



**ORDINARY  
MEETING OF  
COUNCIL**

**AGENDA**

**29 SEPTEMBER 2009**

## 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.*



# 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 **Tuesday, 29 September 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 14 September 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**
  - 8.1 *Appointment of Independent Member to South Melbourne Market Management Committee*
  - 8.2 *City of Port Phillip Open Space Strategy*
  - 8.3 *Marina Reserve Masterplan*
  - 8.4 *Amendment C70 – planning scheme maintenance (updates and corrections) – Consideration for Adoption*
  - 8.5 *Victorian Climate Change Green Paper*
  - 8.6 *Review of Delegations from Council to Staff and to Special Committees*
  - 8.7 *Audit Committee Activities Update*
9. **REPORTS BY COUNCILLOR DELEGATES**
10. **URGENT BUSINESS**

23 SEPTEMBER 2009

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**3. DECLARATIONS OF CONFLICTS OF INTEREST**

## 4. PETITIONS AND JOINT LETTERS

### Item 1

*A Joint Letter was received from 3 residents in regards to the Urban Studies Centre (USC) project.*

*Extract of Joint Letter as follows*

*'We agree that the delivery of heritage and library services can be complementary and that such services can deliver a range of successful programs. Certain aspects of the proposed building design are, however, of concern to us. In particular, we are concerned about the inordinate amount of space given over to the semi-circular exhibition space. Whilst we support innovative design, in this case the benefits of such design will be outweighed by the reduction in flexible, usable space and the consequent reduction in the quality of library services provided. We also believe that too much of the remaining space has been dedicated to meeting rooms at the expense of other library functions.*

*The current design of the USC will result in the amount of shelf space estimated to be available for library items at approximately 200 linear metres, whereas the current library has 245 metres plus display racks and shelving. As a result, the library collection would be significantly reduced in size.*

*Finally, we are concerned that there has been very little opportunity for input from the wider South Melbourne Community into the proposed design. The only plans ever displayed in the library for this project was for the design that had the library remaining in its current position and size'.*

### **OFFICER COMMENT**

The matters raised in the Joint Letter have been examined.

The proposed redevelopment of the Urban Studies Centre does not reduce the current area of available shelving of the collection.

The proposed redevelopment will increase the area available for children's activities and collection.

City of Port Phillip has engaged the Urban Studies Centre Reference group, members of the library community, and the Urban History Advisory Committee in the process of public consultation over the design and layout of the building over the past 2 years, following public exhibition and comment on the plans during the planning permit process in 2007.

### **RECOMMENDATION**

That Council notes the Joint Letter.

**Item 2**

A Petition was received from 340 signatories opposing the proposed law that would require dogs to be kept on lead within five metres of a shared pathway.

The Petition states the following:

'We the undersigned, are totally opposed to any move by Council to restrict the freedom of dogs by the passing of laws that would require dogs to be kept on a lead within 5 metres of shared pathways in Alma Park West purely for cyclists use when there is a perfect adequate track in Alma Park East'.

**OFFICER COMMENT**

The Review of 'Off Leash Dog Areas' proposes a number of changes to the current arrangements for off leash areas.

The Council has publicly advertised the proposed changes to encourage community feedback. All submissions will be reviewed and considered by Council prior to a final decision being made.

**RECOMMENDATION**

That the Petition be received and referred to the Manager Health, Parking and Enforcement for consideration as part of the review of the Off Leash Dog Areas.

**Item 3**

A Petition was received from 404 dog owners of the Langridge Street/West St. Kilda Beach.

The Petition states the following:

*'The Langridge Street/West St Kilda Beach is in danger of being closed to Dusty and all of his friends.*

*Dusty and lots of local friends could lose their favourite beach under proposed changes to Dog Off Leash Beaches.*

*The City of Port Phillip is proposing to close the beach from Langridge Street to the area east of Fraser Street to dogs at all times. Local families and dogs will be denied summer evenings and days during the hottest months of the year and when Albert Park Reserve is closed to us because of the Grand Prix.*

*It will mean exiting the beach at either Langridge Street or near Fraser Street, adding to the congestion on the promenade.*

*There are other changes proposed by the Council that will impact on you and your best friend'.*

**OFFICER COMMENT**

The Review of Off Leash Dog Areas proposes a number of changes to the current arrangements for off leash areas.

The Council has publicly advertised the proposed changes to encourage community feedback. All submissions will be reviewed and considered by Council prior to a final decision being made.

**RECOMMENDATION**

That the Petition be received and referred to the Manager Health, Parking and Enforcement for consideration as part of the review of the Off Leash Dog Areas.

**Item 4**

A Petition was received from a combination of 85 residents and traders in regards to the Hambleton House residents begging in Albert Park Village.

The Petition states the following:

*'We the undersigned want action taken on the constant busking and begging in Albert Park Village'.*

**OFFICER COMMENT**

**Local Laws:**

The local laws involvement has been on two fronts. The initial information received from the resident was around illegal busking. Council officers attended on numerous occasions to rarely find an offence occurring. When it was noted the person responsible walked away on our approach.

The second phase was being involved with meeting with Community case workers, Council community development officers and the SRS accommodation proprietor in April 2009. At this point alternate strategies were put in place to redirect the behaviours. The writer of the petition has been contacted and informed of our actions on previous occasions. The site has been inspected on a number of occasions since then without noting any antisocial behaviours.

There is an offence under the Local Laws for busking without a permit (section 7.2) and Behaving on Council land in a manner that causes interference to the quiet enjoyment by other persons (section 44). Begging is a summary offence and is dealt with by Police.

The problem is that the people involved are unable to comprehend that they are in breach of the law. As such an enforcement approach would not achieve the desired outcome. Serving fines on these people is also undesirable as the majority of Hambleton House residents are reliant on pensions of which 90-95% is paid for their accommodation and care.

**Community Development:**

Council's Social Support and Recreation Access worker has regular contact with the Hambleton House proprietor, residents and a range of activity providers and case managers from across the community who are involved with these residents.

Residents are offered the opportunity to attend local activities through the week, but for some of the residents due to their disability they are not always keen or suited to attend groups and cannot be forced to attend activities.

Hambleton House has been established at this site as a State registered private SRS-Supported Residential Service for over 30 years. For residents who live there this is their home, it is not a secure facility so people are free to be out and about in their local community and it is difficult for the proprietor or Council to control what residents do when they are away from the building.

Some years ago, Council facilitated a meeting regarding similar concerns in terms of challenging behaviours including begging, stealing food and urinating in public from residents believed to live at Hambleton House. This meeting included 14 traders, two South Melbourne Police officers, a health care worker and several council officers. The meeting explored the reasons for why these behaviours were occurring, and written guidelines provided for managing behaviour in the future.

**RECOMMENDATION**

That a meeting is set up to discuss the issues.

## 5. SEALING SCHEDULE

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL, PAUL GERARD MCALLISTER and SUE ELAINE MCALLISTER, to ensure that Condition 2 of Planning Permit No. 1388/2007 at 103 Hambleton Street, Middle Park is satisfied.

Item not previously considered by Council.

Condition 2 of the Planning Permit No. 1388/2007 issued by Council on the 29 December 2008 states that:

2. *Prior to the commencement of the use/development permitted, the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property as to run with the land, and must provide for the following:*
  - a) *The land shall not be subdivided.*
  - b) *The two storey structure at the rear shall not be altered to create self-contained accommodation.*

*The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.*

**Responsible Manager:** George Borg, Manager City Development

**6. PUBLIC QUESTION TIME**

**7. COUNCILLOR QUESTION TIME**

## 8. PRESENTATION OF REPORTS

- 8.1 *Appointment of Independent Member to South Melbourne Market Management Committee*
- 8.2 *City of Port Phillip Open Space Strategy*
- 8.3 *Marina Reserve Masterplan*
- 8.4 *Amendment C70 – Planning Scheme Maintenance (Updates and Corrections) – Consideration for Adoption*
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**9. REPORTS BY COUNCILLOR DELEGATES**

**10. URGENT BUSINESS**