



**ORDINARY
MEETING OF
COUNCIL**

AGENDA

27 JULY 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.

Each Report will be 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, 27 July 2009** at **6.00pm**.

AGENDA

1. **APOLOGIES**
2. **MINUTES OF PREVIOUS MEETINGS**
 - Minutes of the Ordinary Meeting of the Port Phillip City Council held on 13 July 2009.
3. **DECLARATIONS OF CONFLICTS OF INTEREST**
4. **PETITIONS AND JOINT LETTERS**
5. **SEALING SCHEDULE**
6. **PUBLIC QUESTION TIME**
7. **COUNCILLOR QUESTION TIME**
8. **PRESENTATION OF REPORTS**
 1. Update on St Kilda Triangle
 2. Management of Catani Gardens
 3. Audit Committee Activities Update
 4. Declaration of Special Rate St Kilda Village
 5. City of Port Phillip Transport Advocacy Statement
 6. West Beach Lease
 7. Contract No. 0977 – Hard and Green Waste Booked Collection and Dumped Rubbish Collection – Option to Exercise Year 3 (Final Year)
9. **NOTICE OF MOTION**
10. **REPORTS BY COUNCILLOR DELEGATES**
11. **URGENT BUSINESS**

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3. DECLARATIONS OF CONFLICTS OF INTEREST

4. PETITIONS AND JOINT LETTERS

Item 1

A Petition was received from 273 people regarding DJ's Diner at 70 White Street, South Melbourne.

The Petition states the following:

'We the undersigned, strongly petition the City of Port Phillip to show support for DJ's Diner and abort its attempt to evict DJ's Diner from the current premises and allow DJ's Diner to continue trading at its current location'.

Officer's Comment

- The background to this commercial tenancy is that a Planning Permit for the vacant caretaker's residence to be used as a takeaway shop was issued in 1990. The original lease commenced in 1991 for 6 years with a further term of 6 years. The current lease commenced in 2003 for 3 years with a further three year option, expiring on 30 April 2009. Mr Xiao Hua Wu has been operating DJ's Diner at 70 White Street, South Melbourne for the past 6 years. The site is on crown land.
- The lease agreement for the property expired on 30 April 2009. The Tenant is now occupying the property on a month by month basis.
- On 18 June 2009, Council officers served a Notice to Quit, in order to obtain vacant possession of the site on 24 July 2009. This was due to:
 - Significant termite damage to the structure of the building;
 - The building is at the end of its useful life; and
 - In its current state it does not meet Health / Food Service standards.
- It is expected that the property will most likely be demolished although this has not received formal DSE approval as yet. Fencing will be erected around the building in the week commencing 27 July.
- Council officers had previously issued two Notices to Quit to the tenant, following a structural engineer report which found that the building represented a safety risk and either required demolition or the replacement of all stud walls. The tenant obtained their own consultants' reports which suggested that the extent of works required was much less than the council's report. The tenant's reports and correspondence were considered by council officers and in the end the tenant did see out the term of their lease.

5. SEALING SCHEDULE

Nil.

6. PUBLIC QUESTION TIME

7. COUNCILLOR QUESTION TIME

8. PRESENTATION OF REPORTS

- 1. UPDATE ON ST KILDA TRIANGLE**
- 2. MANAGEMENT OF CATANI GARDENS**
- 3. AUDIT COMMITTEE ACTIVITIES UPDATE**
- 4. DECLARATION OF SPECIAL RATE ST KILDA VILLAGE**
- 5. CITY OF PORT PHILLIP TRANSPORT ADVOCACY STATEMENT**
- 6. WEST BEACH LEASE**
- 7. CONTRACT NO. 0977 – HARD AND GREEN WASTE BOOKED COLLECTION AND DUMPED RUBBISH COLLECTION – OPTION TO EXERCISE YEAR 3 (FINAL YEAR)**

9. NOTICE OF MOTION

Nil.

10. REPORTS BY COUNCILLOR DELEGATES

11. URGENT BUSINESS