



**ORDINARY
MEETING OF
COUNCIL**

AGENDA

23 FEBRUARY 2009

Ordinary Meeting of Council

Welcome

Welcome to this Meeting of the Port Phillip City Council.

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

About this meeting

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

The agenda may include new items that have not previously been considered before at a Committee Meeting, these items are known as Orders of the Day. The agenda may also include supplementary reports which provide additional information requested by Council. Recommendations from Council's Strategy and Policy Review Committee and at times the Statutory Planning Committee (which both have met during the month) will also be presented.

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

Public Question Time

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

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

Public Comment

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

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

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



CITY OF PORT PHILLIP

PORT PHILLIP CITY COUNCIL BUSINESS PAPER

To Councillors

Notice is hereby given that an **Ordinary Meeting** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Monday, 23 February 2009 at 6.00pm.**

AGENDA

1. **APOLOGIES**
2. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - Minutes of the Ordinary Meeting of the Port Phillip City Council held on 18 December 2008.
 - Minutes of the Ordinary Meeting of the Port Phillip City Council held on 27 January 2009 – MEETING CANCELLED.
 - Minutes of the Special Meeting of the Port Phillip City Council held on 27 January 2009.
 - Minutes of the Special Meeting of Council held on 12 February 2009.
3. **PETITIONS AND JOINT LETTERS**
4. **SEALING SCHEDULE**
5. **CORRESPONDENCE**
6. **PUBLIC QUESTION TIME**
7. **COUNCILLOR QUESTION TIME**
8. **PRESENTATION OF REPORTS AND RECOMMENDATIONS FROM S86 SPECIAL COMMITTEE MEETINGS**
 - Reports of the Strategy and Policy Review Committee - 2 February 2009.
 - Reports of the Statutory Planning Committee - 9 February 2009.
9. **CHIEF EXECUTIVE OFFICER'S REPORT**
10. **ORDERS OF THE DAY**
11. **REPORTS BY COUNCILLOR DELEGATES APPOINTED TO OTHER BODIES**
12. **URGENT BUSINESS**
13. **CONFIDENTIAL MATTERS**

Including reports considered at the Strategy and Policy Review Committee and the Statutory Planning Committee.

Darrell Treloar
Interim Chief Executive Officer
18 January 2009

3. PETITIONS AND JOINT LETTERS

Item 1

A Petition was received from 20 residents requesting Council review the street tree planting in Smith Street, St Kilda.

The Petition states the following:

'We would like Smith Street greening status to be reviewed and its rating upgraded to priority 1.

- *Smith Street has no trees between Foster Street and where it curves round into Blessington Street.*
- *Its grey and bleak in winter, and hot, dusty in summer.*
- *Smith Street was partially ungraded some years ago (between Foster Street and Barkly Street with an inappropriate species. Inexplicitly the planting stopped at Foster Street and this end missed out.*
- *A year or so ago, in Tennyson Street opposite the Botanical Gardens, existing planting was removed and new, different plants put in. Why was this given priority when Smith Street has no trees at all?*
- *I and the other people signing the Petition would like some greenery in Smith Street.'*

*****A copy of the Petition has been forwarded to David Yeouart, Executive Director Community Assets and Services for information and appropriate actioning.***

Item 2

A Petition was received from 33 residents/traders regarding concerns that the business needs and promotion of the 'paris end of Bay Street' appear to be an area of serious neglect.

The Petition states the following:

'We the undersigned, urge Council to revisit these on-going and very genuine concerns:

- *Justification for the compulsory special levy through regular and identifiable street promotions which take place at the Paris End.*
- *The beautification of the median strip from Raglan Street to Bridge Street.*
- *Construction of the urgently needed pedestrian crossing.*
- *Completion and implementation of the self-guided Historic Tour.'*

*****A copy of the Petition has been forwarded to Geoff Oulton, Executive Director Community Development and Planning for information and appropriate actioning.***

Item 3

Joint Letter has been received from 7 residents in regards to the installation of a bus shelter outside 10 Mitford Street, Elwood. The residents are seeking its removal.

*****A copy of the Joint Letter has been forwarded to Geoff Oulton, Executive Director Community Development and Planning for information and appropriate actioning.***

4. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and SHANE HAYDEN BROCK, for the sale & transfer of land (right of way) at rear of 124 Heath Street, Port Melbourne.

| | |
|------------------------|-------------------------|
| <i>Councillor Note</i> | <i>6 September 2007</i> |
| <i>Advertising</i> | <i>22 April 2008</i> |
| <i>Council Report</i> | <i>23 June 2008</i> |

Responsible Manager: Cathy Henderson, Manager Governance and Risk Management

APPLICATION TO REPLACE LOST TITLE between PORT PHILLIP CITY COUNCIL and BARKER MONAHAN PTY LTD and LAND REGISTRY OFFICE, to replace title that was lost for the sale of a right of way at the rear of 14 Daly Street, Elwood.

Item not previously considered by Council.

Responsible Manager: Cathy Henderson, Manager Governance and Risk Management

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and LUC JEROME CONSTANT MALAUSSENA, for the sale & transfer of land (right of way) at rear of 3 Little Finlay Street, Albert Park.

| | |
|------------------------|-------------------------|
| <i>Councillor Note</i> | <i>20 February 2008</i> |
| <i>Advertising</i> | <i>15 April 2008</i> |
| <i>Council Report</i> | <i>23 June 2008</i> |

Responsible Manager: Cathy Henderson, Manager Governance and Risk Management

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and JUDITH DOLKIN and ADAM DOLKIN, for the sale & transfer of land (drainage reserve) abutting 73 Tennyson Street, Elwood.

| | |
|------------------------|------------------------|
| <i>Councillor Note</i> | <i>24 October 2007</i> |
| <i>Advertising</i> | <i>6 May 2008</i> |
| <i>Council Report</i> | <i>28 July 2008</i> |

Responsible Manager: Cathy Henderson, Manager Governance and Risk Management

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and DANIEL JOHN MUNDY, to restrict the use of the land to office and caretaker dwelling at 182 Buckhurst Street, South Melbourne.

Item not previously considered by Council. A planning permit has been issued for the land for use as an office and caretakers dwelling. As a normal dwelling is prohibited in the location a covenant on the land that limits the dwelling to caretaker occupation only was required by permit condition on Permit No. 186/2007.

Responsible Manager: George Borg, Manager City Development

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and STRUCTURAL ELEMENTS PTY LTD, to ensure that Condition 10 of the Planning Permit No. 1197/2008 at 78 Westbury Street, East St Kilda is satisfied.

Item not previously considered by Council.

Planning Permit states the following:

Prior to the issue of a Statement of Compliance, the owner shall enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987 under which it specifically covenants that:-

- a) The land shall only be developed in accordance with the plans endorsed under Planning Permit No. 277/2007 dated 20/06/2008; and
- b) It shall play the Responsible Authority's Solicitor/client costs in respect to the preparation and registration of the agreement.

The agreement shall otherwise be on terms satisfactory to the Responsible Authority.

Responsible Manager: George Borg, Manager City Development

RECOMMENDATION

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

5. CORRESPONDENCE

Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors between the month of 17 December 2008 and 17 February 2009 is attached for information.

6. PUBLIC QUESTION TIME

7. COUNCILLOR QUESTION TIME

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

**8(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE
ST KILDA TOWN HALL ON 2 FEBRUARY 2009**

A1 CITY OF PORT PHILLIP RECREATIONAL BOATING ZONES

Purpose

To respond to a request from Parks Victoria to support the proposed boating zone changes along the City of Port Phillip foreshore.

COMMITTEE'S RECOMMENDATION

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

1. Receive and note Parks Victoria proposed Recreational Boating Zone changes.
2. Defer consideration of Parks Victoria proposed Recreational Boating Zone changes pending targeted community engagement within the City of Port Phillip and an assessment of the environmental and social impacts of these proposed changes.
3. Request a Supplementary Report to its Ordinary Meeting of Council to be held on Monday, 23 February 2009, outlining the outcomes of the community engagement process.

A2 CAPITAL WORKS PROJECT BOARD QUARTERLY REPORT

Purpose

To advise Council on the progress of the delivery of the Capital Works program for 2008/2009.

COMMITTEE'S RECOMMENDATION

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

1. Receive and note the report made by the Executive Director Community Assets and Services, including variations to projects made under Delegation.
2. Endorse the recommendations for budget variations made by the Executive Director Community Assets and Services to the Luna Park Interchange project and the Beach Road Bike Lane.
3. Note the next detailed report from the Capital Works Project Board will be in April 2009.

A3 PROPOSED DISCONTINUANCE AND SALE OF RIGHT OF WAY NO. R3993 AT THE REAR OF 27 PHILIPSON STREET, ALBERT PARK

Purpose

This report is to commence the process for the discontinuance and sale of Right of Way No. R3993 at the rear of 27 Philipson St, Albert Park in accordance with statutory procedures set out in the Local Government Act 1989.

COMMITTEE'S RECOMMENDATION

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

1. That Council being of the opinion that –
 - a) The road at the rear of 27 Philipson Street, Albert Park as shown on the plan attached to this report is not reasonably required as a road for public use.
 - b) The road should be discontinued and the land from the road be sold to abutting owners.

now directs that under Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989, statutory procedures be commenced to discontinue the road 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.

**A4 PROPOSED DISCONTINUANCE AND SALE OF A SECTION OF RIGHT OF WAY
NO. R3197 (205) REAR 133 MARKET STREET, SOUTH MELBOURNE**

Purpose

This report is to finalise the discontinuance and sale of a section of Right of Way No. 3197 rear 133 Market St, South Melbourne in accordance with statutory procedures set out in the Local Government Act 1989.

COMMITTEE'S RECOMMENDATION

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

1. That Council, being of the opinion that the road at the rear of 133 Market Street, South Melbourne as shown on the plan attached to this report is not reasonably required as a road for public use -
 - a) Discontinues the road.
 - b) Directs that a notice be published in the Government Gazette.
 - c) Directs that the land from the road be sold to the abutting owner of 129 Market Street, South Melbourne.
 - d) Directs that the discontinuance and sale will not affect any right power or interest held by service authorities in connection with assets under the control of the authority in or near the road.
 - e) Directs that an easement for light and air be created in favour of the owner of the abutting property at 133 Market Street, South Melbourne.
 - f) Authorises the use of the Common Seal of the Port Phillip City Council to be affixed to the Transfer of Land.

A5 2010 GENERAL VALUATION

Purpose

To provide Council with an update on the 2010 General Valuations.

COMMITTEE'S RECOMMENDATION

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

1. Cause a General Valuation of all rateable properties within the municipal boundaries of the City of Port Phillip to be undertaken pursuant to Section 6(1) of the Valuation of Land Act 1960, as at 1 January 2010 being the relevant date prescribed by the Valuer-General Victoria and to be returned no later than 30 June 2010.
2. Appoint Westlink Corporation Pty Ltd (trading as Westlink Consulting) to make and return the 2010 General Valuation pursuant to Section 13DA of the Valuation of Land Act 1960, and in particular to appoint Paul Farrelly, Monique Lopes, Katrina Williamson, Brendan Sheales, Frank Carbone, Angela Passaro, Florianna Khait and David Graffen to serve this purpose.
3. Authorise officers to advise the Valuer-General and other relevant rating authorities of the resolution to "cause" the 2010 General Valuation to be undertaken pursuant to Section 6(1) of the Valuation of Land Act 1960.
4. Note the Declarations of Impartiality (copies attached) made by Paul Farrelly, Monique Lopes, Katrina Williamson, Brendan Sheales, Frank Carbone, Angela Passaro, Florianna Khait and David Graffen in compliance with Section 13DH of the Valuation of Land Act 1960.

A6 PROPOSED LEASE EXTENSION – TEIFAL PTY LTD (TRADING AS DECANTERS BY THE BAY), 174 NOTT STREET, PORT MELBOURNE
(SEE SUPPLEMENTARY REPORT)

Purpose

To provide information to Council on Teifal Pty Ltd's request for an extension to its current lease at 174 Nott Street, Port Melbourne and to commence the necessary statutory procedures for the lease extension.

COMMITTEE'S RECOMMEDATION

That this item be deferred for further consideration and that a Supplementary Report be presented to the Ordinary Meeting of Council to be held on Monday, 23 February 2009.

A7 PROPOSED LEASE AGREEMENT TO BREWSTERS & CO. PTY LTD – 147 LIARDET STREET, PORT MELBOURNE

Purpose

To advise Council of the outcome of the advertising and submission process for the lease of 147 Liardet Street, Port Melbourne to Brewsters & Co Pty Ltd.

COMMITTEE'S RECOMMENDATION

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

- 1 To finalise the statutory procedures under Section 190 and 223 of the Local Government Act 1989 ("the Act") and enter into a commercial lease agreement with Brewsters & Co Pty Ltd for use of 147 Liardet Street, Port Melbourne on the following terms:
 - Area: Ground Floor, approximately 560 square metres.
 - Permitted use: Gourmet supermarket – fresh and dry food retail.
 - Term: 10 years.
 - Options: Three further terms of 10 years each.
 - Rental: \$175,000 per annum plus GST.
 - Rental Reviews: Annual percentage increases ranging from 2% to 4% and market rent reviews every 5 years.
2. To authorise the Chief Executive Officer to execute the lease on behalf of Council.

A8 MAYORAL & COUNCILLOR ALLOWANCES

Purpose

Council to commence the process to determine the Mayoral and Councillor Allowances for the period 2009 to 2013.

COMMITTEE'S RECOMMENDATION

The Strategy and Policy Review Committee recommends that Council resolve the following:

1. That Council commence the process to determine the mayoral and councillor allowances for the period 2009 to 2013, and that Council authorise the Chief Executive Officer and the Manager Governance and Risk to undertake the administrative process to enable the Council to determine the level of the allowances.
2. The proposed mayoral allowance be the maximum allowed for Category 3 Councils.
3. The proposed councillor allowance be the maximum allowed for Category 3 Councils.
4. That Council authorise the calling for public submissions and that at the Ordinary Meeting of Council dated 27 April 2009 submissions be reviewed and Council determine the level of the mayoral and councillor allowances.

A9 MID YEAR BUDGET 2008/2009
(SEE SUPPLEMENTARY REPORT)

Purpose

To provide a report to Council on the proposed mid year budget changes highlighted from a review of Council's performance to end of December 2008.

COMMITTEE'S RECOMMENDATION

That this item be deferred for further consideration at the Ordinary Meeting of Council to be held on Monday, 23 February 2009 pending further briefings on the Elwood Pavilion and other matters, including criteria used to develop the short list of projects requiring additional funding.

A10 QUARTERLY MANAGEMENT REPORT

Purpose

To provide information on the financial, service and internal performance of Council.

COMMITTEE'S RECOMMENDATION

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

1. Receive and note the 2nd Quarter 2008/09 Quarterly Management Report.

**A11 BUILDING MAINTENANCE CONTRACTS 1251 TO 1255 SUMMARY REPORT
(SEE CONFIDENTIAL SUPPLEMENTARY REPORT)**

Purpose

The report presents the process to date in the tendering of a selection of building maintenance services.

COMMITTEE'S RECOMMENDATION

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

1. Note the report on the tender process, to date, for the new building maintenance service contracts, covering plumbing and gas services; specialist cleaning services; painting services; carpentry/handyman services and floor covering services.
2. Note that a confidential evaluation report and final recommendations of the Tender Evaluation Panel (TEP), regarding contracts #1251; #1252; #1253; #1254 and #1255 will be provided to the Ordinary Council Meeting, 23 February 2009.

**8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST
KILDA TOWN HALL ON 9 FEBRUARY 2009**

Note: Business items B1 and B2 were resolved by the Statutory Planning Committee held on 9 February 2009 in accordance with Section 86 of the Local Government Act 1989.

B3 DELEGATE REPORT

Purpose

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

COMMITTEE'S RECOMMENDATION

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

9. CHIEF EXECUTIVE OFFICER’S REPORT

10. ORDERS OF THE DAY

ORDER OF THE DAY 1

ST KILDA SKATE PARK - APPOINTMENT OF MEMBERS TO THE COMMUNITY REFERENCE GROUP AND THE APPOINTMENT OF THE INDEPENDENT ASSESSOR
(Refer to attached report)

ORDER OF THE DAY 2

UPDATE REPORT TO COUNCILLORS ON ST KILDA TRIANGLE DEVELOPMENT
(Refer to attached report)

ORDER OF THE DAY 3

THE CITY OF PORT PHILLIP'S RESPONSE TO THE VICTORIAN BUSHFIRES
(Refer to attached report)

ORDER OF THE DAY 4

ABC CHILDCARE CENTRES IN RECEIVERSHIP
(Refer to attached report)

11. REPORTS BY COUNCILLOR DELEGATES APPOINTED TO OTHER BODIES

Item 1

Cr Bolitho to present a report as Delegate to the Metropolitan Transport Forum (MTF).

The following issues were raised:

1. Elections for the executive
 - Jacky Fristacky, Yarra, Chair
 - Janet Bolitho, Deputy Chair
 - Rose Iser, Moonee Valley, Secretary
 - Griff Davis, Treasurer, Whittlesea
 - Toby Archer, Moreland, Member
 - Trevor Shewin, Kingston, Member
 - Tom Melican, Banyule, Member
 - Claude Cullino, Manningham, Member

2. MAV: Role of local government in transport

The MAV has developed a position paper on transport to guide advocacy for the sector. The paper has 7 objectives:

 - Environment and climate change
 - Modal shift
 - Equity and access
 - Recognition of cycling and walking
 - Integrated transport and land use planning
 - Economic efficiency
 - Ongoing public transport investment

The full position paper is in hard copy in the file marked MTF in the councillors' resource room and also available on the MAV website
<http://www.mav.asn.au/transport/resources>

3. Geoff Gough presented on the **Manningham Mover**, a 24 seater bus which loops around Manningham, launched in November 2008. Relevant points for Port Phillip
 - This is not a new service, but a re-configuration of an under-performing route
 - It is designed to connect people with other public transport services, shopping and community facilities
 - Preconditions for success were the support of the bus company (Ventura), the community, the council and the Department of Transport
 - It is integrated with the public transport system via metlink ticketing so people don't need to get separate tickets

Slide presentation notes are in the MTF folder in the councillors' resource room

4. Suggestions for future presentations included

- Freight
- Accessibility
- Transport around schools
- Integration of land use and transport planning
- Fare structures
- Walking
- How the processes are working for DoT as referral authority
- Network operating plans

For more: <http://mtf.org.au/>

12. URGENT BUSINESS

13. CONFIDENTIAL MATTERS

Nil.