



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

22 JUNE 2009

MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD ON 22 JUNE 2009 IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL

The meeting opened at 6.08pm.

PRESENT

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

IN ATTENDANCE

Kay Rundle Chief Executive Officer, Geoff Oulton Executive Director Community Development & Planning, David Yeouart Executive Director Community Assets & Services, Sally Calder Executive Director Organisation Systems and Support, David Filmlter Chief Financial Officer, Ian Hicks Manager Culture & Recreation, Murray Chick Acting Manager Governance and Risk Management, Greg Wood Manager Community Services, Sam Hewett Manager Asset Services, Paul Smith Manager Environment and Renewal, Michele Leonard Manager Community Development and Engagement, Anita Lange Manager Special Projects, Deidre Pellizzer Coordinator Arts and Festivals, Sheena Frost Special Projects Coordinator, Adele Denison Festivals and Events Coordinator, Norm McClelland Governance Advisor, Anna McNaughton Internal Communications Consultant, Cheryl Handby Foreshore and Open Space Advisor.

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

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

MOVED Crs Thomann/Middleton

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 25 May 2009 be confirmed.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Thomann/Middleton

That the Minutes of the Special Meeting of the Port Phillip City Council held on 11 June 2009 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATION OF CONFLICTS OF INTEREST

1. Mayor Cr O'Connor advised in relation to Business Item A4 – Clarendon Children's Centre Feasibility Study that pursuant to section 78B of the Local Government Act 1989 he has an indirect interest because of conflicting duties due to him being on the Board of the Napier Street Aged Services Committee.
2. Mayor O'Connor advised in relation to Business Item Order 5 - 2009-2010 Community Grants Program that pursuant to 78B of the Local Government Act 1989 he has an indirect interest because of conflicting duties as he is a Director of the Inner South Community Health Service, one of the proposed recipients of a Community Grant.
3. Deputy Mayor Cr Klepner advised in relation to Business Item Order 5 – 2009-2010 Community Grants Program that pursuant to 78B of the Local Government Act 1989 she has an indirect interest because of conflicting duties as she is a Board member of the Inner South Community Health Service, one of the proposed recipients of a Community Grant.
4. Mr. Geoff Oulton, Executive Director Community Development and Planning advised in relation to Business Item A12 – St Kilda Skate Park Site Selection process that pursuant to section 80C of the Local Government Act 1989 that he has a direct interest as his principal place of residence is located approximately 300 metres from one of the short listed sites (Elwood car park).

4. PETITIONS AND JOINT LETTERS

Item 1

A Joint Letter was received from 7 residents in regards to traffic treatments in Ross Street, Port Melbourne.

The Joint Letter states as follows:

We the undersigned residents of Ross Street Port Melbourne are requesting the Port Phillip City Council investigate our proposal for the following:

1. *Close the left hand road opening from Ingles Street into Ross Street, Port Melbourne.*
2. *Erect safety metal traffic barriers along the boundary of Williamstown Road and the top end of Ross Street with a garden bed along Williamstown Road.*
3. *Re-design the parking area and the end of Ross Street where it ends at Williamstown Road.*
4. *Landscape the garden area with appropriate plants as in other public garden areas in the Council.*
5. *Consult with the local residents in Ross Street regarding this proposal.*

Officer Comment:

The multi-signed letter has been logged and referred to Council's Coordinator Traffic, Transport and Parking to investigate and liaise with local residents further.

MOVED Crs Powning/Touzeau

That the aforementioned joint letter has been tabled at Council and that it is to be referred as per the Officer's Comment to the Coordinator Traffic Transport and Parking to be dealt with appropriately.

A vote was taken and the MOTION was CARRIED.

5. SEALING SCHEDULE

The following document is submitted for signature and sealing:

DEED OF NOVATION between PORT PHILLIP CITY COUNCIL, TOWER SOFTWARE and HEWLETT-PACKARD (HP), for the ongoing TRIM contract.

Item not considered by Council.

Responsible Manager: Ellen Lee, Chief Information Officer

MOVED Crs Powning/Touzeau

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

A vote was taken and the MOTION was CARRIED.

6. CORRESPONDENCE

Nil.

7. PUBLIC QUESTION TIME

Item 1

Mr Adrian Jackson asked the following questions:

1. Is Council proposing to delete Councillor's question time which normally occurs after Public Question Time as part of its Meeting Process Review?

The Mayor Cr O'Connor responded that Councillor Question time would remain in the Agenda.

2. With regards to the confidential matters associated with community grants, the general public don't know who has applied for a grant and why – could the public see this information and could this be debated in a public forum, rather than confidentially?

The Mayor Cr O'Connor responded that the issue of grants can be a sensitive one with regards to the sum/s of money being sought and there is a clear process established with a panel comprising officers, Councillors and external people. This ensures decisions are made quite independently of Councillors. The shortlist is then presented as recommendations to Council and whilst the debate remains confidential, a list of successful applicants is made public upon Council's resolution of who the recipients are.

3. Could street name signs be placed on the median strip on Beaconsfield Parade to enable motorists travelling north along the beach to identify where to turn off for the appropriate side streets?

The Mayor Cr O'Connor responded that this would be referred to the appropriate staff to be dealt with.

4. Could some of the closed off roads in West St Kilda (towards the Fitzroy Street end such as Cowderoy St and streets further north) be opened up to allow traffic to cross the median strip?

The Mayor Cr O'Connor responded that those streets have been closed off for appropriate traffic management reasons.

5. With West Beach Pavilion about to open soon, would it be prudent given the closing off of Pier Rd to establish some car parking in the wide median strip opposite the site?

The Mayor Cr O'Connor responded that the proposal would probably not be acceptable to Council but thanked Mr Jackson for his suggestion.

6. Could there be a survey on the back page of each issue of Divercity around "hot issues" in the municipality that people can fill in and send back?

The Mayor Cr O'Connor thanked Mr Jackson for his suggestion.

Item 2

Ms Krystyna Kynst asked the following question:

1. How do the following events, publicised in the metropolitan press, impact on the future of the St Kilda Triangle development:
 - the delisting and possible insolvency of Babcock & Brown, one of the parties to the approved Development Plan;
 - apparent trading of the Development Plan on the property market?

The Mayor Cr O'Connor responded that Babcock & Brown are not a party to the Triangle agreement, it is BBC Triangle Development. Babcock & Brown are associated through Citta Group which are part owners of BBC Triangle Development. Those matters are of interest to Council but whether it has any affect on the agreement are matters that Council's legal advisers are examining. With regards to point 2 of the question, The Mayor Cr O'Connor responded that there has been no proposal put to Council by any parties to sell out of their part of the agreement. The development agreement with Council is between Council, the State Government and BBC Triangle Development, which is a joint venture among a number of parties.

2. Who are the beneficiaries of the trust on whose behalf BBC Triangle Investments Pty Ltd signed the Development Agreement?

The Mayor Cr O'Connor advised this question would be taken on notice.

8. COUNCILLOR QUESTION TIME

Nil.

9. PRESENTATION OF REPORTS AND RECOMMENDATIONS FROM S86 SPECIAL COMMITTEE MEETINGS

9(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 1 JUNE 2009

Discussion took place in relation to the following items:-

- A1 REVIEW OF HERITAGE OVERLAY 3 - AMENDMENT C72 TO THE PORT PHILLIP PLANNING SCHEME
- A4 CLARENDON CHILDREN'S CENTRE FEASIBILITY STUDY
- A12 ST KILDA SKATE PARK SITE RECOMMENDATIONS
- A5 ST KILDA FESTIVAL REVIEW
- A8 SHOPPING CENTRE SPEED LIMITS
- UB1 ST KILDA FILM FESTIVAL
- A13 WEST BEACH LEASE SUBMISSION

The following items were MOVED en bloc by Crs Thomann/Powning:

- A2 AMENDMENT C74 (UPDATES AND CORRECTIONS TO THE PORT PHILLIP PLANNING SCHEME) - CONSIDERATION FOR ADOPTION
- A3 REVIEW OF SUBMISSIONS FOR FOOTPATH ACTIVITIES LOCAL LAW 7 2009
- A6 10 MITFORD STREET BUS SHELTER
- A7 BANK STREET/MORAY STREET – SAFETY AND AMENITY IMPROVEMENTS - (SUPPLEMENTARY REPORT RECOMMENDATION)
- A9 APPOINTMENT OF COUNCILLOR TO RUPERT BUNNY FOUNDATIONS SUBCOMMITTEE
- A10 NORTH PORT OVAL
- A11 DRAFT FITZROY STREET STREETScape PLAN
- A14 AUDIT COMMITTEE ACTIVITIES UPDATE
- A15 PROPOSED DISCONTINUANCE AND SALE OF ROW – REAR 27 PHILIPSON STREET, ALBERT PARK
- A16 PROPOSED DISCONTINUANCE AND SALE OF ROW – REAR 5 FINLAY STREET, ALBERT PARK

A1 REVIEW OF HERITAGE OVERLAY 3 - AMENDMENT C72 TO THE PORT PHILLIP PLANNING SCHEME

The following speaker made a verbal submission on this item:

1. Mr Nicholas Francis

- Expressed concern that the appropriate consultation process has not been undertaken by Council in relation to this item.

Geoff Oulton Executive Director Community Development and Planning responded that the Council will commence a process of consultation, not including writing to every individual households (as that was already undertaken as part of the preparation of the work) but rather to advertise to those where there would be a change of circumstance directly and to advertise more broadly to the area about the change in circumstance proposed by HO3. Mayor Cr O'Connor advised Mr Francis that Council will be undertaking a fulsome community consultation process with regards to this matter, hence the deferment of this item.

Purpose

To consider the Review of Heritage Overlay 3 (affecting properties across the suburbs of Middle Park, South Melbourne, Albert Park and West St Kilda) and determine whether to implement the review through Amendment C72 to the Port Phillip Planning, by introducing new Citations and grading changes into the Scheme.

MOVED Crs Klepner/Touzeau

That Council resolves to:

1. Defer this item to the Ordinary Meeting of Council to be held in July 2009.

A vote was taken and the MOTION was CARRIED.

A4 CLARENDON CHILDREN'S CENTRE FEASIBILITY STUDY

Mayor Cr O'Connor advised in relation to Business Item A4 – Clarendon Children's Centre Feasibility Study that pursuant to section 78B of the Local Government Act 1989 he has an indirect interest because of conflicting duties due to him being on the Board of the Napier Street Aged Services Committee.

Cr O'Connor exited the meeting at 6.50pm and Cr Klepner assumed the Chair.

The following speakers made verbal submissions on this item:

1. Dr Jim Skivalidas (Clarendon Chiropractic)

- Stated that Clarendon Chiropractic has been treated unfairly by Council considering their contribution to the community during their 30 year history at the site.
- The process has resulted in a significant financial impact on the business and has taken a huge emotional toll on the staff of Clarendon Chiropractic and their families.
- There has been a lack of communication from Council during this process and therefore adequate representation regarding this matter has not been afforded to Clarendon Chiropractic.

2. Ms Linda Davison (Coordinator Clarendon Children's Centre)

- Expressed concern that the impression in the community is that this project is going ahead, rather than just being considered and still being in the consultative stage.
- Urged Council to properly explore whether the extra childcare places are actually needed rather than spending the money only to find they are not needed.
- To progress in an open and consultative manner with this project and to include all parties in decisions that would affect the operations and size of the centre so as not to adversely affect the quality of care already offered.

3. Ms Melissa Jacka (Representative from Committee of Management Clarendon Children's Centre Co-Op)

- Highlighted the unique nature of the Committee of Management Clarendon Children's Centre Co-Op and as such will need to be extensively involved in the consultation process before any decisions are made regarding changing and/or expanding the Centre.
- Parents are determined not to lose the critical elements of what makes the Centre unique and those aspects that generate the good reputation of the Centre.

Purpose

To provide Councillors with the results of the feasibility study into the expansion of the Clarendon Children's Centre Co-operative.

MOVED Crs Klepner/Middleton

Council notes that 400-412 Clarendon Street is an appropriate site for community uses, in particular the provision of enhanced children's services.

Council therefore resolves to:

1. Commence consultation with Clarendon Children's Centre to identify any issues to be addressed in the expansion of Children's Services including childcare at this location.
2. Proceed to detailed design on the concept for 400-412 Clarendon St, to increase the capacity of Clarendon Children's Centre by up to 20 licensed places, and create new maternal and child health consulting suites, shared space and associated facilities by incorporating the existing tenancy at 400 Clarendon St.
3. Continue to conduct consultations with Clarendon Children's Centre and the Maternal and Child Health Service on the detailed design.
4. Consult Napier St Hostel on any impact on car parking and access to their facility.

A vote was taken and the MOTION was CARRIED.

At 7.07pm Mayor Frank O'Connor resumed the Chair.

**A12 ST KILDA SKATE PARK SITE RECOMMENDATIONS
(SEE SUPPLEMENTARY REPORT)**

Mr. Geoff Oulton, Executive Director Community Development and Planning advised in relation to Business Item A12 – St Kilda Skate Park Site Selection process that pursuant to section 80C of the Local Government Act 1989 that he has a direct interest as his principal place of residence is located approximately 300 metres from one of the short listed sites (Elwood car park).

The following speakers made submissions regarding this item:

1. Alan Denton (objector - presentation)
2. John Cadd (objector - presentation)
3. Rob Francis (supporter - presentation)
4. Peter Kerdell (objector and presented petition)
5. Jeannie Shorland (objector)
6. Brent Shipley (supporter)
7. Rosemary Eagle (objector)
8. Peter Holland (supporter)
9. Adrian Jackson (objector)
10. Doug Munford (objector)
11. Desmond George (objector)
12. Susanna Lobez (objector)
13. Suzanne Spinner (objector)

Cr Thomann left the meeting at 7.55pm

Cr Thomann returned to the meeting at 7.58pm

MOVED Crs Touzeau/Powning

To suspend Standing Orders to take a 20 minute recess

A vote was taken and the MOTION was CARRIED.

The meeting was suspended at 8.25pm

The meeting resumed at 8.47pm

MOVED Crs Powning/Thomann

To resume Standing Orders

A vote was taken and the MOTION was CARRIED.

The following speakers made submissions regarding this item:

14. Robyn Voges (objector)
15. Samantha Hutchison (objector)

16. Peter Tangent (supporter)
17. Keith Miller (supporter)
18. Bryan Sketchly (supporter)
19. Richard Mount (objector)
20. Theresa Warren (objector)
21. Joan Campbell (objector)
22. David Myer (supporter)
23. Stephen Humphries (noted as objector)
24. Mary Sharp (noted as objector)
25. Vivienne Ryan (noted as objector)
26. Aric Schwann (noted as supporter)
27. Gaye Wood (objector), asked the following questions about this proposal in relation to the Council Plan:
 1. How is the putting the skate park on the foreshore caring for our natural environment?
Mayor O'Connor responded that there would be landscaping to mediate this.
 2. How is the Council intending to make people feel proud of, connected to and enjoy the space when there are so many objectors to this proposal?
Mayor O'Connor responded that there are differing views surrounding the proposal and that has been taken into account
 3. Is the Council intending to uphold its Council Plan?
Mayor O'Connor responded that the Council is committed to upholding all aspects of the Council Plan
 4. How can the Council justify proposing to construct a high intensity activity such as the skate park on the foreshore parkland so close to housing?
Mayor O'Connor responded that this question once again related to aspects of the Council Plan and enquired if Ms Wood had any other questions relating directly to the item at hand.
 6. In the report it states that the site next to the Sea Baths was not suitable for the Skate Park because the noise would impact on diners – is this not going to more of an impost of the residents across the road from the proposed site?
Mayor O'Connor responded that there was more than that singular reason for why the Sea Baths site was not appropriate

7. How does the Council justify the proposal bearing in mind the following:
- It is too close to residences
 - The skateboarders have to cross 6 lanes of traffic to get to the park, which is dangerous
 - The need to feel safe in one's home, particularly at night
 - The need to exercise in a safe amenity
 - The potential increase of graffiti in or around the neighbourhood
 - The potential increase in insurance premiums
 - Noise pollution
 - Lack of parking in the warmer months

Mayor O'Connor responded that the Skate Park fits in well with Council's Health and Wellbeing plan. Skateboarding is a good healthy activity.

8. How is the Council going to ensure our safety and livability and at what cost to the community?
9. How does the Council plan to achieve a "carless" community, with the primary mode of exercise being walking when residents will have to drive to safe areas to exercise? Does the Council intend to uphold its Council Plan to further develop the quality and safety of its walking and cycling opportunities which should also include the foreshore paths.

Mayor O'Connor responded that Council is committed to improving walkability right across the municipality.

10. How is the skate park at the proposed site going to enhance the livability of the people who live near it in relation to noise, graffiti and any other negative aspects that may be an outcome?

Mayor O'Connor responded that it will help enhance livability for younger people, older skaters and people who enjoy skateboarding and sport in the municipality. There are many stakeholders in the municipality and Council needs to try to meet everybody's needs.

11. How does the Council intend to promote women's safety when some women have to walk daily for medical/health reasons and skaters may physically endanger walkers? Is the health of the majority less important to Council than the entertainment of the minority?

Mayor O'Connor responded that it is not.

12. Are you going to uphold your Council Plan?

Mayor O'Connor responded that Council will absolutely uphold the plan and that whilst it is easy to take a narrow view of the plan and interpret it around this one particular issue, the plan has been designed for all the people in the municipality.

13. Having had so much community opposition now and in the past which has cost Council and subsequently the community so much in legal fees and time in relation to this project, have you given any consideration to the fact that you may be proposing to construct the skate park in the wrong position? Would it not be better off away from residence, away from people who need to be able to exercise, in a place such as Albert Park where the half pipe currently exists?

Mayor O'Connor responded that the process entered into to determine the skate park site was an open and transparent one and the recommendation at this meeting has come out of that process.

14. Is Council intending to renew existing assets over the construction of new assets as per the Council plan – there are 2 skate facilities in the municipality already.

15. Has a Risk Management Strategy with regards to the skate park been completed?

Mayor O'Connor advised that a Risk Management Strategy is associated with an Asset Management Strategy which encompasses \$1.5 million worth of Council assets, not the proposed skate park, so this question is out of context when discussing plans for a skate park.

16. Marina Reserve is Crown Land and as such Port Phillip Council does not have authority over the land. How is the Council intending to be totally accountable for the management of that site?

Mayor O'Connor responded that Council is the Committee of Management for that site.

17. Why is the Council discriminating against the current users of Marina Reserve and the foreshore when it has a responsibility to provide a safe environment for residents to exercise, walk their pets etc when this park is zoned for "passive enjoyment"? Is it going to remain zoned this way?

Mayor O'Connor advised that it is public open space.

18. Does Council intend to uphold its Council Plan?

Mayor O'Connor responded that Council did intend to uphold its Council Plan.

Speakers against the proposal made the following points:

- Loss of open space in an area where open space is limited
- Possibility of the skate park attracting drug and alcohol affected persons at night
- Noise concerns
- Safety concerns for skaters having to cross 6 lanes of traffic to reach the site
- A possible increase in graffiti and vandalism

- Using public open space to cater to a minority
- The site is too close to residences, where previously considered sites were located near sports reserves
- There are no toilet facilities near the site
- Concern surrounding who may frequent the park after hours with regards to safety of residents and their homes

Speakers in support of the proposal made the following points:

- This process has taken 10 years and a total consensus on the location of the skate park will never realistically be reached
- Skaters are being discriminated against based on stereotypes and not fact
- Skating is a healthy activity for young boys and men to engage in
- Skate Parks in other states on foreshore locations have all been very successful endeavours
- The park would be a place for families to take their children that is accessible and affordable

Purpose

This report summarises the process of reviewing a number of sites as to their suitability for the St Kilda Skate Park in accordance with Council resolutions and recommends a preferred site of Marina Reserve –Parkland Area and 2 other suitable sites (Albert Park Reserve (north east of MSAC) and Albert Park Reserve (Vert Ramp) for the St Kilda's skate park.

MOVED Crs Middleton/Klepner

That Council resolves to:

1. Note the outcome of the consultation meeting held on 15 June 2009 and the range and importance of issues raised.
2. Include in any design brief for a skate facility at Marina Reserve a requirement to consider the issues raised by the community at the 15 June 2009 meeting as attached to this report.
3. Note that the St Kilda Skate Park Community Reference Group, was established and conducted in accordance with Council resolutions of 18 December 2008 and the 23 February 2009, and came to a consensus view that the Marina Reserve site was the preferred site for a skate park.
4. Note that the Independent Assessor, Mr. Richard Simon concluded that the preferred site for the proposed St Kilda skate park is the Marina Reserve – Parkland Area.
5. Adopt the Marina Reserve site as the preferred site for a skate park in St. Kilda.
6. Thank the community members of the CRG for the considerable effort and time they put into the process.

7. Formally commence a process to facilitate development of a skate park on the Marina reserve site by writing to the relevant Minister(s) and requesting the cooperation of the relevant government Department or Authorities to gain approval for this site.
8. Continue a process of engagement with the local community to identify issues to be addressed in the design and operation of the skate park.
9. Request a further report be presented to Council, following a response to the request for relevant approvals for the Marina reserve site and, subsequently, feedback from the community on a potential design of a skate park.

A vote was taken and the MOTION was CARRIED.

Cr Bolitho voted AGAINST the MOTION

A5 ST KILDA FESTIVAL REVIEW

The following speaker made a verbal submission to this item:

1. Krystyna Kynst

- Thanked Council for establishing a reference group to review the St Kilda Festival that included residents, as they are important stakeholders in this matter
- Proposed changes to the Consultant's Brief relating to the costs to the community and residents that result from the Festival, rather than focusing on only the benefits to businesses
- Asked that the Consultant's Brief clarify the meaning of "sustainable" with regards to the Festival eg, environmentally, socially, economically sustainable or all three.
- Proposed an additional question for the Consultant's Brief; What perceptions does the Festival, particularly Festival Sunday, create about St Kilda, about St Kilda's image and the type of behaviour that is subsequently acceptable in St Kilda, particularly late night activities?
- Advocated that all views/submissions should be acknowledged in the final report, even if rejected by the Consultant.
- To ensure that the comparison between St Kilda Festival and other festivals is with comparable festivals so that the benchmark is accurate
- Expressed concern that a budget has already been established for the 2010 festival before the recommendations have been made.

MOVED Crs Klepner/Thomann

That Council resolves to:

Deal with this item later in the meeting once Council Officers have had an opportunity to review information from the submitter.

A vote was taken and the MOTION was CARRIED

UB1 ST KILDA FILM FESTIVAL

MOVED Crs Thomann/Klepner

That Council expresses its congratulations to the staff involved in the successful running of the St Kilda Film Festival 2009.

A vote was taken and the MOTION was CARRIED.

A13 WEST BEACH LEASE SUBMISSION

Purpose

To advise Council of the outcome of the statutory advertising and submission process for the proposed lease of West Beach Pavilion (330A Beaconsfield Parade, St Kilda West) to West Beach Development Consortium Pty Ltd.

MOVED Crs Thomann/Klepner

That Council resolves to:

1. Defer this item to the Ordinary Meeting of Council to be held in July 2009.

A vote was taken and the MOTION was CARRIED.

A2 AMENDMENT C74 (UPDATES AND CORRECTIONS TO THE PORT PHILLIP PLANNING SCHEME) - CONSIDERATION FOR ADOPTION

Purpose

For Council to consider adoption of Amendment C74 which is required to correct and update various provisions of the Port Phillip Planning Scheme. Council must also determine to forward the adopted amendment to the Secretary of the Department of Planning and Community Development for certification, prior to its final approval.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Adopt Amendment C74 to the Port Phillip Planning Scheme pursuant to section 29 of the *Planning and Environment Act 1987*, in accordance with the Explanatory Report and List of Changes included as Attachment 1, including the correction to page 14 in regards to the suburb of property '14 Hennessey Avenue, East St Kilda' should read '*14 Hennessey Avenue, Elwood*'.
2. Request the Secretary of the Department of Planning and Community Development to Certify Amendment C74 pursuant to section 35A of the *Planning & Environment Act 1987*.
3. Authorise the Executive Director Community Development and Planning to finalise all amendment documentation, consistent with Attachment 1.
4. Authorise the Executive Director Community Development and Planning to approve Amendment C74 pursuant to section 35B of the *Planning and Environment Act 1987*, subject to the certified amendment being generally consistent with Amendment C74 as adopted by Council.
5. Formally advise the Minister for Planning of any decision made to approve Amendment C74, pursuant to section 35B of the Planning and Environment Act 1987.

A vote was taken and the MOTION was CARRIED.

A3 REVIEW OF SUBMISSIONS FOR FOOTPATH ACTIVITIES LOCAL LAW 7 2009

Purpose

The Council is required to consider submissions relating to the creation of the new Footpath Activities Local Law 7 (2009), under s223 of the Local Government Act.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Make the Footpath Activities Local Law No 7 (2009) in the form of that attached to the officer's report.
2. Give notice in the Government Gazette and by public notice that it has made the Footpath Activities Local Law No 7 (2009) in accordance with section 119(3) of the Local Government Act 1989.
3. Send a copy of the Footpath Activities Local Law No 7 (2009) to the Minister in accordance with section 119(4) of the Local Government Act 1989.
4. Affix the Common Seal to Footpath Activities Local Law No 7 (2009).
5. Invite community submissions to the current review of Footpath Trading Guidelines and notes that this might require further amendment to the Local Law.

A vote was taken and the MOTION was CARRIED.

A6 10 MITFORD STREET BUS SHELTER

Purpose

To advise Council on the outcome of investigations to the requested removal of this bus stop and shelter.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Maintain the bus stop and shelter in its present location adjacent to No.10 Mitford Street, St. Kilda, at this time.
2. Note the State Government in conjunction with the City of Port Phillip will shortly commence the 'Metropolitan Bus Service Review', which will include consideration of the shelter adjacent to No.10 Mitford Street.
3. Advise the signatories' that their joint letter will be forwarded to the Department of Public Transport for its consideration as part of the imminent State Government's 'Metropolitan Bus Service Review' within the City of Port Phillip.

A vote was taken and the MOTION was CARRIED.

A7 BANK STREET/MORAY STREET – SAFETY AND AMENITY IMPROVEMENTS

Purpose

To update Council on the safety and amenity improvements at Bank Street and Moray Street.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Support the closure of the centre median and associated works at the intersection of Bank Street with Moray Street.
2. Further consult with immediately affected parties on elements of design details.
3. Notify all residents and businesses in the area bounded by Park Street, Eastern Road, Dorcas Street and Clarendon Street of Council's decision.

A vote was taken and the MOTION was CARRIED.

**A9 APPOINTMENT OF COUNCILLOR TO RUPERT BUNNY FOUNDATIONS
SUBCOMMITTEE**

Purpose

That Council appoint a Councillor to the Rupert Bunny Foundation Subcommittee.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Appoint Councillor Touzeau to the Rupert Bunny Foundation Subcommittee.

A vote was taken and the MOTION was CARRIED.

A10 NORTH PORT OVAL

Purpose

This report proposes the creation of the North Port Oval Redevelopment Community reference Group in accordance with the generic model for community stakeholder consultation for key Council projects adopted by Council in April 2009.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Note the previous resolution of Council on this matter held on 25 August 2008.
2. Approve the terms of reference for the North Port Oval Redevelopment Community reference Group.
3. Note that expressions of interest will be sought from key local community groups and organizations to be represented on the Community Reference Group.
4. Appoint the Sandridge Ward Councilor and the Mayor as the Councilor representatives to the North Port Oval Redevelopment Community Reference Group.

A vote was taken and the MOTION was CARRIED.

A11 DRAFT FITZROY STREET STREETScape PLAN

Purpose

This report provides Council with an overview on the on the progress made in the development of the Fitzroy Street Streetscape Plan. This report seeks Council's approval to exhibit the Consultation Draft Plan to obtain wider public comment and response.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Receive and note the Draft Fitzroy Street Streetscape Plan (May 2009) and ancillary Consultation Draft Summary (June 2009).
2. Note the contribution provided by the Fitzroy Street Streetscape Plan Steering Committee.
3. Exhibit the draft of the Fitzroy Street Streetscape Plan during July and August 2009.
4. Receive a further report in the October or November cycle of Council meetings, to consider a final Fitzroy Street Streetscape Plan.

A vote was taken and the MOTION was CARRIED.

A14 AUDIT COMMITTEE ACTIVITIES UPDATE

Purpose

To present to Council the matters dealt with at the April 2009 meeting of the City of Port Phillip Audit Committee and to seek Council approval of the Audit Committee's 2009 Annual Work Plan.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Receive and note the report outlining the matters dealt with at the April 2009 meeting of the City of Port Phillip Audit Committee, including the Committee's work plan and the internal audit program, a contracting and tendering update from the organisation, as well as, presentation of a contracting and tendering audit by the internal auditor, an OH&S annual update and presentation of Council's Fraud Control and Management Policy; and
2. Approve the Audit Committee's 2009 Annual Work Plan attached to this report.

A vote was taken and the MOTION was CARRIED.

A15 PROPOSED DISCONTINUANCE AND SALE OF ROW – REAR 27 PHILIPSON STREET, ALBERT PARK

Purpose

Make a decision to complete the procedures and finalise the matter.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Form the opinion that 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.
2. Discontinue the road.
3. Direct that a notice be published in the Government Gazette.
4. Direct that the land from the road be sold to the abutting owner of 27 Philipson Street, Albert Park.
5. Direct 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.
6. Authorise the use of the Common Seal of the Port Phillip City Council to be affixed to the Transfer of Land.

A vote was taken and the MOTION was CARRIED.

**A16 PROPOSED DISCONTINUANCE AND SALE OF ROW – REAR 5 FINLAY STREET,
ALBERT PARK**

Purpose

This report is to commence the process for the discontinuance and sale of a section of Right of Way No. R1229 at the rear of 5 Little Finlay St, Albert Park in accordance with statutory procedures set out in the LGA 1989.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Form the opinion that the road at the rear of 5 Little Finlay Street, Albert Park as shown on the plan attached to this report is not reasonably required as a road for public use.
2. Discontinue the road and the land from the road be sold to abutting owners.
3. Direct 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.

A vote was taken and the MOTION was CARRIED.

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

Note: Business items B1, B2 and B3 were resolved by the Statutory Planning Committee held on 9 June 2009 in accordance with Section 86 of the Local Government Act 1989.

The following item was MOVED en bloc by Crs Klepner/Powning:

B4 DELEGATE REPORT

B4 DELEGATE REPORT

Purpose

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

MOVED Crs Klepner/Powning

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.

A vote was taken and the MOTION was CARRIED.

A8 SHOPPING CENTRE SPEED LIMITS

Purpose

To provide some background information on the impact of speed in a road safety context, and its relationship to speed limit reductions in Victoria and the City of Port Phillip.

MOVED Crs Klepner/Powning

That Council resolves to:

1. Note council officers' active investigations to reduce speed limits from 60km/h to 40km/h in Clarendon Street, South Melbourne, Carlisle Street, St. Kilda, Bay Street, Port Melbourne, Barkly Street, St. Kilda and Glen Eira Road, Ripponlea.
2. Support the reduction of speed limits from 60km/h to 40km/h in Clarendon Street, South Melbourne; Carlisle Street, St. Kilda; Bay Street, Port Melbourne; Barkly Street, St. Kilda; and Glen Eira Road, Ripponlea.
3. Advise VicRoads of Council's support for the implementation of 40km/h speed limits in Clarendon Street, South Melbourne, Carlisle Street, St. Kilda, Bay Street, Port Melbourne, Barkly Street, St. Kilda and Glen Eira Road, Ripponlea.
4. Advise affected residents and businesses of Council's decision as outlined in the community and stakeholder engagement section of this report.
5. Support 40km/h precincts around the key shopping strips to reinforce and improve the implementation of these speed limits in the shopping areas and that Council work with Vic Roads to achieve this.
6. Further that a report be provided to Council identifying the areas and actual streets in each precinct.

A vote was taken and the MOTION ARISING was CARRIED.

10. CHIEF EXECUTIVE OFFICER’S REPORT

Nil.

11. ORDERS OF THE DAY

Discussion took place in relation to the following items:

- ORDER 1 ROAD MANAGEMENT PLAN REVIEW
- ORDER 2 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO THE LIARDET
ST FAMILY AND CHILDREN'S CENTRE STEERING COMMITTEE
- ORDER 3 MEETING PROCESS REVIEW
- ORDER 4 PROPOSED EXPRESSION OF INTEREST PROCESS – LEASE OF 129
BEACONSFIELD PARADE, ALBERT PARK
- ORDER 5 2009-2010 COMMUNITY GRANTS PROGRAM
- ORDER 6 2009-2010 CULTURAL DEVELOPMENT FUND

ORDER 1 ROAD MANAGEMENT PLAN REVIEW

Purpose

The purpose of this report is to commence the statutory review process of the Road Management Plan.

MOVED Crs Klepner/Thomann

That Council resolves to:

1. Commence a review of its Road Management Plan in accordance with the Road Management (General) Regulations 2005.
2. Advertise the review of its Road Management Plan in the Government Gazette, a daily newspaper generally circulating in the area and a local paper, allowing at least 28 days for people to make submissions.

A vote was taken and the MOTION was CARRIED.

**ORDER 2 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO THE LIARDET
ST FAMILY AND CHILDREN'S CENTRE STEERING COMMITTEE**

Purpose

This report is to appoint the two new members, following assessment of the applications by councillors.

MOVED Crs Powning/Touzeau

That Council resolves to:

1. Appoint Anita Horvath and Glenn Staunton as community representatives on the Liardet St Family & Children's Centre Steering Committee.

A vote was taken and the MOTION was CARRIED.

ORDER 3 MEETING PROCESS REVIEW

Purpose

This report is presented to Council so that it can consider amending various matters regarding its meeting process including locations of meetings; the 'order of business' for those meetings; the timing of publishing agendas on Council's website and the Council / Committee meeting cycle.

MOVED Crs Thomann/Klepner

That Council resolves to:

1. Rotate the location of its Ordinary Council meetings between the St Kilda Town Hall, the Port Melbourne Town Hall and the South Melbourne Town Hall, and work with the Australian National Academy of Music to gain access to the South Melbourne Council Chamber.
2. Adopt the Ordinary Council / Statutory Planning Committee meeting cycle for the period July 2009 to January 2010 as contained in Attachment 1, with the following amendments:
 - 2.1 Monday August 10 – South Melbourne Town Hall
 - 2.2 Monday September 14 – Port Melbourne Town Hall
 - 2.3 Monday October 12 - South Melbourne Town Hall
 - 2.4 Monday November 9 - Port Melbourne Town Hall
 - 2.5 Monday December 14 - South Melbourne Town Hall
 - 2.6 Alter St Kilda Council Chamber to St Kilda Town Hall
3. Adopt the following 'order of business' for Ordinary Council / Statutory Planning Committee meetings:
 - 3.1 Apologies
 - 3.2 Minutes of previous meeting
 - 3.3 Declarations of conflicts of interest
 - 3.4 Petitions and joint letters (Council meetings only)
 - 3.5 Sealing Schedule (Council meetings only)
 - 3.6 Public question time
 - 3.7 Councillor question time
 - 3.8 Presentation of reports
 - 3.9 Notice of motion (only when required)
 - 3.10 Reports by Councillor delegates
 - 3.11 Urgent business
 - 3.12 Confidential matters (only when required)

4. Note Ordinary Council and Statutory Planning Committee meeting agendas and reports will be published on the Council website by 12 noon on the Thursday prior to the meeting.
5. Note that a review of Council's Meeting Procedure Local Law will be undertaken in the second half of 2009.
6. Adopt the following as its monthly Ordinary Council / Statutory Planning meeting cycle commencing July 2009:
 - 6.1 Second Monday of the month – Ordinary Council meeting
 - 6.2 Third Monday of the month – Statutory Planning Committee meeting
 - 6.3 Fourth Monday of the month – Ordinary Council meeting
7. Review the locations of Council meetings in December 2009.

A vote was taken and the MOTION was CARRIED.

**ORDER 4 PROPOSED EXPRESSION OF INTEREST PROCESS – LEASE OF 129
BEACONSFIELD PARADE, ALBERT PARK**

Purpose

This report seeks Council's endorsement to the proposed approach and sets out an indicative timeline for the Expression of Interest process.

MOVED Crs Powning/Klepner

That Council resolves to:

1. Undertake an Expression of Interest process for the future lease of 129 Beaconsfield Parade, Albert Park; and
2. Advertise this opportunity for commercial or community use in The Age, The Port Phillip Leader and the Emerald Hill Weekly newspapers.

A vote was taken and the MOTION was CARRIED.

ORDER 5 2009-2010 COMMUNITY GRANTS PROGRAM

Mayor O'Connor advised in relation to Business Item Order 5 - 2009-2010 Community Grants Program that pursuant to 78B of the Local Government Act 1989 he has an indirect interest because of conflicting duties as he is a Director of the Inner South Community Health Service, one of the proposed recipients of a Community Grant.

Deputy Mayor Cr Klepner advised in relation to Business Item Order 5 – 2009-2010 Community Grants Program that pursuant to 78B of the Local Government Act 1989 she has an indirect interest because of conflicting duties as she is a Board member of the Inner South Community Health Service, one of the proposed recipients of a Community Grant.

At 10.55pm Crs O'Connor and Klepner exited the meeting due to previously declared conflicts of interest in relation to this item and Cr Middleton assumed the Chair.

Purpose

This report presents Council with a list of successful applicants as recommended by the Community Grants Panel 2009-10.

MOVED Crs Powning/Touzeau

That Council resolves to:

1. Endorse the recommendations of the Community Grants Assessment Panel;
2. Thank the members of the Community Grants Assessment Panel for their assistance and their recommendations;
3. Make public the successful applicants; and
4. Review the process and guidelines for providing Community Grants, taking into account the recommendations from the panel.

A vote was taken and the MOTION was CARRIED.

At 11pm Crs O'Connor and Klepner rejoined the meeting with Cr O'Connor resuming the Chair.

ORDER 6 2009-2010 CULTURAL DEVELOPMENT FUND

Purpose

This report presents Council with a list of successful applicants as recommended by the Cultural Development Fund Committee 2009/2010.

MOVED Crs Thomann/Touzeau

That Council resolves to:

1. Endorse the recommendations of the Cultural Development Fund Committee;
2. Thank the members of the Cultural Development Fund Committee for their assistance;
 and
3. Make public the successful applicants; and
4. Review the process and guidelines for providing cultural development grants, taking into account the recommendations from the panel.

A vote was taken and the MOTION was CARRIED.

A5 ST KILDA FESTIVAL REVIEW

Purpose

This report presents to Council a proposal for review of the St Kilda Festival.

MOVED Crs Thomann/Touzeau

That Council resolves to:

1. Undertake a broad public review of St Kilda Festival, with the project purpose to assess the sustainability and value of the St Kilda Festival;
2. Use the results of this review to input into the review of the 2003 Festivals Framework;
3. Note the consultant project brief and proposed timelines for review of St Kilda Festival; as amended
 - 3.1 Include in the project outcomes as follows:
 - In determining the net community impact or benefit, consider the following;
 - What are the benefits and to whom do they accrue?
 - What are the impacts and who do they affect?
 - Consider any indirect costs to the community
 - Is the St Kilda Festival sustainable when measured in terms of cultural, social, economic and environmental outcomes?
 - Consider the impact on the image of St Kilda
 - 3.2 Include in the role of the consultant as follows:
 - Consult with the festival reference group and key stakeholders as outlined above, ensuring all views are known, given full consideration and inclusion.
 - Collate information from other relevant festivals to benchmark all aspects of the St Kilda Festival.
4. Note that officers will consider the following criteria in the appointment of an independent consultant:
 - 4.1 Experience in stakeholder and community consultation, community development, music and the arts;
 - 4.2 Understanding / experience with strategic planning for major festivals; and
 - 4.3 Price.
5. Note the intention to advertise for expressions of interest for the establishment of a Community Reference Group under the terms of Reference referred to in attachment 1 of Report A5 to the 1 June 2009 Strategy and Policy Review Committee meeting with the following modification: all references to 'the Chairperson' be replaced with 'the Facilitator'.
6. Note that the 2010 St Kilda Festival will proceed in accordance with Council's 2009/10 Budget; and
7. Note that City of Port Phillip staff will be undertaking further consultation with St Kilda Residents in planning for the 2010 St Kilda Festival.

A vote was taken and the MOTION was CARRIED.

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

Nil.

13. URGENT BUSINESS

Item 1

MOVED Crs Middleton/Powning

That Council consider an Urgent Business item in relation to a container deposit scheme.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Middleton/Klepner

Council is concerned to act and to support a range of actions, to reduce waste to landfill and increase the separation of recyclables; and, while continuing to take opportunities in Council's own operations to improve recycling and reduce waste to landfill;

Therefore Council resolves to:

1. Support the introduction of a container deposit scheme in Victoria, or throughout Australia.
2. Write to the state and federal environment ministers to urge them to implement a container deposit scheme, because of the financial, social and environmental benefits.
3. Actively promote the issue in the community.'

A vote was taken and the MOTION was LOST.

Item 2

The Councillors thanked Sally Calder Executive Director Organisation Systems and Support and Geoff Oulton Executive Director Community Development and Planning for their extensive service to the community and to the Council over the years and recognise the contribution and effort they have put in during their tenure with the City of Port Phillip as Executive Directors.

13. CONFIDENTIAL ITEMS

Nil.

As there was no further business the meeting closed at 11.40pm.

Confirmed: 27 July 2009

Chairperson: _____