



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

10 AUGUST 2009

MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD ON 10 AUGUST, 2009 IN THE THEATRETTE, SOUTH MELBOURNE TOWN HALL

The meeting opened at 6.00 pm.

PRESENT

Cr. O'Connor (Chairperson), Cr. Bolitho, Cr. Klepner, Cr. Middleton, Cr. Powning, Cr Thomann, Cr. Touzeau.

IN ATTENDANCE

Kay Rundle Chief Executive Officer, Greg Wood Acting Executive Director Community Development & Planning, Cathy Henderson Acting Executive Director Organisation Systems and Support, Sam Hewett Acting Executive Director Community Assets and Services, David Filmalter Chief Financial Officer, Fiona Blair Manager Parks and Open Spaces, Ian Hicks Manager Culture and Recreation, George Borg Manager City Development, Kirsten Hughes Local Laws Coordinator, Norm McClelland Governance Advisor.

In the spirit of Reconciliation, the Chairperson acknowledged the people and elders of the Eastern Kulin Nation, who have traditional connections and responsibilities of the land on which Council meets.

The Mayor advised that this meeting at South Melbourne was part of Council's commitment to rotate the holding of future Council meetings at all of its three Town Halls.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Powning/Klepner

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 27 July 2009 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Cr Klepner indicated a potential perception of a conflict of interest in relation to Item 8 and that she would therefore be absenting herself for that item.

4. PETITIONS AND JOINT LETTERS

A Petition was received from 45 people regarding tree removal and replacement in Beacon Vista surrounding Beacon Vista Park, Port Melbourne.

The Petition states the following:

The Petition of the following named citizens draws the attention of the Council.

- 1. The existing planted Ficus Hilli trees in the nature strip bordering Beacon Vista Park Square have a highly invasive root system. This root system is causing extensive damage to the footpaths, driveways and drains, resulting in both a significant safety hazard to local residents and potential damage to buildings.*
- 2. That extensive repair costs have already been incurred by Council to date (19% of the footpath has already been replaced, and 26% ground with more sections marked for grinding or replacement) and these costs will be ongoing and wasteful.*
- 3. That the residents are concerned about potential damage to their building foundations, as there are numerous instances, where the root system has already reached the building.*

The following Petitioners hereby request, that due to the circumstances peculiar to the residents of the 31 properties surrounding Beacon Vista Park Square:

- 1. All the Ficus Hilli trees currently planted in the nature strip surrounding Beacon Vista Park Square be removed.*
- 2. That such removal take place immediately in one operation to remove a safety hazard and to minimize potential damage to both Council and private property.*
- 3. That the removed trees be replaced with Pyrus Calleryana "CAPITAL".*
- 4. That the replacement trees be planted as soon as the existing trees are removed and the damaged areas of footpath etc, be repaired/replaced as appropriate.*

OFFICER COMMENTS

- The issue of long term management of the *Ficus hillii* in Beacon Cove came up as part of the consultation for Capital Works project 90433 Beacon Cove Landscape Works (budget \$400,000) undertaken in 2008-2009.
- The scope of this project identified "remove[al of] inappropriate tree species that are damaging public and private infrastructure and replac[ing] them with more appropriate tree species that are suited to the confines of the environment" as one of the key issues to be addressed.
- The *Ficus hillii* (Hill's Fig) are an issue in Beacon Cove and other sites in Port Melbourne because at maturity, the trees will reach heights of 15+ metres and canopy/root spreads of 10+ metres. Further, *Ficus* are known to have large, strong and invasive root systems that relentlessly seek water. When water is not available, as in times of prolonged drought, the tree's roots will seek water in storm drains, sewer lines and in/around residences. The roots are quite capable of breaking through most surfaces including concrete.

- *Ficus hillii* (Hill's Fig) are the main street tree in Beacon Vista and the Crescent, two main and iconic streets within the Beacon Cove Development and their presence creates much of the neighbourhood character. Any change to the *Ficus* trees will change that character.
- At the initial community consultation on 18 October 2008, Council presented proposed landscape works inclusive of two options for managing the *Ficus hillii* (Hill's Fig). Residents were asked "Should Council A: Continue to/maintain the topiary style tree canopy and clip twice yearly? Or Remove Figs and replace with a lower maintenance, site appropriate species with similar characteristics?" On the day 75% (31 out of 41 respondents) favoured removal and replacement.
- When these results were made available to the community, there was considerable feedback that this view was not universally supported. As such, the management of the figs was put on hold pending future consultation.
- An independent arborist report was commissioned to provide more information about the *Ficus hillii* (Hill's Fig) in Beacon Cove. This report indicated that the Fig was inappropriate for this area and provided options for replacement planting.
- Council's Infrastructure Maintenance officers conducted a review of the current damage to the visible infrastructure at Beacon Cove. They provided guidance that, as of 10 December 2008, approximately \$43,000 is required to repair/maintain the footpaths in Beacon Cove lifted by the *Ficus* trees. These works have not been undertaken as there has been no budget allocated for them.
- No action was taken for future maintenance or management of the *Ficus hillii* (Hill's Fig) in Beacon Cove as the issue requires further consultation as removal/replacement or intensive management would impact the neighbourhood character.

At present:

- There is no funding allocated in the 2009-2010 financial year for the management of the *Ficus hillii* in Beacon Cove.
- Officers are in the process of completing a Tree Management and Streetscape Strategy and Policy that will provide guidelines for streetscape upgrades and works.
- Council will consider a capital investment for this project for the 2010-11 financial year. Council engineers are inspecting these footpaths with a view to renewing them as required.

Mr John Spangaro presented a Power Point submission on this subject on behalf of the Petitioners.

MOVED Crs Bolitho/Powning

That Council receives an urgent report on action that can be taken to address the identified problems with the *Ficus* in Beacon Vista and that consultation is taken with residents in the area as part of that process. Council is also to receive advice on any other tree issues in the municipality comparable to this one.

A vote was taken and the MOTION was CARRIED

7. 'ANSWERING THE CALL'

Mr. Mackenzie Gregory made the following submission in relation to this item:

The Navy has had a very strong history and involvement with the City of Port Melbourne and yet there is no current memorial to reflect this fact. A statue is therefore proposed for the seaward end of Dow Street in respect of the 15 000 naval men and women who have passed through the area since 1859, many of whom, in service of their country, did not return home.

Purpose:

The Navy Heritage Foundation of Australia Inc. has applied to erect a bronze statue, '*Answering the Call*', as a national memorial to all Australian naval men and women who served the nation and in recognition of the maritime heritage of the CoPP.

The proposal is here submitted to Council for 'in-principle' approval for the memorial to be located on the Port Melbourne foreshore at the end of Dow St.

MOVED Crs Klepner/Bolitho

That the Council acting in its role as committee of management under the *Crown Land Reserves Act 1978*, resolve to:

1. Provide 'in-principle' support for the installation of the memorial known as '*Answering the Call*', in accordance with the terms and specifications for the memorial as outlined in this report.
2. Endorse the preferred site on Beach St, Port Melbourne opposite Dow Street
3. Note that Coastal Management Act consent is being sought from the appropriate Minister in accordance with the *Coastal Management Act 1994*.
4. Direct officers to communicate this proposal with local residents including notification consistent the process for acquiring Coastal Management Act consent process.

A vote was taken and the MOTION was CARRIED.

5. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and MATTHEW JOHN DONALD TISDALL, to ensure Condition 10 of Planning Permit No. 221/2009 in relation to the development at 21 Jackson Street, St Kilda is satisfied
Item not previously considered by Council
Responsible Manager: George Borg, Manager City Development.

MOVED Crs Klepner/Thomann

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

A vote was taken and the MOTION was CARRIED.

6. PUBLIC QUESTION TIME

Item 1:

1. Mr Adrian Jackson requested Council to consider possibly not having Statutory Planning Committee Meetings but instead holding three full Council meetings per month.

The Mayor responded that Council is of the opinion that planning matters necessitate a separate meeting due to the complexity of planning items.

2. Mr Adrian Jackson suggested that Council should ensure that it receives maximum income from the usage of its Town Halls.

The Mayor responded that there is an existing binding lease with the Australian National Academy of Music for use of the South Melbourne Town Hall. Council will be considering other options for usage of the Town Halls when appropriate.

3. Mr Adrian Jackson requested Council to consider new signage advising of 90 degree parking in Langridge Street as residents are parking that way at present.

The Mayor responded that this is an operational matter and referred it to Greg Wood Acting Executive Director Community Development & Planning who advised that he would discuss the matter with Mr Jackson and would undertake an inspection.

Item 2:

1. Mr Michael Sabada asked a question regarding whether Council would make specifications for tenders available to the public on the Council website.

The CEO responded that this question would be taken on notice.

2. Mr Michael Sabada asked a question regarding the relationship between the issuing of planning permits and liquor licenses, given that liquor licenses are at times afforded 50% greater capacity (patrons) than that of the planning permit.

The Mayor responded that this is an operational matter and referred it to George Borg, Manager City Development who explained that land usage when in business zones does not always require a planning permit. What is required is a liquor license. Seating numbers may therefore differ between planning permits and liquor licenses due to al fresco planning permits being issued. Every permit though is unique and complex.

3. Mr Michael Sabada asked a question regarding tree planting – particularly regarding questions he submitted 3 years ago and which he didn't feel he received an answer to.

They were:

1. Does the City of Port Phillip keep records on the number of street trees planted, number of living trees removed and the number of street trees that have died and then removed? If so what is the past five years' record?

The Mayor responded that Council has recently seen a report of the numbers referred to in Mr Sabada's question and the records go back 4 or 5 years.

2. Does the record of tree removals include those "removed" by visitors, businesses and residents?

The Mayor replied in the affirmative.

3. Does the number of trees planted include those replanted following the previous years planting, for example when vandalized or failed to establish at a particular tree pit (eg. Moray St, South Melbourne between Park St and Dorcas St have been replanted 3 times in less than 10 years).

The Mayor advised that the Tree Management Policy would be abreast of these issues.

4. Has the City of Port Phillip reviewed the species it considers suitable for street tree planting taking into account the long prolonged drought conditions in Melbourne?

The Mayor advised that this is included in the Tree Management Policy.

5. Why did City of Port Phillip's scheduled tree pruning of street trees start in February 2009, as tree pruning in summer months increases the likelihood of trees dying?

The Mayor asked Mr Sabada for more clarification on where in particular this happened so that when given the specifics staff could answer this question accurately.

7. COUNCILLOR QUESTION TIME

Nil.

8. PRESENTATION OF REPORTS

THE ORDER OF BUSINESS WAS AS FOLLOWS:-

7. Answering the Call
1. Councillor Gift and Hospitality Policy/Support and Expense Reimbursement Policy
2. Events Calendar – 2009/10 Season
3. Review of Off Leash Dog Areas
4. Community Facility Funding (Sport and Recreation) Program 2010/2011
5. Amendment C79
6. St Kilda Family and Children's Centre Plan
8. Renewal of Building Maintenance Contracts

1. COUNCILLOR GIFT AND HOSPITALITY POLICY AND SUPPORT & EXPENSE REIMBURSEMENT POLICY

Purpose

Council is requested to review and adopt a Councillor Gift and Hospitality Policy and amend the Councillor Support and Expense Reimbursement Policy.

MOVED Crs Powning/Thomann

That Council:

1. Adopt the Councillor Gift and Hospitality Policy as attached.
2. Adopt the amended Councillor Support and Expense Reimbursement Policy as attached.

A vote was taken and the MOTION was CARRIED.

2. EVENTS CALENDAR - 2009/10 SEASON

Mr David Hansen made a submission in relation to this item, offering Council his expertise and advice as an experienced events organizer in the City of Port Phillip for 20 years.

Purpose

That Council approves the 2009/10 Events Calendar and adopt the Events Policy 2009

MOVED Crs Thomann/Middleton

That Council:

1. Adopt the Foreshore Events Calendar 2009/10
2. Apply guidelines for the management of events in Catani Gardens that protect and minimize risk to the heritage assets within the gardens;
3. Consider future events calendars in the context of the outcomes arising from the review of St Kilda Festival.

A vote was taken and the MOTION was CARRIED.

3. DOG OFF LEASH REVIEW

Mr Adrian Jackson made the following points in relation to this item.

- *Questioned whether dog owners have a requirement to send their dog to obedience training and if dog owners receive information when they register their dogs about the rules of owning dogs in the municipality.*
- *Stated that dog owners are tying their dogs to bike racks, tying them up in children's playgrounds (where they are not allowed) and are allowing their animals to defecate and urinate in front of shops, on footpaths and in front of private properties.*
- *Suggested separating domestic animals from humans, more for the sake of hygiene.*

Purpose

The purpose is to consider and adopt proposed changes to the Council Order No 2, to enable them to be advertised for public comment. The proposed changes and any public comments shall be considered in October.

MOVED Crs Powning/Thomann

That Council:

Authorize the proposed Council Order No 3, the instrument that controls dog off leash areas, which will revoke Council Order No 2 and make changes to it, namely:

1. Amending the definition of effective control as stated, and also including the additional section as follows:
 - A dog shall be deemed to be under the effective control of its owner, whether on or off leash, if:
 - It will return to its owner upon command
 - The owner retains a clear and unobstructed view of the dog.
 - It does not bother, attack, worry or interfere with other people or animals.
2. Allowing temporary on or off leash areas;
3. Removing West Port Foreshore Reserve, Port Melbourne as an off leash area;
4. Reducing the off leash area at Garden City Reserve, Port Melbourne;
5. Increasing off leash Beach C, Port Melbourne;
6. Removing off leash Beach B, St Kilda;
7. Increasing off leash Beach A, St Kilda;
8. Including Albert Park Reserve on and off leash areas;
9. Advertise these proposed changes to the public for comment. Public comment shall be received between 17 August 2009 and 20 September 2009, with information on the changes available on the Port Phillip Council website and at each Town Hall.
10. Hear and review all public submissions at the Council meeting on 26 October 2009.

MOVED Crs Middleton/Bolitho - AMENDMENT

That the Motion be amended by inserting a new paragraph 9 as follows:

9. Making an on leash requirement within 5m of any designated bike path or shared path that is indicated as such by the presence of markings or signs.

A vote was taken and the AMENDMENT was CARRIED.

MOVED Crs Bolitho/Touzeau – FURTHER AMENDMENT

Insert the following words after 'at each Town Hall' in the new part 10 - 'and notices onsite where changes are proposed, as well as at other Council facilities'.

The following **SUBSTANTIVE MOTION** was put:

That Council:

Authorize the proposed Council Order No 3, the instrument that controls dog off leash areas, which will revoke Council Order No 2 and make changes to it, namely:

1. Amending the definition of effective control as stated, and also including the additional section as follows:

A dog shall be deemed to be under the effective control of its owner, whether on or off leash, if:

- It will return to its owner upon command
- The owner retains a clear and unobstructed view of the dog.
- It does not bother, attack, worry or interfere with other people or animals.

2. Allowing temporary on or off leash areas;
3. Removing West Port Foreshore Reserve, Port Melbourne as an off leash area;
4. Reducing the off leash area at Garden City Reserve, Port Melbourne;
5. Increasing off leash Beach C, Port Melbourne;
6. Removing off leash Beach B, St Kilda;
7. Increasing off leash Beach A, St Kilda;
8. Including Albert Park Reserve on and off leash areas;
9. Making an on leash requirement within 5m of any designated bike path or shared path that is indicated as such by the presence of markings or signs.
10. Advertise these proposed changes to the public for comment. Public comment shall be received between 17 August 2009 and 20 September 2009, with information on the changes available on the Port Phillip Council website and at each Town Hall and notices onsite where changes are proposed, as well as at other Council facilities.
11. Hear and review all public submissions at the Council meeting on 26 October 2009.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

**4. COMMUNITY FACILITY FUNDING (SPORT AND RECREATION) PROGRAM
2010/2011**

Mr Peter Goad made the following submission in relation to this item.

Mr Goad, speaking on behalf of "Save Albert Park", spoke in support of the redevelopment Clarke Shields Pavilion. The "Save Albert Park" group believes that the South Melbourne Districts Sports Club should be supported and assisted by Council in their endeavours to secure capital funding for the redevelopment, as it has over 1000 members and is an integral component of the Albert Park sporting community.

Purpose:

For Council to approve the projects to be the subject of applications to the Department of Planning and Community Development's Community Facility Funding Program in the Major Facilities and Planning Categories and to confirm the process for determining projects for the Minor Facilities Category.

MOVED Crs Klepner/Middleton

That Council directs officers to:

1. Complete and submit an application to Department of Planning and Community Development for a Major Facilities Grant to assist the South Melbourne Districts Sports Club in the redevelopment of the 'Clarke Shields Pavilion' in Albert Park Reserve.
2. Investigate other potential funding sources and opportunities for capital contribution toward the potential development of a 'South Melbourne and Port Melbourne Lifesaving Club'.
3. Complete and submit an application for a Planning Grant for development of a 'Playground Strategy', incorporating a strategic review of the needs of children and the provision of recreation equipment for adults.
4. Write to all community sporting groups within the City of Port Phillip and advise of the Minor Facilities Grant and seek applications.
5. Provide a report to the Ordinary Meeting of Council on 14 September 2009 for Council to consider the applications received from community sporting clubs

A vote was taken and the MOTION was CARRIED.

5. AMENDMENT C79

Purpose:

For Council to consider its position in relation to a request from Urbis, representing Wadhawan Holdings Pty Ltd, to the Minister for Planning for Amendment C79 to be processed pursuant to section 20(4) of the *Planning and Environment Act 1987*, to amend Schedule 8 to the Design and Development Overlay.

MOVED Crs Klepner/Powning

That Council:

1. Advise the Minister for Planning that Council does not support the request for Amendment C79 to be processed pursuant to section 20(4) of the Planning and Environment Act 1987, to amend Schedule 8 to the Design and Development Overlay, on the basis that this process would prevent public comment and an independent panel review of the proposed changes to the Port Phillip Planning Scheme.
2. Advise the Minister that Council would support the preparation and exhibition of Amendment C79 to the Port Phillip Planning Scheme pursuant to Section 96A of the Planning Environment Act 1987, to enable the combined and concurrent consideration of the proposed amendment and an associated planning permit application.
3. Advise the Minister that any change to the 'Requirements' for 'Area DDO 8-10 City Road Wedge' through Amendment C79, should specify Above a height of 16 metres, buildings must be set back 10m from City Road to replace the current requirement Above the streetwall, buildings must be set back 10m from City Road.

A vote was taken and the MOTION was CARRIED.

6. ST KILDA FAMILY AND CHILDREN'S CENTRE PLAN

Purpose:

To inform Councillors of the consultation processes that have achieved the plans endorsed by the steering committee for the St Kilda Family & Children's Centre and seek approval to put the project to tender, pending the outcomes of the necessary planning processes.

MOVED Crs Powning/Middleton

That Council:

1. Acknowledge the extensive consultations with key community, including children, and government stakeholders that has resulted in the plans produced to date.
2. Approve the commencement of a competitive tender process for the construction of the Centre once planning application processes have been completed.
3. Notwithstanding Council's agreement above, acknowledge that this report does not fetter or restrict the power or discretion of Council, as responsible authority for the Port Philip Planning Scheme, to make or impose requirements or conditions in connection with any use or development of the land on which the integrated family & children's centre is to be located, the granting of any planning approval relating to this project or, the approval or certification of any plans relating to this project.
4. Acknowledge the contribution of the St Kilda Family & Children's Centre Steering Committee in developing these plans and thank them for their continuing efforts.

A vote was taken and the MOTION was CARRIED.

8. RENEWAL OF BUILDING MAINTENANCE CONTRACTS

Cr Klepner left the meeting at 7.53pm due to a possible perception of conflict of interest due to having used the services provided by the contractor company currently the subject of Contract 1251.

Purpose:

This report recommends the extension of a range of building maintenance contracts that will continue to provide council with consistency in maintenance across a number of trade areas.

MOVED Crs Thomann/Powning

That Council

1. Approves the 12 month extension of the following building maintenance contracts from 1 October 2009 until 30 September 2010;
 - 1.1. Provisions of Mechanical Service Contract 0998 with Pioneer Pty Ltd
 - 1.2. Provision of Fire Services Contract 0999 with Interactive Fire Pty Ltd
 - 1.3. Provision of Lift Services Contract 1002 with Independent Lifting Services Pty Ltd
 - 1.4. Provision of Electrical Services Contract 1003 with JMD Electrics Pty Ltd
 - 1.5. Provision of Electrical Services Contract 1003 with Urban Maintenance Systems Pty Ltd
 - 1.6. Provision of Plumbing and Gasfitting Services Contract 1004 with Peck Plumbing Pty Ltd
 - 1.7. Provision of Plumbing and Gasfitting Services Contract 1004 with Urban Maintenance Systems Pty Ltd
 - 1.8. Provision of Plumbing and Gasfitting Services Contract 1251 with D J Murphy Plumbing Services Pty Ltd
 - 1.9. Provision of Automatic Door Maintenance Services Contract 1005 with Besam Pty Ltd
 - 1.10. Provision of Pest Control Services Contract 1006 with Pestaway Pty Ltd
 - 1.11. Provision of Graffiti Removal Services Contract 1008 with Graffiti Gone Pty Ltd
 - 1.12. Provision of Painting Services Contract 1009 with Graffiti Gone Pty Ltd
 - 1.13. Provision of Painting Services Contract 1253 with Programme Maintenance Services Pty Ltd
 - 1.14. Provision of Painting Services Contract 1253 with Munters Pty Ltd

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- 1.15. Provision of Carpentry and Handyman Services Contract 1010 with J W and P C Simpson
- 1.16. Provision of Carpentry and Handyman Services Contract 1010 with Urban Maintenance Systems Pty Ltd
- 1.17. Provision of Carpentry and Handyman Services Contract 1254 with Programme Maintenance Services Pty Ltd

A vote was taken and the MOTION was CARRIED.

Cr Klepner rejoined the meeting at 7.57pm

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

Nil.

10. URGENT BUSINESS

Nil.

As there was no further business the meeting closed at 8.00pm.

Confirmed: 24 August 2009

Chairperson: _____