 'cultural capital' reinforces community values around the sense of place and meaning to the community particularly through the area's history and stories (e.g., festivals and celebrations). The positive interaction of community members can further lead to the development of a healthy community where there is trust, pride, and loyalty that enhances local lifestyle and has economic benefits.
  - 11.3. Economic Pillar – Positive business development through maintaining and improving the attraction of businesses and customers to the Activity Centre will create a multiplier effect contributing to business performance and development, investment, employment and increases in property values and rate revenues. The positive development of the environmental, social and cultural aspects can create a more self-reliant Activity Centre that is less affected by external economic factors.
  - 11.4. Environmental Pillar – There is an opportunity to work with the area as a collective to examine ways to 'green' the Activity Centre with particular relevance to waste minimisation, energy usage, sustainable design and greater use of transport other than motor vehicles. Additional opportunity exists to encourage local businesses and residents to seek local employment as well as local goods and services, thereby minimising the need for extended travel by car.

**12. IMPLEMENTATION STRATEGY**

12.1. Timeline and Communication

12.2. At the ordinary meeting of 27 April 2009, Council resolves to give public notice of its intention to declare the special rate at its ordinary meeting of 27 July 2009.

12.3. Public Notice of Council's intention to declare the special rate is to be advertised in the Port Phillip Leader after 27 April 2009.

Individual notices are to be sent within three days of this notice to all property owners and property occupiers who will be made liable for the special rate.

12.4. A person affected by the special rate may make a written submission (which may include in it a request to be heard) to the Council within 28 days of the publication of this notice. This will be considered in accordance with Section 223 of the Local Government Act.

12.5. It is proposed that Council hears and considers submissions at its Strategy and Policy Review Committee meeting on 1 June 2009. Following that, it is proposed that Council proceeds to adopt, modify or abandon the scheme at its meeting on 27 July 2009.

12.6. If the special rate is adopted in a full or modified form, notice of the special rate will be sent to affected businesses and property owners after this date. Property owners and businesses have 30 days to appeal to the Victorian Civil and Administrative Tribunal (VCAT) from the date of the notice.

12.7. If there are no valid appeals or any appeals are dismissed by VCAT, Council will commence collection of the special rate in 2009-10.

**13. CONCLUSION**

13.1. The Special Rate forms part of the Economic Viability Pillar to promote sustainable economic development that achieves the Council's social, cultural and environmental goals. It is intended that this strategy will maintain and improve the viability of the St Kilda Village Activity Centre over time, which is beneficial to businesses, property owners and the community generally. The Special Rate will enable the SKVTG Committee to take greater ownership and contribute positively and in partnership with Council to the future development of the St Kilda Village Activity Centre.

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**STRATEGY AND POLICY REVIEW COMMITTEE**  
**6 APRIL 2009** **POLICY AND PLANNING**

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**A2** **URBAN STUDIES CENTRE REFERENCE GROUP (USCRG)**

**LOCATION/ADDRESS:**

**EXECUTIVE DIRECTOR:** **GEOFF OULTON, EXECUTIVE DIRECTOR, COMMUNITY DEVELOPMENT & PLANNING**

**PREPARED BY:** **IAN HICKS, MANAGER, CULTURE & RECREATION**

**FILE NO.:** **06/08/10**

**ATTACHMENTS:** **1. USCRG TERMS OF REFERENCE**  
**2. TARGET AUDIENCE FRAMEWORK**

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## **1. 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.

## **2. RECOMMENDATION**

That the Strategy and Policy Review Committee recommend that Council resolve to:

- Note the process followed in calling for nominations for membership of a Reference Group for the Urban Studies Centre (USC) at Emerald Hill
- 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.
- 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

**3. BACKGROUND AND CONTEXT**

- 3.1 The Urban Studies Centre (USC) is expected to open in late 2010 in Bank Street, South Melbourne. It will offer integrated library and history services on site at Emerald Hill, off-site in the community and on-line.
- The Centre will incorporate a renewed library space to meet the existing and future needs for residents of South Melbourne and the surrounding neighbourhood.
  - In addition it will provide an accessible heritage and history research and display centre and associated services for residents, students and researchers.
- 3.2 A briefing to update Council on the topic of the USC was most recently presented in February of this year. The briefing provided history and context in terms of the life of the project to date. It also indicated the next key step to conclude the design process and enable the construction phase to commence was the identification and appointment of a builder.
- A further outcome of the briefing discussions was a re-affirmation of Council's commitment to maximizing utilization of the building (as a significant Council asset), and the project as a major initiative in terms of innovation in service development and delivery.
- 3.3 Sean Godsell Architects (SGA) - a high profile and award winning Melbourne based architecture firm - has been engaged to refurbish the existing heritage component of the building (Emerald Hill Post Office and Annexe), complimented by new building work which will house the core elements of the library collection and associated services.
- The design for the refurbishment and additional building work has been completed, with demolition and subsequent construction anticipated to commence by mid-2009.
- 3.4 The focus of the project is about to shift to operations, in particular completing the development of an Operational Plan for the Centre that will address the need for an appropriate range of programs and services to be delivered from the Centre. This mixture of programs and services is being framed with end-user groups very clearly in mind.
- The target audiences associated with the USC are outlined in the attached Audience Table.
- 3.5 To help facilitate this phase of the project, the City of Port Phillip undertook a process to engage interested members of the community to participate in an Urban Studies Centre Reference Group.
- 3.6 The key role of the Reference Group is to provide feedback on the library and history programs and services planned for the Urban Studies Centre, and offer advice on a public information campaign for engaging with all stakeholders.

- 3.7 Note that a further four members will be invited to participate in the Reference Group to provide subject specialist input from a professional/ cultural sector perspective (as described in the attached Terms of Reference).

#### **4. CONSULTATION AND STAKEHOLDERS**

In order to progress work on formulation of the USCRG, the following actions were undertaken:

- Terms of Reference for the USCRG were prepared in consultation with the Mayor, Cr O'Connor, Cr Bolitho, Coordinators Library Services and Arts and Festivals
- A Target Audience Framework has been developed to help guide the selection of members for the USCRG and ensure that participants have a good understanding of the diverse requirements of the people expected to use the Centre (see attached)
- Notices calling for Expressions of Interest in nominating for the Reference Group were placed in the Emerald Hill Weekly and the Port Phillip Leader newspapers on the 9/3/09 and on the CoPP website on the 10/3/09.
- Advice of nominations was circulated to networks in the community, including the Urban History Consultative Committee and some library users, and notices were also placed across Port Phillip Library branches. The closing date for nominations was 19/3/09.

Six responses were received by the closing date from individuals nominating for the USC Reference Group, all of which responded to the selection criteria on the nomination form as required.

The USCRG will also include four invited members with professional expertise in relevant topical areas such as public library use, community museums or history/heritage.

#### **5. DISCUSSION**

##### **5.1 OPTIONS**

The formation of the USCRG as indicated is presented as the only option.

The proposed Reference Group membership and structure is the most efficient and viable means by which to progress the operational requirements of the centre while construction work on the physical building commence, and to ensure both community and sector input is included in the process.

## 5.2 POLICY IMPLICATIONS

The expression of interest process identified the following selection criteria to be met for selection to the reference group, being:

- resident in CoPP
- availability for a minimum of 3 meetings from April until and the end of June 2009.
- passion for the successful delivery of a sustainable and innovative heritage and library centre offering traditional, new and integrated programs and services for diverse audiences
- knowledge as an active user of specific library or heritage services and programs, including those using new technologies
- awareness of what constitutes excellence in local library and history services
- commitment to local community building
- ability to work collaboratively and with complex issues

The above criteria are met by all candidates expressing interest.

The key policy driver that most directly relates to this project is the Creative Futures framework. This document clearly identifies the Urban Studies Centre project as both a significant strategic priority for Council, and a major contributor to the current and on-going work around place management in the neighbourhood, i.e. re-imagining Emerald Hill.

## 5.3 FINANCE / RESOURCE IMPLICATIONS

There are no significant financial or resource implications resulting from the recommendations contained in this report

## 5.4 LEGAL & RISK IMPLICATIONS

The key risk associated with this phase of the USC project is the potential for a lack of alignment between the physical building and the services and resources provided for the range of user groups who will be accessing the Centre.

The formation of a USCRG as proposed aims to directly address this potential risk by engaging with a representative group of users and industry experts in the drafting of an operational Plan for the USC

# 6. IMPLEMENTATION STRATEGY

## 6.1 TIMELINE

Subsequent to Council endorsement, successful applicants will be advised of their appointment to the Reference Group in the first week of May 2009.

6.2 COMMUNICATION

The key messages relating to the recommendations contained in this report are:

- Council is committed to the development of the Urban Studies Centre at Emerald Hill
- Council is committed to community consultation and engagement
- The USCRG membership will represent the range of audience groups anticipated to use the Centre

**STRATEGY AND POLICY REVIEW COMMITTEE**

**6 APRIL 2009**

**POLICY AND PLANNING**

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

**LOCATION/ADDRESS:** REAR 169 CHAPEL ST, ST KILDA

**EXECUTIVE DIRECTOR:** DAVID YEOUART EXECUTIVE DIRECTOR COMMUNITY ASSETS AND SERVICES

**PREPARED BY:** SHEENA FROST, SPECIAL PROJECTS COORDINATOR COMMUNITY SERVICES

**FILE NO.:** 36/02/39

**ATTACHMENTS:**

**ATTACHMENT 1: AERIAL PHOTO OF SITE OF PROPOSED ST KILDA FAMILY AND CHILDREN'S CENTRE**

**ATTACHMENT 2: PROPOSED ACQUISITION**

**ATTACHMENT 3: MAXIMUM AMOUNT OF COMPENSATION PAYABLE BY COUNCIL (CONFIDENTIAL)**

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**1. PURPOSE**

- 1.1 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.

**2. RECOMMENDATION**

That the Strategy and Policy Review Committee recommend that Council resolve to:

- 2.1 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)
- 2.2 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.

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- 2.3 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.
- 2.4 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.
- 2.5 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:
- Requesting 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.
  - Authorising the Executive Director, Community Development and Planning to prepare amendment documentation for submission to the Minister in association with the amendment request.
- 2.6 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.
- 2.7 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.

**3. BACKGROUND AND CONTEXT**

- 3.1 The Council supported the development of the St Kilda Family & Children's Centre, and its broader context as part of the St Kilda Town Hall Precinct in a decision of the May 2008 Ordinary meeting of Council. The relevant sections of the decision, as related to this report, were as follows:
- That Council supports the development of a new family and children's centre on the existing children's centre site at 171 Chapel Street, St Kilda. Council notes that this proposal has been subject to a feasibility design, costed at \$7million, but that the final design, including the configuration of services, will be determined by Council following advice from the St Kilda Family and Children's Centre Steering Committee established below.
  - That Council supports the future development of the St Kilda Parish Mission site, consistent with the objectives of the precinct plan including facilitating the co-location of community services, as defined by the Carlisle St Structure Plan.
  - That Council authorises the Chief Executive Officer to negotiate the purchase of land owned by the Uniting Church and currently used by the St Kilda Children's Centre.

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- That, as part of negotiations with the Uniting Church, Council considers its capacity to make available a number of car parking spaces to support development of the Mission site.
- 3.2 Council officers have been involved in negotiations with representatives from the St Kilda Uniting Church since that time. Negotiations have involved the size of the parcel of land, access to parking for the development on the Church site, valuation of the land in question and access to the land's proposed use as a playground after hours by the Church.
- 3.3 The land subject to the acquisition is currently leased from the Uniting Church, to provide an outdoor play space at the St Kilda Children's Centre.
- 3.3 The playground is located in part of the land contained in certificates of title volume 9482 folios 144 and 145 (Subject Land). (see Attachment 1)
- 3.4 The area in question is approximately 300sqm. The majority of the land is located immediately behind the St Kilda Uniting Church, and includes a narrow strip that fronts onto Carlisle St. (see Attachment 2)
- 3.5 The Uniting Church in Australia Property Trust (Victoria) (Church) is the registered proprietor of the Subject Land.
- 3.6 Council has obtained a formal valuation for the subject land.
- 3.7 A Notice of Intention to Acquire is consistent with this decision, as it can be effect by agreement is this occurs within six months of the Notice of Intention to Acquire (s18 LACA).
- 3.8 Council wishes to maximise available ground level outdoor space for children at its new integrated family and children's centre. To achieve this, acquiring the land on which the current playground is located would provide certainty to council to achieve this.
- 3.9 Council has no need for the balance of land subject to a public acquisition overlay, if the transfer of the subject land is affected.
- 3.10 The subject land is currently affected by a Public Acquisition Overlay pursuant to Clause 45.01 of the Port Phillip Planning Scheme. Council is the designated 'acquisition authority' for the stated purpose of 'community service/facility'.

The intent of the Public Acquisition Overlay is to identify land which is proposed to be acquired by an authority and to ensure that any use or development does not prejudice the purpose for which the land is to be acquired.

Following the transfer to Council of the rear portion of 169 Chapel Street, the Public Acquisition Overlay will no longer be required. The overlay can be removed from the Port Phillip Planning Scheme via a section 20(4) amendment, which does not involve a formal public notification process. This form of amendment is undertaken by the Minister for Planning at Council's request, and is recommended as an appropriate process for the removal of redundant scheme provisions.

- 3.11 It is Council's intention to continue to allow the Church access to the playground for its use on weekends when the new centre is complete.

#### **4. CONSULTATION AND STAKEHOLDERS**

- 4.1 The following people have been consulted and/or advised on this proposal:

- The St Kilda Uniting Church
- St Kilda Family & Children's Centre Steering Committee
- Council Property Coordinator
- Council Strategic Planning Coordinator
- Maddocks lawyers

- 4.2 Council's Property and Strategic Planning Coordinators have provided advice and support the wording of the recommendation.

- 4.3 Maddocks provided legal advice on the wording of the recommendation.

- 4.4 The St Kilda Uniting Church are supportive of the proposed use of the land Council intends to acquire, however the Church has indicated an agreement on acquisition is subject to certainty around securing car parking for their development. Provision of car parking can be made in the proposed basement of the St Kilda Family & Children's Centre.

#### **5. DISCUSSION**

##### **5.1 RECOMMENDED OPTION**

- 5.1.1 The recommended option is to proceed with a Notice to Intention to Acquire the land on which the majority of the playground is located.

- 5.1.2 As the Subject Land cannot be separated from the balance of the Church's land without being subdivided, a plan of subdivision under section 35 of the *Subdivision Act 1998* will need to be prepared and certified by Council in order to effect the acquisition. It is recommended Council engage a surveyor to prepare a plan of subdivision as soon as possible, so that the plan can be lodged for registration immediately following the publication of a Notice of Acquisition.

- 5.1.3 Council must serve a Notice of Intention to Acquire and Statement to Accompany Notice of Intention to Acquire on the Church, and any other person with an interest in the Subject Land.

- 5.1.4 Immediately after serving the Notice of Intention to Acquire, Council must lodge a copy of the Notice of Intention to Acquire with the Land Registry. The Land Registry will record Council's intention to acquire the Subject Land on the certificates of title to the Subject Land.

- 5.1.5 Not earlier than 2 months, but not later than 6 months after serving the Notice of Intention to Acquire, Council may proceed to publish a

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Notice of Acquisition in the government gazette and a local newspaper circulating in the general area in which the Subject Land is located. Upon publication of the Notice of Acquisition, ownership of the Subject Land will vest in Council.

5.1.6 Within 14 days of publication of the Notice of Acquisition in the government gazette, Council must make an offer of compensation to each person with an interest in the Subject Land. A certificate of valuation of the Subject Land is required to accompany an offer of compensation. The certificate of valuation must not be more than 6 months old.

5.1.7 Upon completion of the acquiring process, Council recommend the removal of the public acquisition overlay from the title remaining in the hands of the Uniting Church.

5.2 OPTION TWO

5.2.2 Council can decide to not proceed with the acquisition.

5.2.3 Not proceeding with the acquisition will mean the amount of ground level outdoor space for children at the new Family & Children's Centre may not be maximized to allow for the maximum number of registered children's services places on site.

5.3 POLICY IMPLICATIONS

5.3.1 The acquisition is consistent with Council's property strategy to hold land for service provision, and meet the current and future needs of the community.

5.3.2 The acquisition will allow Council to maximize the number of long day care places on the site, as well as provide maximum access to ground level outdoor play space for children attending the St Kilda Children's Centre.

5.3.3 Removal of the public acquisition overlay from areas of land council has no interest in for public purpose will increase the value of this land to the owner.

5.4 FINANCE / RESOURCE IMPLICATIONS

5.4.1 The budget for this purchase has been accounted for in the 2008/09 budget.

5.4.2 Council has received a sworn valuation by Council's valuers, Westlink Consulting.

5.4.2 Under the LACA Council would be required to provide a 10% solatium in addition to the market value of the land and reasonable costs, including subdivision costs

5.5 LEGAL & RISK IMPLICATIONS

- 5.5.1 Council is an acquiring authority under s187 of the Local Government Act
- 5.5.2 Council must follow the processes set out in the *Land Acquisition and Compensation Act 1986*.
- 5.5.3 Solicitors have been engaged to ensure the processes are carried out correctly
- 5.5.4 Council is required to assess compensation in accordance with factors identified at S41 of the LACA
- 5.5.5 The claimant can reject Council's compensation offer, but the LACA allows for the compensation to be forwarded to the claimant prior to an agreement on value being reached.
- 5.5.6 The main risk relates to the Uniting Church's willingness to negotiate and agree.
- 5.5.7 Maddocks Lawyers provided legal advice on the wording of the recommendation.

5.6 SUSTAINABILITY ASSESSMENT

SOCIAL EQUITY

- 5.6.1 The provision of ground level outdoor play space for children will enhance the St Kilda Family & Children's Centre, and provide better access to the development along Carlisle St.

ECONOMIC VIABILITY

- 5.6.2 In accordance with the LACA compensation is assessed as market value plus additional costs and payment as assessed by the LACA
- 5.6.3 Council has made provision for this purchase in the 2008/09 budget

ENVIRONMENTAL RESPONSIBILITY

- 5.6.4 The land will be retained as outdoor space for families and children.
- 5.6.5 The St Kilda Family & Children's Centre development is seeking high environmental design outcomes and greenstar accreditation.

CULTURAL VITALITY

- 5.6.6 The land will maximize the available outdoor space at the centre for use by families and children, including after hours and community use.

**6. IMPLEMENTATION STRATEGY**

6.1 TIMELINE

- 6.1.1 Upon Council endorsement, processes to commence subdivision and Notice of Intention to acquire will commence.
- 6.1.2 These processes can take up to six months, and not less than two months.
- 6.1.3 The process to remove the public acquisition overlay will follow.

6.2 COMMUNICATION

- 6.2.1 Council will communicate this decision directly to the Uniting Church in Australia and provide updates to stakeholders in the St Kilda Family & Children's Centre project.
- 6.2.2 Council's intention will be advertised in the local papers in accordance with the LACA, no earlier than two months after the Notice of Intention to Acquire is served.
- 6.2.3 Council is acquiring this land to secure maximum ground level outdoor play space for children attending the St Kilda Family & Children's Centre.

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**POLICY AND PLANNING**

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<b>A4</b>	<b>LIARDET ST FAMILY AND CHILDREN'S CENTRE DEVELOPMENT OPTIONS</b>
<b>LOCATION/ADDRESS:</b>	<b>85 LIARDET ST, REAR OF 85 LIARDET ST AND 186 ESPLANADE WEST, PORT MELBOURNE</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>DAVID YEOUART EXECUTIVE DIRECTOR COMMUNITY ASSETS AND SERVICES</b>
<b>PREPARED BY:</b>	<b>GREG WOOD MANAGER COMMUNITY SERVICES</b>
<b>FILE NO.:</b>	<b>36/02/40</b>
<b>ATTACHMENTS:</b>	<b>ATTACHMENT 1: AERIAL PHOTO OF 85 LIARDET ST AND 186 ESPLANADE WEST, PORT MELBOURNE</b>

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**1. PURPOSE**

- 1.1 For Council to consider progress to date and options for the construction of the new Liardet St Family and Children's Centre.
- 1.2 Council is being asked to assume control of land currently controlled by Lady Forster Kindergarten to facilitate the recommended option for this project.

**2. RECOMMENDATION**

That the Strategy and Policy Review Committee recommend that Council resolve to:

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 Include in the new facility include 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.

2.5 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.

2.6 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.

### **3. BACKGROUND AND CONTEXT**

3.1 The City of Port Phillip (CoPP), in partnership with the federal and Victorian governments has agreed to construct a new, state of the art, family and children's centre on land comprising approximately 3,700 sq m at the corner of Esplanade West and Liardet Street in Port Melbourne.

3.2 The site of the project comprises three parcels of Crown Land. CoPP is committee of management for the parcel known as 85 Liardet Street, Port Melbourne (Crown land Reserve 1204736). A traditional kindergarten operates from the other two parcels of land under the Crown land Reservation 1204270, known as 186 Esplanade West and rear of 85 Liardet St, Port Melbourne, for which the Lady Forster Kindergarten is the committee of management. The kindergarten is licensed for 50 places, including extended hours care.

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- 3.3 The land on which Lady Forster Kindergarten has Committee of Management status is around 2700sqm. Council's parcel is approximately 900sqm. The setting has the advantage of having a natural outlook and proximity to parkland creating a strong sense of open space.
- 3.4 As CoPP has agreed to construct this project on behalf of the three tiers of government, it is important that CoPP becomes the committee of management for the entire site to enable it to deliver the family and children's centre project with clear authority.
- 3.5 In 2005 & 2006 Lady Forster Kindergarten approached Council with a "Masterplan" for their site, involving the upgrade of its building. The plan indicated its current building had a lifespan of approximately 10 years.
- 3.6 The Masterplan proposed use of Council's parcel of land, in addition to its own two parcels of land to create space for a further 10 kindergarten places. The Masterplan also proposed demolishing the existing building and including meeting rooms and a consulting room for use of specialists such as a speech therapist.
- 3.7 A number of meetings, instigated by Lady Forster Kindergarten, were held between council officers and Lady Forster staff and committee members during 2005/06. Lady Forster Kindergarten was requesting access to 85 Liardet Street to provide additional services to their service users including space to run parent group education sessions and to create a parent resource library.
- 3.8 Council has now been advised the Masterplan concept is no longer the position of the Lady Forster Kindergarten Committee of Management. It has not been disclosed how Lady Forster Kindergarten proposes to fund a replacement for their current building.
- 3.9 Attempts to engage Lady Forster Kindergarten on the recommended proposal for an integrated centre, providing them a new facility from which to operate, have not been successful.
- 3.10 Staff and families from the Albert Park College Childcare centre have been involved in discussions around the new centre, and require a new location to be secured as a matter of urgency.
- 3.11 Locations for playgroups in Port Melbourne are in short supply. Playgroups currently operate from a room at the Port Melbourne Family & Children's Hub. Consultations with the architect have indicated the facilities for playgroups could be improved and additional services provided in a new facility at Liardet St.
- 3.12 Establishing integrated family & children's centres, and maximising resources through effective use of the infrastructure, have been identified as key actions of Port Phillip's Municipal Early Years Plan (MEYP).
- 3.13 The importance of maximizing children's access to the natural environment and open space has been identified as an objective of Port Phillip's MEYP and a key determinant in improving child development, health and wellbeing.

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- 3.14 Both federal and state governments have committed to a broad reform agenda for early childhood education and care which focuses on providing families with high quality, accessible and affordable integrated early years' services.
- 3.15 Council is aware that soil on its own site would require remediation, involving significant costs. Council has not had access to the land on which Lady Forster Kindergarten has Committee of Management to assess soil remediation requirements, however it is anticipated that there would be similar costs associated with these parcels of land as on the adjoining land managed by council.

**4. CONSULTATION AND STAKEHOLDERS**

- 4.1 The Liardet St Family & Children's Steering Committee has met twice to consider this project.
- 4.2 Membership includes staff and families of the Albert Park College Childcare Centre, Committee of Management member from Lady Forster Kindergarten, Port Melbourne Rostered Playgroup, Childcare Access Port Phillip, DEECD and councilors.
- 4.3 Architects have consulted with representatives from APCCC, Childcare Access Port Phillip and Port Melbourne Rostered Playgroup
- 4.4 Lady Forster Kindergarten is opposed to relinquishing their Crown Land reservation for the purposes of creating an integrated family & children's centre, including their service.
- 4.5 Lady Forster Kindergarten has been unwilling to engage on design of such a centre as a result.
- 4.6 Lady Forster Kindergarten has suggested part of Lagoon Reserve could be used to accommodate the new facility, instead of their Crown Land reservation
- 4.7 The Childcare Access Port Phillip representative on the steering committee has suggested a double storey option should be explored in the option two and three to maximize childcare places.
- 4.8 Albert Park College Childcare Centre representatives have emphasised the urgency of their situation, and expressed concern over two storey options relating to privacy and overlooking onto ground levels play areas.

**5. DISCUSSION**

**OPTIONS**

- 5.1 Recommended Option
  - 5.1.1 The three parcels of land constitute a significant community asset and a new facility across the site represents the best use of this asset in the community interest now and into the future.

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- 5.1.2 The three tiers of government have indicated that they are prepared to make a significant investment (\$4.5M) to construct a new integrated facility on this site
- 5.1.3 Attempts to engage the Lady Forster Kindergarten Committee of Management in full participation in the project have not been successful.
- 5.1.4 Clear authority over the land needs to be established to enable the construction to be properly managed. The federal and state governments have indicated their preparedness for the City of Port Phillip to manage the project on behalf of the three tiers of government.
- 5.1.5 The history and traditions of the Lady Forster Kindergarten should be recognised and council should 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.
- 5.1.6 The Liardet St Family and Children's Centre Steering Committee is continuing to work on planning for the new centre. Planning to date indicates that the new facility would include:
  - 5.1.6.1 A replacement of the 50 kindergarten places at Lady Forster Kindergarten,
  - 5.1.6.2 68 long day care places including replacing those from Albert Park College Childcare centre currently temporarily located at Port Melbourne Primary School,
  - 5.1.6.3 Maternal and child health consulting rooms including space for new parent groups,
  - 5.1.6.4 Space for playgroups,
  - 5.1.6.5 Orientation on the land to maximize the use of the natural environment by children.
- 5.1.7 This option has the following advantages:
  - 5.1.7.1 Provide a new facility from which Lady Forster Kindergarten can continue to operate, replacing a building with a limited lifespan
  - 5.1.7.2 Increases childcare places in Port Melbourne and ensure the Albert Park College Childcare centre can continue to operate
  - 5.1.7.3 Maximises available outdoor play space and access to natural environment at around 2000 sqm for use by all children attending the centre, and takes advantage of the natural setting.

- 5.1.7.4 Provides ample space to increase the services and facilities available to families and the community in Port Melbourne. Expansion of services include Maternal and Child Health consulting rooms, space for new parent groups and space for playgroups, which can be used as a space for community use after hours.
- 5.1.7.5 Achieves operational efficiencies for services using the centre, through shared provision of staff meal rooms, toilets etc.
- 5.1.7.6 Achieves improved environmental sustainability and reduced maintenance costs for the community by replacing aging infrastructure with a new facility built with strong Environmental Sustainability Design features.
- 5.1.8 The disadvantage of this option is the dissatisfaction of the Lady Forster Kindergarten in losing direct management responsibility for portions of Crown Land they currently occupy.
- 5.2 Option 2
  - 5.2.1 If council were restricted to land it controls then a Albert Park College Childcare Centre (APCCC) could be replaced on this site with a maximum of 35 to 40 Places
  - 5.2.2 This option has the advantages that it provides a permanent location for Albert Park College Childcare centre and that the state government's \$1.2M may continue to be available. It would also cost council less money.
  - 5.2.3 The disadvantages of this option are:
    - 5.2.3.1 Integrated, services would not be able to be provided.
    - 5.2.3.2 Federal government funding would be forfeited (\$1.6M)
    - 5.2.3.3 Children attending Albert Park College Childcare would have around 450 square metres of outdoor space available to them, as opposed to around 2300sqm for children attending the Kindergarten next door.
    - 5.2.3.4 Insufficient land size to expand services to the Port Melbourne community for the future, for example, no capacity to provide MCH services including new parent groups or spaces for playgroups to meet.
    - 5.2.3.5 This option does not address the declining quality of the Lady Forster Kindergarten building. It is unlikely that any additional funding would be available in the foreseeable future from any of the three tiers of government for rebuilding the kindergarten.

5.2.4 A variation of this option would be to build a second storey. This would enable some additional services to be accommodated e.g. maternal and child health and new parents groups but not playgroups

5.2.5 This variation would also have the disadvantages of more relative expense (require lift etc) and would not be consistent with its proximity to Lagoon Reserve, a park precinct.

### 5.3 Option 3

5.3.1 A third option would be to restrict the building to 85 Liardet St and the land to the rear of 85 Liardet. This option would leave the current Lady Forster Kindergarten building untouched on 186 Esplanade West

5.3.2 This option has the advantage of allowing more facilities e.g. maternal and child health and space for new parent groups to be included on the ground floor and would cost less than the recommended option.

5.3.3 The disadvantages of this option are:

5.3.3.1 Not enough room for playgroups

5.3.3.2 The shape and size of the land would impact on the design of the indoor and outdoor space – the building could not be orientated for maximum passive solar design.

5.3.3.3 Available outdoor play space for APCCC children would be 620sqm, as opposed to around 1400sqm for children attending the Kindergarten next door.

5.3.3.4 This option does not address the declining quality of the Lady Forster Kindergarten building. It is unlikely that any additional funding would be available in the foreseeable future from any of the three tiers of government for rebuilding the kindergarten.

5.3.3.5 This option is not consistent with the conditions for federal government funding for the project.

5.3.4 A variation of this option would be to build a two storey building. This would allow for playgroups to be included but has the disadvantages of additional expense (lift etc) and a two storey building in the park precinct.

### 5.4 POLICY IMPLICATIONS

5.4.1 The recommended option is consistent with a range of council policies regarding integrated services and facilities for children and their families.

5.4.2 Establishing integrated family & children's centres has been identified as a key action of Port Phillip's Municipal Early Years Plan (MEYP) i.e. 'establish a program of co-location for stand alone services such as Maternal and Child Health, kindergarten, childcare and related services.' The MEYP identified six goals that support the

establishment of these facilities in particular 'adopt a fully integrated approach'.

- 5.4.3 Council also adopted a Community Hubs Policy in 2004 which provides the framework for the planning and delivery of integrated family and children's services models for Port Phillip.
- 5.4.4 Council's Health Plan also promotes opportunities for greater social cohesion and integration of service provision as key determinants of improved health and wellbeing outcomes for children and families. The recommended option is also consistent with the Council Plan 2005-2009 goals to 'consolidate services and activities in community centres in key locations' and 'Bringing people together to make our city better'.
- 5.4.5 The recommended option is also consistent with the policies that underpin the establishment of the newly created, integrated State Government Department of Education and Early Childhood Development and the department's 'Blueprint for Education and Early Childhood Development' and related policies (e.g. Children First, Best Start, A Fairer Victoria, and Joining the Dots, Victoria's plan to improve outcomes in early childhood - National Reform Agenda).
- 5.4.6 The Australian Government has committed to a broad reform agenda for early childhood education and care which focuses on providing families with high quality, accessible and affordable integrated early childhood education and care (Draft Early Years Learning Framework, 2008).
- 5.4.7 Option 2, as a single purpose childcare centre, is not consistent with the council, state and federal government policies regarding integrated service planning and provision for the early years outlined above.
- 5.4.8 Option 3 includes some integration of services, in line with council policies, but the quality of the space is compromised by using only two blocks that are not of an efficient orientation or size for optimum design for long term community planning.
- 5.4.9 The three parcels of land, at a total land size of approximate 3600sqm is a rare asset to the community for use for educational and family services. Short of parkland being used for such a service, similar size parcel of land is unlikely to be available for future community use.

## 5.5 FINANCE / RESOURCE IMPLICATIONS

- 5.5.1 The recommended option provides best outcome for the long term community needs in the most cost effective, and environmental sustainable manner.
- 5.5.2 The recommended option is consistent with federal and state government funding requirements (\$2.8M federal and state funding in total).

- 5.5.3 The draft capital works program for 2009/2010 provides for \$1.7M of Council funding consistent with the recommended option.

5.6 LEGAL & RISK IMPLICATIONS

- 5.6.1 State and federal funding was based on provision of integrated early years' services. Options 2 and 3 would involve Council forfeiting Federal Government funding of \$1.6M to deliver an integrated family & children's centre in the Port Melbourne community.
- 5.6.2 Options 2 and 3 are not consistent with State Government policy on creation of integrated services. However state funding may still be available, as the \$1.2M was earmarked for the replacement of APCCC.
- 5.6.3 There is a risk to the City of Port Phillip's reputation to deliver quality integrated family and children's services infrastructure, if the recommended option were not to proceed.
- 5.6.4 Family's and Children's human rights are best catered for by the provision of quality integrated services as provided for in the recommended option.

5.7 SUSTAINABILITY ASSESSMENT

SOCIAL EQUITY

- 5.7.1 The recommended option has the potential to provide additional integrated, affordable and accessible care, education and health services to children, their families and the local community. Increased opportunities for community connection and friendship would be created.
- 5.7.2 Flexible facilities would allow for greater adaptability of the physical environment as community needs change over time. Actively engaging the community and local service providers in the planning for this model of service provision would ensure its relevance to the local community now and into the future.
- 5.7.3 Strong neighbourhood partnerships and integrated service provision will ensure long term flexibility, sustainability and quality services for the Port Phillip community.

ECONOMIC VIABILITY

- 5.7.4 The recommended option will seek to maximise council's finite resources and, through more effective and flexible use of facilities, would reduce costs of providing services to the local community.
- 5.7.5 The development of additional integrated family and children's centres will increase the longer term sustainability and viability of the early childhood care, education and health sector. Consolidating administrative aspects and processes would increase efficiencies. There could be opportunities to utilise staff across a range of services

and programs as well as resource staff and families in a more effective manner.

#### ENVIRONMENTAL RESPONSIBILITY

- 5.7.6 The recommended option, through the design and operations of more suitable premises, will demonstrate significant environmental improvements and increased sustainability compared to what is achievable with the existing buildings.

#### CULTURAL VITALITY

- 5.7.7 The recommended option would enable families to be better connected to supportive networks from the birth of their first baby.
- 5.7.8 Integrated facilities, with a range of universal and specialist services, would have increased capacity to respond to children and families with additional needs, those from culturally and linguistically diverse backgrounds and families in complex situations. Integrated facilities support lifelong learning, from birth.

### **6. IMPLEMENTATION STRATEGY**

#### 6.1 TIMELINE

- 6.1.1 April 2009: Request Minister to transfer Committee of Management
- 6.2.2 June 2009: Steering Committee to finalise recommended design for council consideration
- 6.2.3 October 2009: Council to award tender for construction
- 6.2.4 October 2010: Target for completion

#### 6.2 COMMUNICATION

##### Key messages

- 6.2.1 There is plenty of land for all children to share on the three parcels of land located at the corner of Esplanade West and Liardet Streets.
- 6.2.2 Council values the traditions and history of Lady Forster Kindergarten and in recognition of the limited lifespan of its existing building, wants its services to continue from a high quality family & children's services centre.
- 6.2.3 Council is committed to providing a new location for the Albert Park College Childcare centre.

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- 6.2.4 Council is committed to the delivery of high quality integrated family & children's services, in partnership with the federal and state governments, to support their policies of early years' reform.
- 6.2.5 The integrated model will deliver more childcare places, more playgroup spaces and more maternal and child health services for the community.
- 6.2.6 The use of the three parcels of land will allow council to deliver a community asset that respects the 80 years of education tradition on the site, while looking forward to delivering improved services for families over the next 80 years.
- 6.2.7 Council will continue to work with all key user groups and the community to achieve an outcome in the best interests of the community.

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<b>STRATEGY AND POLICY REVIEW COMMITTEE</b>
<b>6 APRIL 2009</b> <b>GOVERNANCE AND COMPLIANCE</b>

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<b>A5</b>	<b>AUDIT COMMITTEE ACTIVITIES UPDATE &amp; PRESENTATION OF THE 2008 AUDIT COMMITTEE ANNUAL REPORT TO COUNCIL</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER EXECUTIVE DIRECTOR ORGANISATION SYSTEMS &amp; SUPPORT</b>
<b>PREPARED BY:</b>	<b>NORM MCCLELLAND GOVERNANCE ADVISOR</b>
<b>FILE NO.:</b>	<b>34/04/37</b>
<b>ATTACHMENTS:</b>	<b>2008 AUDIT COMMITTEE ANNUAL REPORT TO COUNCIL</b>

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**1. PURPOSE**

- 1.2 To present to Council the City of Port Phillip Audit Committee Annual Report for 2008.
- 1.3 To bring to the attention of Council the matters discussed at the February 2009 meeting of the Audit Committee.
- 1.4 A copy of the Annual Report is attached.
- 1.5 The minutes of the February 2009 meeting have been circulated to all Councillors.

**2. RECOMMENDATION**

- 2.1 That the Strategy and Policy Review Committee recommend that Council 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.
- 2.2 That the Strategy and Policy Review Committee recommend that Council 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.

**3. BACKGROUND AND CONTEXT**

- 3.1 The City of Port Phillip Audit Committee Terms of Reference require that the Audit Committee report annually to Council, summarising the activities for each year. The attached Annual Report encompasses the activities of the Audit Committee from January 2008 to February 2009.
- 3.2 Council resolved on 18 December 1996 that it be advised of all matters considered by the Audit Committee. This report advises Council of matters discussed at the meeting held on Tuesday 17 February 2009.
- 3.3 The Best Practice Guidelines for Local Government Entity Audit Committees and Internal Audit, November 1999, recommend:
- that minutes and a report explaining specific recommendations and key outcomes should be forwarded to the next Council meeting after each Audit Committee meeting; and
  - that Audit Committees should report annually to their Councils summarizing their activities.
- 3.4 This report complies with the requirements of the Audit Committee Terms of Reference, the Council resolution and the Best Practice Guidelines for Local Government Entity Audit Committees and Internal Audit.
- 3.5 The tenure of the Committee is ongoing as Council is required by section 139 of the *Local Government Act 1989* to have an Audit Committee.
- 3.6 Attached is the Annual Report of the Audit Committee for 2008. The report details the activities undertaken at the four meetings in 2008 and the meeting in February 2009, and specifically contains reviews and outcomes of the internal audits conducted during 2008, the major issues addressed by the Committee and how the Committee fulfilled its responsibilities within its Terms of Reference.
- 3.7 Matters considered by the Audit Committee at its February 2009 meeting were:
- Annual Work Plan – the Committee received a copy of the 2008 work plan and was advised that the majority of matters had been dealt with. The 2009 work plan will be provided to the Committee at the next meeting.
  - Internal Audit Program – the Committee discussed the development of the program and recommended that the Council's internal auditor undertake a risk review to assess the robustness of Council's risk management framework and to inform proposals around the internal audit program, as well as, review Council's contracts and tendering processes. The Committee was advised that all audits on the 2008 internal audit program had been completed.
  - Leave Accruals – the Committee received an update about the number of staff with excessive balances of accrued annual leave (above 40 days) as at the end of January 2009. The new members on the Committee were advised that even though this was not a significant issue the Committee had made a

commitment to the external auditor to review excessive leave balances. Management was requested to investigate whether reporting equivalent full-time days was possible as the statistics were distorted by leave owing to part-time employees who worked a small number of hours. A further report will be provided for the next meeting.

- Attestation to Major Non-compliance – the Committee was advised that Council’s compliance focus has been on the contracts and tendering processes. The Committee was told what had been done to address shortcomings in the contracts and tendering processes. The Committee was advised that the Coordinator of the new Contracts and Tendering Unit would attend the next Committee meeting to discuss the implementation of improvements to the contract and tendering processes and to outline the way forward. The Committee was advised that the Municipal Association of Victoria had identified compliance as a sector wide issue and had sourced a supplier of computer software to assist with attestation of non-compliance.
- Management of Leased Properties – the Internal Auditor stated that Council has significant holdings of property and the management of these was operating less than satisfactorily and that Council had already identified this and was taking action to address the problems. The Committee noted that the target dates to implement the audit recommendations had passed and the Committee was advised that the majority of audit recommendations had been implemented. A Property Board was established and first met in October 2008 and the Board would provide a status report on the management of leased properties to the Audit Committee after June 2009.
- Recyclable Waste Collection – the Internal Auditor stated that there are challenges in delivering a recyclable waste collection service in suburbs where there is high density living – multitude of flats, units, etc. The auditor recognised that the service was being delivered in a framework of overall sustainability, but that Council could not reach the targets set by the State Government. Overall, the auditor stated that the recycling service was being conducted appropriately and that there were no “high” or “significant” risks. The Committee was advised that there needed to be further Council discussions about the service and the targets.
- Compliance with the Council Road Management Plan – the Internal Auditor stated that in accordance with the *Road Management Act 2004*, Council is required to have a plan setting its maintenance standards and inspection regimes, and that Council is required to comply with its plan. The auditor raised four issues relating to process of inspections, monitoring of contractors compliance, tree inspection plan and timeframes to rectify road maintenance defects. The Committee requested that management report back after 30 September 2009 on the progress to implement the audit recommendations.
- Payroll Review – the Internal Auditor stated that the control framework for payroll was of a reasonable standard and that Council has strong reporting processes. The Committee

discussed matters relating to master file changes and approval of new employees. The Committee noted the report.

- 2008 External Audit Management Letter – the Committee received a copy of the 2008 Management Letter from the external auditor. An explanation was provided to the Committee about the purpose of the letter and the responsibilities of the external auditor. The Committee was advised that the audit recommendations in the letter have been addressed by Council management. The Committee requested that the external auditor be invited to the next meeting to outline the external audit strategy for 2009.
- 2008 Audit Committee Annual Report – the Committee was advised that the draft report would be updated with comments provided by the Chairperson and the matters considered by the Committee at the February 2009 meeting.

#### **4. CONSULTATION AND STAKEHOLDERS**

##### 4.1 Internal

- Council staff are invited to attend Audit Committee meetings or submit reports to address specific issues on the agenda.
- During 2008 the Mayor and Deputy Mayor were the Council representatives on the Audit Committee. The same representation will apply for 2009. The CEO is invited to attend meetings as a guest.

##### 4.2 External

- Where appropriate, the Audit Committee will invite representatives from external organisations, namely auditors, insurers, etc., to seek information and/or clarification on various matters.
- There are two external members on the Audit Committee, one being the Chairperson.
- Council's Internal Auditor attends all meetings of the Audit Committee and provides information and advice as requested.

#### **5. DISCUSSION**

##### 5.1 OPTIONS

- This report does not require any action by Council, it is provided for information of the Council.

##### 5.2 POLICY IMPLICATIONS

- This report is presented in accordance with the Terms of Reference of the Audit Committee and in response to a previous resolution of Council. The recommendation of this report has no impact on existing policy, nor does it create any new policy.
- The Terms of Reference of Council's Audit Committee can only be amended by a resolution of the Council.

- Council is required by section 139 of the Local Government Act 1989 to establish an audit committee as an advisory committee of the Council

**5.3 FINANCE / RESOURCE IMPLICATIONS**

- The 2008 Audit Committee Annual Report and the matters considered by the Audit Committee at its February 2009 meeting have no immediate resource implications.

**5.4 LEGAL & RISK IMPLICATIONS**

- One of the objectives of the Committee is “effective management of financial risks”. The approach by the Committee is that management is required to put in place internal controls to manage and minimise, or where possible eliminate, Council’s exposure to risk.

**5.5 SUSTAINABILITY ASSESSMENT**

**SOCIAL EQUITY**

Some of the matters dealt with by the Audit Committee are concerned about the well-being and safety of the community. The Risk Management project for example not only deals with risks, both financial and non-financial that directly impact upon Council, but is also designed to discover risks in the community over which Council may have some influence.

**ECONOMIC VIABILITY**

Audits undertaken by the Internal Auditor contain comments regarding cost issues that will come under the close scrutiny of the Audit Committee. Furthermore, the Audit Committee has in the past encouraged Council to question the relevance of the services it provides.

**ENVIRONMENTAL RESPONSIBILITY**

Where possible the Audit Committee will question staff about environmental impacts that may eventuate as a result of the activities of the Council.

**CULTURAL VITALITY**

The Audit Committee is concerned that the organization has in place processes that promote good corporate governance so that the operations of the Council are transparent, as well as, effective.

**6. IMPLEMENTATION STRATEGY**

N/A

**STRATEGY AND POLICY REVIEW COMMITTEE**  
**6 APRIL 2009** **GOVERNANCE AND COMPLIANCE**

A6 REVIEW OF THE COUNCILLOR  
SUPPORT AND EXPENSE  
REIMBURSEMENT POLICY

LOCATION/ADDRESS: N/A

EXECUTIVE DIRECTOR: SALLY CALDER  
EXECUTIVE DIRECTOR ORGANISATION  
SYSTEMS & SUPPORT

PREPARED BY: NORM MCCLELLAND  
GOVERNANCE ADVISOR

FILE NO.:

ATTACHMENTS: DRAFT COUNCILLOR SUPPORT AND  
EXPENSE REIMBURSEMENT POLICY

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**1. PURPOSE**

- 1.1. Council is requested to:
- 1.1.1. review, and amend if required, the draft Councillor Support and Expense Reimbursement Policy (attached); and
  - 1.1.2. adopt the policy to comply with the requirements of the *Local Government Act 1989* (the Act).

**2. RECOMMENDATION**

- 2.1. That the Strategy and Policy Review Committee recommend to Council:
- 2.1.1. 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
  - 2.1.2. 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.

**3. BACKGROUND AND CONTEXT**

- 3.1. Council must reimburse Councillors for reasonable, bona fide, out-of-pocket expenses incurred in the performance of their official duties. The reimbursements are required by section 75(1) of the Act. Furthermore, in accordance with section 75A of the Act, Council may reimburse members of Council committees for necessary out-of-pocket expenses incurred while performing duties as a committee member.

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- 3.2. Section 75B(1) of the Act requires Councils to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.
- 3.3. In July 2005, Council adopted a Councillor Expense Entitlement Policy and resolved that the policy must be reviewed by the new Council by 30 June after every Council general election.
- 3.4. In 2008 the State Government released a *Policy Statement on Local Government Mayoral and Councillor Allowances and Resources (April 2008)* and an *Information Guide on Mayor and Councillor Entitlements (November 2008)*. These guides prescribe the following as a minimum toolkit for expenses, support and resources for Councillors:
- “Resources/facilities mandatory:
- Administrative support for the Mayor
  - Office for Mayor
  - Vehicle for Mayor
  - Computer - desktop or laptop
  - Mobile phone and landline
  - Stationery
  - Access to fax/copier
  - Website development as part of Council website
- “Reimbursement:
- Travel - including reimbursement of public transport costs
  - Phone - reimbursement of relevant call costs
  - Internet
  - Child care/family care
- “And that as a matter for Council determination the following be considered:
- Access to pool car for Councillors
  - Office space and furniture”
- 3.5. The attached draft policy encapsulates all of the above requirements from the Policy Statement and Information Guide.
- 3.6. The policy is divided into two sections. Part A of the policy addresses how Councillors will generally be supported and outlines the:
- 3.6.1. reimbursement processes for travel expenses;
  - 3.6.2. details regarding provision of a Mayoral vehicle;
  - 3.6.3. conditions relating to the provision of stationery;
  - 3.6.4. conditions relating to attendance at conferences and access to professional development and training;
  - 3.6.5. conditions relating to reimbursement of child care expenses; and
  - 3.6.6. details of communications equipment, computers and accessories to be provided.
- 3.7. Part B of the policy deals with reimbursements of travel expenses to members of Council committees.

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- 3.8. In the past, the quantum of reimbursements to Councillors is determined in Council's annual budget process. For example, for councillor training and conferences there has previously been set aside \$5K per councillor and \$8K for the mayor.
- 3.9. The policy is designed to ultimately assist Councillors to perform their duties as well as possible. This is in the best interests of the Port Phillip Community.

**4. CONSULTATION AND STAKEHOLDERS**

- 4.1. The contents of the Council policy have been determined by the requirements of the Act, the State Government Policy Statement on Local Government Mayoral and Councillor Allowances and Resources (April 2008) and the Information Guide on Mayor and Councillor Entitlements (November 2008).

**5. DISCUSSION**

**5.1. OPTIONS**

5.1.1. Council can either:

5.1.1.1. adopt the Councillor Support and Expense Reimbursement Policy in the form attached to this report; or

5.1.1.2. amend the policy within the requirements of section 75 of the Act and within the guidelines contained in the Policy Statement on Local Government Mayoral and Councillor Allowances and Resources (April 2008) and the Information Guide on Mayor and Councillor Entitlements (November 2008).

**5.2. POLICY IMPLICATIONS**

5.2.1. It is intended that adoption of the attached policy would revoke the policy adopted by Council on 25 July 2005. The new policy would be operative from the date adopted by Council.

**5.3. FINANCE / RESOURCE IMPLICATIONS**

5.3.1. The resource implications will be determined each year during the budget process. The proposed policy does not apply financial limits, but puts in place parameters to determine the eligibility of claiming particular expenditures.

**5.4. LEGAL & RISK IMPLICATIONS**

5.4.1. Section 75B(1) of the Act requires Council to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees. If a policy is not adopted Council may be in breach of the legislation.

**5.5. SUSTAINABILITY ASSESSMENT**

**SOCIAL EQUITY**

5.5.1. The reimbursement and payment of Councillor expenses assists Councillors to carry out their role and properly perform their duties.

ECONOMIC VIABILITY

- 5.5.2. The cost of support for Councillors to assist them in the performance of their duties is a very small proportion of the overall annual Council budget.

ENVIRONMENTAL RESPONSIBILITY

- 5.5.3. The reimbursement and payment of Councillor expenses has no direct environmental impact, however, the reimbursements and payments provide support to the 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. Reimbursement and payment of reasonable expenses supports Councillors in their duties.

**6. IMPLEMENTATION STRATEGY**

- 6.1. Once Council adopts the policy, Councillors can continue to access support to assist them undertake their duties and responsibilities.

**STRATEGY AND POLICY REVIEW COMMITTEE**  
**6 APRIL 2009** **GOVERNANCE AND COMPLIANCE**

<b>A7</b>	<b>PROPOSED SALE OF A SECTION OF FORMER DRAINAGE RESERVE NO. R1621 AT THE REAR OF 17 AUSTIN AVE, ELWOOD.</b>
<b>LOCATION/ADDRESS:</b>	<b>REAR 17 AUSTIN AVE, ELWOOD</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER, EXECUTIVE DIRECTOR, ORGANISATION, SYSTEMS &amp; SUPPORT</b>
<b>PREPARED BY:</b>	<b>TOULA KOTSABOUKIS, PROPERTY &amp; VALUATIONS</b>
<b>FILE NO.:</b>	<b>78/11/133A</b>
<b>ATTACHMENTS:</b>	<b>SITE PLAN &amp; PHOTOGRAPHS</b>

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**1. 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.

**2. RECOMMENDATION**

That the Strategy and Policy Review Committee recommend that Council resolve as follows:

That Council 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 ;
- 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;
- 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
- Council's Strategy and Policy Review Committee be appointed to hear and consider any submissions received in response to the public notice at an appropriate time and date.

### **3. BACKGROUND AND CONTEXT**

#### **3.1 GENERAL**

It is common for Council to consider the sale of drainage reserves which are no longer required. An easement will enable Council's drainage assets to be maintained;

- Improved amenity – where the space becomes a haven for anti-social behaviour or is used to dump rubbish
- Improved security and safety – as access to properties is reduced
- Cost savings – as Council's maintenance responsibility for the land is transferred with the land

In other situations it may become apparent that abutting owners are occupying the drainage reserves or have encroached into the air space. In these circumstances Council can take action to remove the drainage reserve status on title and sell the land to maintain the status quo or to remove obstructions to protect the asset.

#### **3.2 FORMER DRAINAGE RESERVE R1621**

An application has been received from the owners of 17 Austin Ave, Elwood to purchase a section of former Drainage Reserve No. R1621 situated at the rear of the property. The land comprises approximately 33 sq m.

The land is enclosed within the back yard of the property at the rear addressed as 129 Glenhuntly Rd, Elwood. The owners of 129 Glenhuntly Rd, Elwood has confirmed in writing that there is no objection to the proposal.

The drainage reserve status was removed on title by the former City of St Kilda. Portions of the former drainage reserve have been previously sold to abutting property owners by the City of St Kilda. The portions abutting 111 & 113 Tennyson St, rear 8 Daley St and rear 14 Daley St, Elwood were sold by Port Phillip City Council in 2006, and the portion at the rear of 19 Austin Ave, Elwood was sold by Port Phillip City Council in 2008.

It appears that the land is not reasonably required but will be created as a drainage easement in Council's favour. The sale of the drainage easement currently titled to Council will assist by establishing order and certainty in respect to future dealings in the property at 17 Austin Avenue and 129 Glenhuntly Rd. At the same time, there is a monetary benefit derived by the community through sale and problems associated with a small public space can be averted.

The purchase price has been determined by Council's valuer. Associated costs are to be borne by the applicant. The applicants have accepted the sale price of the land of \$39,600.00 plus an administration cost of \$2,500.00.

### **4. CONSULTATION AND STAKEHOLDERS**

Council will consult with the community through a "Public Notice" inviting submissions to be published in the local newspaper in accordance with the statutory procedures.

All abutting owners will be advised of the proposal by letter and invited to make a submission.

Service Authorities will be consulted to ascertain any requirements for easements.

## **5. DISCUSSION**

### **5.1 OPTIONS**

Council may sell this small portion of land for the benefit of the parties and the community at large.

If Council decides to refuse the proposal, it would be duty bound to maintain the former drainage reserve and thereby create a small public space that would be inconsistent and difficult to maintain and could lead to amenity and ongoing problems.

### **5.2 POLICY IMPLICATIONS**

This proposal for sale will be undertaken accordance with the powers, functions and statutory process set out in the Local Government Act 1989.

### **5.3 FINANCE / RESOURCE IMPLICATIONS**

Council's costs are to be borne by the applicant.

Income derived from the sale will be transferred to Council's general reserves.

### **5.4 LEGAL & RISK IMPLICATIONS**

By complying with legislation and policy and making reasonable conditions for servicing authorities, there are no legal or risk implications associated with the proposal.

If Council decides to refuse the proposal, it would be duty bound to maintain the former drainage reserve and thereby create a small public space that could lead to amenity and safety problems.

### **5.5 SUSTAINABILITY ASSESSMENT**

#### **SOCIAL EQUITY**

An unlawful property situation can be rectified by Council using its powers for discontinuance and sale for the benefit of the parties and the community at large.

#### **ECONOMIC VIABILITY**

Income derived from the sale is considered to be due compensation to the community for the loss of public land.

#### **ENVIRONMENTAL RESPONSIBILITY**

Amenity and security/safety benefits may result through avoiding the creation of a small public space.

CULTURAL VITALITY

It is considered that the land is not reasonably required for a public use.

**6. IMPLEMENTATION STRATEGY**

6.1 TIMELINE

The following is the sequence of actions if the proposal is ultimately approved.

- The applicant will be required to provide 10% deposit on the purchase price.
- A Public Notice will invite submissions from interested persons within 28 days of the date it is published.
- A report will be prepared for Council's Strategy and Policy Review Committee when the committee will hear and consider any submissions received. Council will make the final decision on the proposal.
- A surveyor will be engaged to prepare a title plan and consolidation plan.
- Lawyers will be engaged to carry out conveyancing, collect the settlement costs and ensure that consolidation is completed.

The above can be accomplished within 10 months.

6.2 COMMUNICATION

Communication will be in accordance with the statutory procedures which invite submissions and ensure that each submitter will;

- Be given an opportunity to be heard in person
- Have their views considered, and
- Be told of Council's decision and the reasons for it

In addition to the statutory procedures, abutting owners will be advised of the proposal by letter and invited to participate in the decision making process.

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<b>STRATEGY AND POLICY REVIEW COMMITTEE</b> <b>6 APRIL 2009</b>	<b>GOVERNANCE AND COMPLIANCE</b>
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<b>A8</b>	<b>PROPOSED DISCONTINUANCE AND SALE OF RIGHT OF WAY NO'S.R3193, R3195 &amp; CROMWELL PLACE, SOUTH MELBOURNE.</b>
<b>LOCATION/ADDRESS:</b>	<b>REAR OF 145 MARKET STREET, REAR OF 139-143 MARKET STREET AND CROMWELL PLACE ABUTTING 139-143 MARKET STREET, SOUTH MELBOURNE.</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER, EXECUTIVE DIRECTOR, ORGANISATION, SYSTEMS &amp; SUPPORT</b>
<b>PREPARED BY:</b>	<b>TOULA KOTSABOUKIS, PROPERTY &amp; VALUATIONS</b>
<b>FILE NO.:</b>	<b>34/14/674 &amp; 34/14/673</b>
<b>ATTACHMENTS:</b>	<b>SITE PLAN &amp; PHOTGRAPHS</b>

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**1. PURPOSE**

Landro Pty Ltd of 139-143 & 145 Market St, South Melbourne, has requested that Council discontinue the roads abutting and surrounded by its property holdings and to sell the land to it. In these circumstances Council is required to consider whether the roads are reasonably required as roads for public use.

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

**2. RECOMMENDATION**

That the Strategy and Policy Review Committee recommend that Council resolve as follows:

That Council being of the opinion that –

- the roads abutting and at the rear of 139-143 and 145 Market Street, South Melbourne as shown on the plan attached to this report are not reasonably required as roads for public use; and
- the roads should be discontinued and the land from the roads be sold by private treaty to the abutting owner,

now directs that under Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989, statutory procedures be commenced to discontinue the roads and that under Section 207A (a) and Section 223 of that Act, public notice of the proposed discontinuance be given in the Port Phillip Leader and that Council's Strategy and Policy Review Committee be appointed to hear and consider any

submissions received in response to the public notice at an appropriate time and date.

### **3. BACKGROUND AND CONTEXT**

#### **3.1 GENERAL**

It is common for Council to consider a discontinuance and sale proposal for roads or laneways which are no longer required for access by the public or abutting property owners. By removing small public spaces the following benefits may result;

- Improved amenity – where the space becomes a haven for anti-social behaviour or is used to dump rubbish
- Improved security and safety – as access to properties is reduced
- Cost savings – as Council's maintenance responsibility is transferred with the land

In other situations it may become apparent that abutting owners are occupying the roads or have encroached into the air space. In these circumstances Council can take action to discontinue the roads and sell the land to maintain the status quo or to remove obstructions to maintain access. However, if there has been exclusive and uninterrupted use of the land in excess of 15 years, excluding a Road which is considered a Public Highway, an abutting owner may have evidence to establish rights to the land through adverse possession.

#### **3.2 RIGHT OF WAY NO R3193 & R3195 & Cromwell Place**

The proposal has been under negotiation since March 2007. Landro Pty Ltd is the owner of properties at 139-143 and 145 Market Street, South Melbourne. It also has entered into a contract of sale to purchase 3-7 Albert Street, South Melbourne.

The total area of the roads proposed for discontinuance and sale comprise approximately 158.6 square metres.

All of the roads are enclosed by gates and a fence and occupied as if they were part of the Landro Pty Ltd holdings. A building is erected over the Right of Way at the rear of 139-143 Market St, South Melbourne.

It appears that the land is not reasonably required for public use as it has not been used for this purpose for many years. The discontinuance and sale of the roads will assist by establishing order and certainty in respect to future dealings in the property at 139-143 and 145 Market Streets, South Melbourne. At the same time, there is a monetary benefit derived by the community through sale and problems associated with small public spaces can be averted.

The purchase price has been determined by the Council's Valuer in accordance with the discontinuance and sale policy. The applicants have accepted the sale price of the land of \$25,740.00, \$25,740.00 and \$262,548.00 (total \$314,028.00) plus an administration cost of \$2,500.00. Associated costs are to be borne by the applicant.

**4. CONSULTATION AND STAKEHOLDERS**

Council will consult with the community through a "Public Notice" inviting submissions to be published in the local newspaper in accordance with the statutory procedures.

Abutting property owners were contacted in the early stages of consultation, comments or objections were invited. It was determined at that time that the owner of 147 Market St, South Melbourne would like to retain the rear access. All abutting owners will be advised of the proposal by letter and again invited to make a submission.

Service Authorities will be consulted to ascertain any requirements for easements.

**5. DISCUSSION**

**5.1 OPTIONS**

It appears that the roads are no longer required and an unlawful property situation can be rectified and the land could be put to a more beneficial use.

If Council decides to refuse the proposal, it would be duty bound to open the roads for public access and thereby create a difficult situation due to an existing building and by creating public spaces that could lead to amenity, safety and security problems.

**5.2 POLICY IMPLICATIONS**

This proposal for discontinuance and sale will be undertaken accordance with the powers, functions and statutory process set out in the Local Government Act 1989.

The administrative procedures and sale negotiation are undertaken in accordance with Council policy for the discontinuance and sale of roads.

**5.3 FINANCE / RESOURCE IMPLICATIONS**

Council's costs are to be borne by the applicant.

Income derived from the sale will be transferred to Council's general reserves.

**5.4 LEGAL & RISK IMPLICATIONS**

By complying with legislation and policy and making reasonable conditions for servicing authorities, or abutting property owners, there are no legal or risk implications associated with the proposal.

If Council decides to refuse the proposal, it would be duty bound to open the roads for public access and thereby cause an impossible situation of demolishing a building or creating public spaces that could lead to amenity and safety problems.

5.5 SUSTAINABILITY ASSESSMENT

SOCIAL EQUITY

Unnecessary roads can be removed and the land can be put to a more beneficial use.

ECONOMIC VIABILITY

Income derived from the sale is considered to be due compensation to the community for the loss of public land.

ENVIRONMENTAL RESPONSIBILITY

Amenity and security/safety benefits may result through avoiding the creation of small public spaces.

CULTURAL VITALITY

It is considered that the roads are not reasonably required to be used as roads for public use.

**6. IMPLEMENTATION STRATEGY**

6.1 TIMELINE

The following is the sequence of actions if the proposal is ultimately approved.

- The applicant will be required to provide 10% deposit on the purchase price.
- A Public Notice will invite submissions from interested persons within 28 days of the date it is published.
- Comments or objections will be invited from relevant service authorities and internal departments.
- A report will be prepared for Council's Strategy and Policy Review Committee when the committee will hear and consider any submissions received. Council will make the final decision on the proposal.
- A surveyor will be engaged to prepare a title plan, consolidation plan and gazettal plan.
- A notice will be published in the Victorian Government Gazette to formally discontinue the road.
- Lawyers will be engaged to carry out conveyancing, collect the settlement costs and ensure that consolidation is completed.

The above can be accomplished within 12 months.

6.2 COMMUNICATION

Communication will be in accordance with the statutory procedures which invite submissions and ensure that each submitter will;

- Be given an opportunity to be heard in person
- Have their views considered, and
- Be told of Council's decision and the reasons for it

In addition to the statutory procedures, abutting owners will be advised of the proposal by letter and invited to participate in the decision making process.

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<b>STRATEGY AND POLICY REVIEW COMMITTEE</b> <b>6 APRIL 2009</b>	<b>GOVERNANCE AND COMPLIANCE</b>
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<b>A9</b>	<b>APPOINTMENT OF NEW MEMBER AND CHAIRPERSON TO OLDER PERSONS' CONSULTATIVE COMMITTEE</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING</b>
<b>PREPARED BY:</b>	<b>RODERICK MCIVOR, COORDINATOR AGEING AND DIVERSITY, POLICY AND PARTNERSHIPS.</b>
<b>FILE NO.:</b>	<b>02/06/02</b>
<b>ATTACHMENTS:</b>	<b>ATTACHMENT ONE: OPCC TERMS OF REFERENCE</b> <b>ATTACHMENT TWO: OPCC LEAFLET</b>

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**1. PURPOSE**

In accordance with its Terms of Reference (see copy attached as Attachment One), 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.

The OPCC, resolved at its 12 January 2009 formal meeting, to forward the name of Michael Gibson for Council nomination as a new member to the Committee.

The OPCC resolved at its 9 December 2008 meeting to nominate Committee member Ms Liz Robson as Chairperson for 2009.

These recommendations seek Council's appointment.

**2. RECOMMENDATION**

That the Strategy and Policy Review Committee recommend that Council resolve to:

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

### **3. BACKGROUND AND CONTEXT**

#### 3.1 Introduction

The OPCC is a key consultative committee of Council. Its 10 community members provide advice and advocate to Council about wellbeing issues affecting older people as well as on policies, plans and services impacting on older people. The *Ageing Well in Port Phillip Strategy 2006-2016* is Council's key policy document relating to older persons in the community.

#### 3.2 New Member

The OPCC Terms of Reference indicate that the OPCC "...will consist of: Up to 13 members appointed by Council, who are individuals reflective of the City's cultural diversity (and) A Councillor appointed by the Council."

The OPCC has been operating successfully with 10 members up until December 2008 when there was a resignation. The appointment of David Gibson will bring the numbers back to a level that will facilitate a quorum (which is 5) attending should members not all be able to attend meetings from time-to-time.

#### 3.3 Chairperson

The OPCC Terms of Reference also state: "The Council will appoint a Chairperson from the members of the Committee, after receiving a recommendation from the Committee. The Chairperson will serve a renewable one-year term."

At its final meeting of 2008, the OPCC nominated Ms Liz Robson to chair the OPCC for the 2009 year. It appointed Annette Coy as the Deputy Chair and long-serving member Richard James was appointed as Secretary, for the 2009 year.

### **4. CONSULTATION AND STAKEHOLDERS**

#### 4.1 Advertising

The call for nominations for membership of the OPCC was widely advertised through distribution of a flyer (see copy attached as Attachment 2). This flyer as well as promoting the OPCC and its endeavours, also includes a call for nomination to the Committee and sets out the criteria for selection.

#### 4.2 Interview

The nominee, David Gibson, was interviewed by a Committee and Council officer prior to his nomination at the January OPCC meeting. He is well known to the Committee, having served on the reference group for the annual Seniors Festival for a number of years. He has strong connections across the local community and wider through being:

- President of the Port Melbourne Senior Citizens and Trugo Club
- Former secretary of the Victorian Trugo Association
- Former secretary of ALSO Foundation of which he is a life member
- Member of the local Lions Club
- Member of the Albert Park Elderly Citizens Club

He engages in activities directly supporting the community such as:

- Cooking a monthly community meal at the Trugo Club
- Running the Lions sausage sizzle regularly

## **5. DISCUSSION**

### Introduction

Members of the OPCC do occasionally retire. It is important that Council appoint new members to replace those retiring to ensure both the viability of the Committee as well as demonstrate support for a very hard-working group. This nomination has been somewhat protracted due to a number of factors including the Council caretaker period at the end of last year and changes to Council staff.

### Action

The OPCC is keen to see this appointment progressed. Council has made its support for older persons in the community clear through a number of longstanding advocacies and actions.

## **6. IMPLEMENTATION**

Council's appointment of a new member to the OPCC will be implemented immediately.

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**STRATEGY AND POLICY REVIEW COMMITTEE**  
**6 APRIL 2009** **GOVERNANCE AND COMPLIANCE**

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**A10** **NEW FOOTPATH ACTIVITIES LOCAL LAW**

**LOCATION/ADDRESS:**

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

**AUTHOR:** **KIRSTEN HUGHES, COORDINATOR LOCAL LAWS AND ANIMAL MANAGEMENT**

**FILE NO.:**

**ATTACHMENTS:**

- 1. PROPOSED NEW FOOTPATH ACTIVITIES LOCAL LAW NO 7.**
- 2. PUBLIC NOTICE OF INTENTION TO CREATE NEW LOCAL LAW.**

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**1. EXECUTIVE SUMMARY**

- 1.1. As of 1 July 2009 the current local law regulating footpath trading, the Footpath Activities Local Law No 7, shall cease to have effect, as a result of the sunset clause provision within the Local Government Act.
- 1.2. In order to continue to regulate footpath trading, the Council must make a new Local Law.
- 1.3. 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:
  - 1.3.1. A new clause (Clause 12 – special events) has been created to distinguish events, which are regulated by Community Amenity Local Law No 3;
  - 1.3.2. 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.
- 1.4. The new Local Law will ensure that the regulation of footpath activities can continue.

**2. RECOMMENDATION**

- 2.1. That the Council resolve that, in accordance with section 119(1) of the Local Government Act 1989, that:
- Council 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.

**3. BACKGROUND AND CONTEXT**

- 3.1. Under the Local Government Act Councils have the powers to make local laws. Each local law that is created has a sunset clause, meaning that it ceases to have effect after ten years of operation.
- 3.2. Council made a local law to manage the activities associated with footpath trading activities within the municipality, which includes the ability to charge fees and issue permits for activities on Council footpaths and also to enforce permit activities. On 1 July 1999 the Footpath Activities Local Law No 7 came into effect, and the final date of operation for this local law is 30 June 2009.
- 3.3. In order to continue to manage, permit and enforce the activities associated with footpath trading Council must create a new footpath activities local law. Without a footpath trading local law Council cannot collect fees associated with footpath trading permits or manage any of the activities that are currently regulated on footpaths.
- 3.4. There is currently a review occurring with respect to the current footpath trading guidelines. It is proposed that a new local law is adopted while acknowledging that it may require amendment following the review.

**4. RECOMMENDED OPTION**

- 4.1. Criterion for recommendation
- The recommendation must ensure that the Council continues to be able to regulate footpath trading activity, as an inability to regulate this activity would have potential to cause significant amenity concerns and also affect income received by Council. The decision must also be guided by statutory requirements under the Local Government Act.

4.2. Sustainability assessment

**SOCIAL EQUITY**

Social Pillar	<p>A footpath activities local law allows Council to manage footpath activities, taking into account sustainability of the practices and amenity issues that may affect other community members. The local law provides a clear framework for the use of footpaths by private enterprise. Footpath activities provide dynamic and vibrant streets where public dining can be done outdoors.</p> <p>Footpath trading activities are managed using a permit system. Each permit has standard conditions, and some permits will attract additional conditions, all of which are designed to reduce potential negative amenity impacts. Regular inspections of footpath activities are undertaken by local laws officers to ensure permit compliance. There are clear processes to review permits for consistent breaches of permit conditions.</p>
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**ECONOMIC VIABILITY**

Economic Pillar	<p>The management of footpath activities via the Local Law provides an economic benefit to the Council, as it is a user pays system. It ensures Council assets are monitored closely and kept at an appropriate standard. It provides an economic benefit to those businesses that take up footpath trading as there is a culture around outdoor dining within this municipality. Effective regulation also provides some certainty to businesses regarding the financial impact of kerbside trading activities.</p>
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**ENVIRONMENTAL RESPONSIBILITY**

Environmental Pillar	<p>The use of footpath trading permits requires venues to ensure the adjacent footpath areas are clean. Cleanliness is a condition of the permit. The footpath trading guidelines provide information with respect to the types of furniture that can be used, ensuring that the urban environment remains attractive and live-able.</p>
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**CULTURAL VITALITY**

Cultural Pillar	<p>The City of Port Phillip has a number of vibrant café and entertainment precincts that embrace the use of outdoor dining. Footpath activities are seen as part of the normal environment, with an eclectic mix of fine dining establishments and small boutique cafes, as well as fast food and displays of goods. Footpath activities bring a significant diversity within the community.</p>
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4.3. Policy and legislative implications

Council has a local law regulating footpath activities. The only changes to this new local law are to increase some penalties to ensure that they act as a more effective deterrent and to clarify that special events are regulated by Community Amenity Local Law No 3..

The provisions of the Local Government Act mean that Council may make a new local law to manage footpath trading activities. The current local law will cease to operate after 30 June 2009. If Council wishes to continue to manage footpath activities then the new local law must be in place by 1 July 2009.

4.4. Risk implications

A local law managing footpath activities provides a significant tool in risk management, as it allows this activity under clearly controlled conditions. Failure to have such a local law could result in significant concerns regarding safety and amenity, as the mode of control by local law would no longer be available. It would also result in a significant loss of income to Council.

4.5. Resource implications

There are no resource implications. The new local law will replace the old local law. Costs associated with legal advice pertaining to this issue have already been budgeted. There will be a small amount of administration to update systems such as the electronic infringements system, but this is negligible and needs to be done at the start of the financial year anyway, to update penalty amounts.

**5. ALTERNATIVE OPTIONS**

5.1. Alternative 1

Wait until the review of the footpath trading guidelines is completed prior to enacting a new Local Law.

5.1.1. Sustainability assessment

Social Equity Pillar	This would mean that there would be a period of time where footpath activities would not be regulated, which could have serious amenity issues, particularly relating to licensed venues.
Economic Viability Pillar	Delay in enacting a new footpath Local Law would result in reduced income for Council.
Environmental Responsibility Pillar	Delay in enacting a new footpath Local Law would result in numerous environmental risks becoming unregulated for a time.

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Cultural Vitality Pillar	Delay in enacting a new footpath Local Law may result in an increase in poor behaviour associated with licensed venues. This has serious cultural vitality issues and is quite contrary to the intended 'café culture' objectives associated with kerbside dining.
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5.1.2. Policy and legislative implications

To delay the making of this local law would create a policy and legislative vacuum. This is not desirable.

5.1.3. Risk implications

There are substantial risks to safety, amenity and budget associated with a delay in the making of this local law.

5.1.4. Resource implications

The making of the local law is not resource intensive, as described in 3.5, above. This is not at issue.

**6. PARTICIPATION AND ENGAGEMENT**

6.1. Internal

6.1.1. The people who have been engaged with in relation to this issue are:

Economic Development Department

Manager Parking, Health and Enforcement

Local Laws Unit

6.2. External

6.2.1. The external people and/or organisations who have been engaged with in relation to this issue are:

Maddocks Lawyers

6.2.2. Community consultation will occur through the giving of public notice in the in the Government Gazette and the local media, as required under the Local Government Act. Feedback from this consultation will be the subject of a future Council report.

**7. IMPLEMENTATION**

7.1. This is an approximate time frame for implementation.

Report to Council	6 April 2009
Resolution by Council	27 April 2009
Statutory Advertising	29 April – 13 May

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Report to Council re: feedback	1 June 2009
Resolution by Council to pass new Local Law	22 June 2009
Advertising re commencement of new Local Law	25 June 2009
Commencement of Local Law	1 July 2009

**8. COMMUNICATION**

- 8.1. Information shall be updated on the Council website and changes shall be communicated to the traders via the Economic Development unit.
- 8.2. Statutory advertising shall provide opportunity for public comment.

**STRATEGY AND POLICY REVIEW COMMITTEE**  
**6 APRIL 2009** **GOVERNANCE AND COMPLIANCE**

A11 CAPITAL WORKS PROJECT BOARD  
QUARTERLY REPORT

LOCATION/ADDRESS: N/A

EXECUTIVE DIRECTOR: DAVID YEOUART, EXECUTIVE  
DIRECTOR COMMUNITY ASSETS AND  
SERVICES

PREPARED BY: SAM HEWETT, MANAGER ASSET  
SERVICES

FILE NO.:

ATTACHMENTS: ATTACHMENT #1 – CAPITAL WORKS  
PROJECT BOARD RECOMMENDATIONS  
MARCH 2009

ATTACHMENT #2 – CAPITAL WORKS  
PROJECT BOARD DECISIONS MADE BY  
EXECUTIVE DIRECTOR COMMUNITY  
ASSETS AND SERVICES MARCH 2009

ATTACHMENT #3 – CAPITAL WORKS  
PROJECTED ROLLOVER PERCENTAGE  
(FUNDING) MARCH 2009

ATTACHMENT #4 – CAPITAL WORKS  
PROJECTED ROLLOVER PERCENTAGE  
(PROJECTS) MARCH 2009

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**1. PURPOSE**

- 1.1 Council resolved in August 2008 to establish a Capital Works Project Board to monitor the progress of the annual capital works program.
- 1.2 At that time Council requested quarterly update reports on the progress of the program including a detailed financial report on the progress of the program and a projected year-end rollover analysis.
- 1.3 This report is the third quarterly report to Council since the formation of the Capital Works Project Board in August 2008.

**2. RECOMMENDATION**

- 2.1 That the Council endorses the recommendations made by the Executive Director Community Assets and Services outlined in Attachment 1 - Capital Works Project Board Recommendations March 2009.

- 2.2 That the Council 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.
- 2.3 That Council notes that the next detailed report from the Capital Works Project Board will be in July 2009.

### **3. BACKGROUND AND CONTEXT**

- 3.1 In 2007, Council's internal auditor recommended some changes to the capital works processes which resulted in the development of the Capital Works Improvement Plan. This plan identified 40 actions that when implemented would assist the organisation to deliver the annual capital works program with reduced carryovers.
- 3.2 As part of the Capital Works Improvement Plan, recommendations were made to improve the monitoring and reporting.
- 3.3 In June 2007, the Asset Services Department investigated a project management methodology 'Prince 2' which uses a concept called the Project Board to monitor the progress of the delivery of individual projects.
- 3.4 In August 2008, Council resolved 'to endorse the establishment of the Capital Works Project Board which will have the responsibility for monitoring and reporting on the progress of the annual capital works program and intervening where necessary to ensure capital works project accountability'
- 3.5 Since September 2008, the Capital Works Project Board has met monthly with project managers and project sponsors from across the organisation.
- 3.6 The project board meeting is chaired by the Executive Director Community Assets and Services and the board discusses all capital projects scheduled for delivery in 2008/2009.
- 3.7 At the project board meetings, project managers and project sponsors responsible for the delivery of individual projects are asked to report on;
- Progress on key milestones
  - Risks facing the project
  - Issues that need resolution
  - Financial summary
  - Current status of the project
  - Whether the project will be delivered in 2008/2009

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- 3.8 As a result of the meetings held in the third quarter of this financial year, decisions;
- Are being recommended to the Council for a decision (Attachment #1 – Capital Works Project Board Recommendations, March 2009) or
  - Have been made by the Executive Director Community Assets and Services as part of his delegated authority – Attachment #2 - Capital Works Project Board Decisions by Executive Director Community Assets and Services, March 2009.
- 3.9 Attachment #3 highlights the projected 'financial' rollover position at June 30, 2009 and Attachment #4 highlights the projected 'project' rollover position at June 30, 2009.
- 3.10 Based on information supplied by project managers and project sponsors at the monthly Capital Works Project Board meeting, the projected financial rollover percentage at year's end currently stands at approximately 11% (Attachment #3). Seventeen projects have been identified as 'at risk' of not being delivered. These are listed on Attachment #4.

**4. CONSULTATION AND STAKEHOLDERS**

4.1 Internal

The people who have been engaged with in relation to this issue are:

- Managers of Buildings and Green Services, Infrastructure Services, Community Services, Environment and Renewal, Culture and Recreation.
- Co-ordinators of Parks Services, Open Spaces, Capital Project Services, Traffic and Parking Management and Infrastructure Development Services
- Project Sponsors and Project Managers from across the organisation.

The Capital Works Project Board process ensures accountability for the delivery of each capital project scheduled for delivery in 08/09. It has also given Council the opportunity to intervene early, where necessary, on projects that have been identified as having increased risks. Project managers and sponsors have agreed that this higher level of accountability will lead to an increased likelihood of reduced.

4.2 External

Not Applicable.

**5. DISCUSSION**

5.1 OPTIONS

Council may choose to reject some or all of the recommendations made by the Capital Works Project Board.

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All recommendations made have been based on the best information available from project managers and project sponsors. They are considered reasonable and conservative and they give the best possible outcome for all stakeholders of the individual project and the highest possibility of full completion on time.

#### 5.2 POLICY IMPLICATIONS

- In its decision of 25 August 2008, Council resolved to endorse the establishment of the Capital Works Project Board and at that time expected regular quarterly reporting against the progress of the program.
- The Executive Director Community Assets and Services has the delegated authority to reallocate savings from one capital project to another to a maximum of \$100,000. The decisions made or recommended in this report are consistent with that delegation.

#### 5.3 FINANCE / RESOURCE IMPLICATIONS

The financial consequence of the decisions of this report is set out in the table below.

<b>Project</b>	<b>Budget</b>	<b>Additional funding</b>	<b>Reduction in Funding</b>
Lagoon Reserve Lighting	\$64,000		\$46,000
Vegie Lane Roof*	\$0	\$8,576	
Fitzroy St Lighting – Stage 1	\$100,000		\$95,000
Inkerman/Pakington Lane	\$106,000		\$46,000
<b>TOTAL</b>		<b>\$8,576</b>	<b>\$187,000</b>

\* 'The Vegie Lane Roof' project is a design project only for 2008/2009. Any future construction stage of the project will be decided by Council through the capital works approval process.

The total project cost for the design of the Vegie Lane Roof is \$37,576. An amount of \$29,000 exists in the capital works budget 'Future Capital Works – Pre Planning'. A total of \$8,576 is the additional funding required.

**Accumulative Financial Summary 08/09**

	<b>Increase in funding recommended</b>	<b>Reduction in funding recommended (savings)</b>	<b>Net result</b>
<b>September Project Board Report</b>	\$418,648	\$680,000	\$261,352
<b>December Project Board Report</b>	\$250,846	\$106,000	(\$144,846)
<b>March Project Board Report</b>	\$8,576	\$187,000	\$178,424
<b>TOTAL</b>	<b>\$678,070</b>	<b>\$973,000</b>	<b>\$294,930</b>

**5.5 LEGAL & RISK IMPLICATIONS**

There are risks associated with rejecting the recommendation of some of the projects listed in Attachment #1 - Capital Works Project Board Recommendations, March 2009.

By rejecting scope change and budget change recommendations of the board, significant re-work will be required by project managers and project sponsors to ensure those projects are redesigned to meet community expectation. This would almost certainly result in those projects being either deferred or incomplete at year's end and the project would then need to be rolled over.

**5.6 SUSTAINABILITY ASSESSMENT**

**SOCIAL EQUITY**

There are many capital works projects proposed each year which enhance the city and promote the social benefits to residents and visitors. In each of the projects being considered by Council as part of this report, the social value of the consequence of the decision has been taken into account.

**ECONOMIC VIABILITY**

The Capital Works Project Board has ensured greater accountability of project managers and project sponsors for their projects by having to report the financial consequences of the project delivery to the board. In this report, the Project Board is making 15 recommendations all of which have a financial consequence. These consequences are spelt out in the Resources Section of this report.

**ENVIRONMENTAL RESPONSIBILITY**

There are no negative environmental impacts as a result of decisions Council makes in response to this report. Each project carries considerable

environmental expectations and any project scope change will consider the environmental impacts of the proposed change before a decision is made.

**CULTURAL VITALITY**

No decision has a negative cultural impact on the City, on projects or the overall program

**6. IMPLEMENTATION STRATEGY**

Not Applicable.

**STRATEGY AND POLICY REVIEW COMMITTEE**  
**6 APRIL 2009** **GOVERNANCE AND COMPLIANCE**

A12

**COUNCIL PROJECTS CONSULTATION  
FRAMEWORK**

**PREPARED BY:**

**DARRELL TRELOAR, CHIEF EXECUTIVE  
OFFICER (INTERIM)**

**FILE NO.:**

**ATTACHMENTS:**

- 1. GENERIC TERMS OF REFERENCE  
FOR COUNCIL PROJECT STEERING  
COMMITTEES**
- 2. GUIDELINES FOR COUNCILLORS AND  
OFFICERS APPOINTED TO COUNCIL  
PROJECT STEERING COMMITTEES**
- 3. TERMS OF REFERENCE  
FOR FITZROY STREET –  
STREETScape PLAN  
STEERING COMMITTEE**
- 4. LIARDET STREET FAMILY AND  
CHILDREN'S CENTRE STEERING  
COMMITTEE TERMS OF REFERENCE**
- 5. TERMS OF REFERENCE FOR PORT  
MELBOURNE AND SOUTH  
MELBOURNE LIFESAVING CLUB  
FACILITY STEERING COMMITTEE**
- 6. ST KILDA FAMILY AND CHILDREN'S  
CENTRE STEERING COMMITTEE  
TERMS OF REFERENCE**

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**1. PURPOSE**

- 1.1 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.

**2. RECOMMENDATION**

That the Strategy and Policy Review Committee recommends that Council resolve:

- 2.1 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.

- 2.2 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.
- 2.3 That the generic model be reviewed and a report presented to Council regarding its effectiveness and any recommended changes, by 30 June 2010.
- 2.4 That the revised Terms of Reference for the Fitzroy Street - Streetscape Plan Steering Committee be adopted.
- 2.5 That Cr John Middleton and Cr Serge Thomann be appointed to the Fitzroy Street - Streetscape Plan Steering Committee
- 2.6 That a Fitzroy Street - Streetscape Plan Project Coordination Committee be formed to monitor progress and emerging issues between meetings of the Steering Committee.
- 2.7 That the members of the Fitzroy Street - Streetscape Plan Project Coordination Committee be Cr John Middleton, Cr Serge Thomann, Tanja Heil and Paul Smith.
- 2.8 That the Terms of Reference for the Liardet Street Family and Children's Centre Steering Committee be adopted.
- 2.9 That nominations be invited for two community representatives on the Liardet Street Family and Children's Centre Steering Committee.
- 2.10 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.
- 2.11 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.
- 2.12 That the Terms of Reference for the Port Melbourne and South Melbourne Lifesaving Club Facility Steering Committee be adopted.
- 2.13 That Cr Judith Klepner and Cr John Middleton be appointed to the Port Melbourne and South Melbourne Lifesaving Club Facility Steering Committee.
- 2.14 That the Terms of Reference for the St Kilda Family and Children's Centre Steering Committee be adopted.
- 2.15 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.
- 2.16 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.

- 2.17 That Council notes that further reports will be presented over the coming months in relation to appointment of steering committees for other Council projects.
- 2.18 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.

### **3. BACKGROUND AND CONTEXT**

Council at its meeting held on 23 March 2009 adopted "Our Governance Statement" which, amongst other things, includes the following principles:

- All Council decisions, whether by Council or by officers under delegation, will be informed by the diversity of community views.
- Council undertakes to keep citizens well informed of its decision-making processes, and encourages all contributions from the community.
- Decisions will be taken as close as practicable to the people affected to ensure that decisions are fully informed by local knowledge and needs.

This report proposes a framework for management of key projects based on the principles contained in Port Phillip City Council – 'Our Governance Statement' and makes specific recommendations in relation to a number of projects that have already commenced.

### **4. CONSULTATION AND STAKEHOLDERS**

Council has consulted widely on the need to develop enhanced mechanisms for managing its relationships with the community. This consultation resulted in the recent adoption of Port Phillip City Council – 'Our Governance Statement' and a number of Council's commitments are embedded in the section on "*Engaging and Governing the City*" in the draft Council Plan 2009 – 2013.

### **5. DISCUSSION**

#### **Generic Model**

Each year Council undertakes a number of key projects designed to create new assets or upgrade existing assets for the benefit of the community.

While these projects can result in facilities that are used by the community at large (eg a new toilet block), they often have a particular purpose and are occupied by one or more user groups (eg a community hub). The composition of the user groups may vary over time.

The need for a new asset is identified by the Council in many ways, including in response to proposals put forward by the community. When the priority given to a project is sufficiently high, having regard to other projects under consideration, it is

## **AGENDA - STRATEGY AND POLICY REVIEW COMMITTEE - 6 APRIL 2009**

### **GOVERNANCE AND COMPLIANCE**

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funded as a capital works project through Council's annual budgeting process. Funding may come from rates revenue, grants received from other levels of government, asset sales or the proceeds of loans.

Consultation with the wider community will be undertaken in a variety of ways including through a formal planning permit application process in some cases. During the project scoping phase, it is particularly useful to include potential users in discussions and if it is an existing facility, the current users. This can be achieved by having representatives from the relevant groups participate in the thinking process as the scope of the project is being developed. The establishment of a steering committee to undertake this work is a useful forum for this work to be done. It is important that terms of reference be defined when a steering committee is formed so that its role and authority are understood by all participants and to avoid any potential problems that may arise as a consequence of unfounded expectations not being satisfied. Any desired outcomes such as "Green Star Rating" or limitations, such as the total budget for the project, also need to be clearly stated.

Involving one or more Councillors in a steering committee is also desirable. They can play a very important role during the scoping phase of key projects by contributing to the development and consideration of options; ensuring that interest group representation is effective; providing a link to the Council and sharing firsthand knowledge at the formal briefing stage; and communicating information to the wider community. Normally the relevant Ward Councillor will be well placed to undertake this role.

If funds are being contributed to the project by other parties, they may also wish to be represented on the steering committee.

Between meetings of the steering committee, the officers will keep the Councillor members informed of progress and emerging issues. This is best achieved by establishing a small Project Coordination Committee (PCC) comprising the Councillors and relevant senior officers. It is envisaged that the PCC would have an ongoing role until the project is completed, commissioned/occupied and officially opened.

Once the design work is completed and a construction contract let, the role of a steering committee is finished. However, it is good practice to keep the members informed from time to time during the construction phase and to acknowledge their contribution in an appropriate manner when the project is completed.

When the construction contract is let, a "project control group" (PCG) will be formed to oversee construction and coordinate the activities of the various parties involved.

The Councillor members of the former steering committee and ongoing PCC could attend the PCG meetings with observer status, to continue the direct between the project and Council during the construction phase. This will ensure a high level of confidence regarding progress of the project and compliance with the design, and enable those Councillors to engage with their constituents in an informed manner throughout.

A typical Terms of Reference document has been prepared and is attached at Appendix 1.

Appendix 2 sets out guidelines developed to ensure that the highest standards of governance are modelled by Councillors and officers appointed to Council Project Steering Committees and that the standing of the City of Port Phillip is enhanced as a consequence of the community stakeholder consultation process.

### **Application to Current Projects**

Council has a number of projects at various stages, some of which have formal stakeholder consultation models approved by the Council. It is proposed that they each be reviewed and where appropriate, the model be amended to reflect the above approach.

Consideration of the existing arrangements for each of the current projects is set out below.

#### **a. Fitzroy Street, Streetscape Improvements**

A Fitzroy Street Taskforce was established in April 2007 to involve representatives of local community groups, traders, residents, police and Council in forming solutions to deal with anti-social behaviour in the Fitzroy Street precinct. Following consultation, the Fitzroy Street Action Plan was developed. It outlines key projects, timelines and responsibility for improving the streetscape, safety and community engagement. Three subgroups of the Taskforce were formed to deal with the three themes: streetscape, safety and community identity.

In April 2008, a review of the Taskforce was undertaken and it was resolved, inter-alia, to "*Retain the Fitzroy Street Taskforce for review in September ...*". The last meeting of the Taskforce was held on 17 July 2008 and it was disbanded in September.

In March 2008 a Fitzroy Street Masterplan Reference Group was formed. It currently has 22 members including residents; six traders and commercial operators; Councillors John Middleton and Serge Thomann, and Council officers; Tract as a consultant team and representatives from St Kilda Primary School, Yarra Trams, Parks Victoria and Victoria Police.

Whilst informal reference has previously been made to the Reference Group and detailed Terms of Reference have been prepared they have not been approved by Council. It is proposed that this now occur and that the Terms of Reference for the Fitzroy Street -Streetscape Plan Steering Committee (Appendix 3) be adopted.

#### **b. Liardet Street Family and Children's Centre**

The Liardet Street Family and Children's Centre is to be built at 83 – 85 Liardet Street and will include the relocated Albert Park College Childcare Centre, Maternal and Child Health services and playgroup activities. It is adjacent to Lady Forster Kindergarten and it is envisaged the new facility and the pre-school will complement each other.

A steering committee has been established and comprises the following members:

- Albert Park College Childcare Centre: Di Perazzo and a parent
- Dept of Education and Early Childhood Development: Denise Ramus and Selina Halton
- Lady Forster Kindergarten: Fiona Hehir and Alison Prasser
- Port Phillip Rostered Playgroup: Bernadene Voss
- Childcare Access Port Phillip: Donovan Jacka
- City of Port Phillip: Cr Janet Bolitho, Cr Judith Klepner, Jo Smale, Virginia Lloyd, Brad Morgan, Cathie Arndt and Sheena Frost

Terms of Reference (Appendix 4) were developed by the Committee but have not previously been approved by Council. It is proposed that this now occur. It is also proposed that two community members be added to the Committee and that nominations for these positions be invited. In addition, it is proposed that a Project Coordination Committee be formed to monitor progress and emerging issues between meetings of the Committee.

**c. Port Melbourne and South Melbourne Lifesaving Club Facility**

In 2003 Council adopted the Life Saving Club Strategy that set out, amongst other things, priorities for future development of Lifesaving Club buildings. In 2007 and 2008 as part of implementing the strategy, a feasibility study was conducted to investigate the most viable model of sustaining a strong lifesaving presence in South Melbourne and Port Melbourne locations for the next 50 years.

A steering committee was formed for this project which comprised representatives from Port Melbourne and South Melbourne Life Saving Clubs, Lifesaving Victoria and Council Officers. The steering committee continues to meet, its last meeting being held on Wednesday 18 March 2009, but the committee has no formal status or documented Terms of Reference.

It is proposed that the steering committee be formalised and draft Terms of Reference (Appendix 5) for the Port Melbourne and South Melbourne Lifesaving Club Facility Steering Committee are attached for consideration.

The proposed membership is consistent with current representation; save that two Councillors also need to be appointed. Ian Hicks is the Council officer appointed to manage the project.

**d. St Kilda Family and Children's Centre**

Council at its meeting held on 26 May 2008 resolved to establish the St Kilda Family and Children's Centre Steering Committee and membership consists of:

- St Kilda Primary School: Diane Pekin
- Child Care Access Port Phillip: Rebecca Bartel

- Port Phillip Community Group: Sandy Joffe
- St Kilda Parish Mission: Rev John Tansey
- Children's Centre parents: Donna Brzezinski, Yelena Beylin, Keren Vesely and Maria Stamatelatos
- Maternal and Child Health service users: Kathrin Gullan, Maya Donevska, Sally Cunningham and Zoe Pappas
- St Kilda Playgroup: Trevor Ward, Sam Durban and Susie O'Neill
- Dept of Education and Early Childhood Development: Louise Rodot and Selina Halton
- City of Port Phillip: Cr John Middleton, Cr Rachael Powning, Jo Smale, Virginia Lloyd, Brad Morgan, Cathie Arndt, Mel Edwards, Lee Lau and Sheena Frost

Terms of Reference (Appendix 6) were developed by the Committee but have not previously been approved by Council. It is proposed that this now occur. In addition, it is proposed that a Project Coordination Committee be formed to monitor progress and emerging issues between meetings of the Committee.

**e. Other Projects**

A number of other projects are currently underway and further reports will be presented to Council regarding the consultation structure to be applied to them. These include but are not limited to:

- The Urban Studies Centre – reported separately to this meeting
- The St Kilda Skate Park – to be reported to a future meeting

**6. CONCLUSION**

The adoption of a generic model for consulting with community stakeholders and its application to current and future projects will ensure that Council's commitments to the community, expressed in City of Port Phillip – 'Our Governance Statement' and the draft Council Plan 2009 – 2013 are implemented in an effective manner.