ORDINARY MEETING OF COUNCIL

AGENDA

10 AUGUST 2009

CITY OF PORT PHILLIP

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 **Theatrette, South Melbourne Town Hall** on **Monday, 10 August, 2009 at 6.00 pm.**

AGENDA

1. APOLOGIES

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

1. Minutes of the Ordinary Meeting of the Port Phillip City Council held on 27 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. 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
7. Answering the Call
8. Renewal of Building Maintenance Contracts

9. REPORTS BY COUNCILLOR DELEGATES APPOINTED TO OTHER BODIES

10. URGENT BUSINESS

5 AUGUST 2009

3. DECLARATIONS OF CONFLICTS OF INTEREST

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 Hillii 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 Hillii 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.

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.

6. PUBLIC QUESTION TIME

7. COUNCILLOR QUESTION TIME

8. PRESENTATION OF REPORTS

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
7. Answering the Call
8. Renewal of Building Maintenance Contracts

ORDINARY COUNCIL MEETING 10 AUGUST 2009

1.	**COUNCILLOR GIFT AND HOSPITALITY POLICY AND SUPPORT & EXPENSE REIMBURSEMENT POLICY**
LOCATION/ADDRESS:	**N/A**
EXECUTIVE DIRECTOR:	**CATHY HENDERSON, ACTING EXECUTIVE DIRECTOR ORGANISATION SYSTEMS & SUPPORT**
PREPARED BY:	**NORM MCCLELLAND, GOVERNANCE ADVISOR**
FILE NO.:	**18/04/61**
ATTACHMENTS:	**1. DRAFT COUNCILLOR GIFT & HOSPITALITY POLICY**
	2. DRAFT COUNCILLOR SUPPORT & EXPENSE REIMBURSEMENT POLICY

1. EXECUTIVE SUMMARY

1.1 Councillors have requested that officers produce a Councillor Gift and Hospitality Policy for consideration by Council.

1.2 Attached is a new draft Councillor Gift and Hospitality Policy.

1.3 Minor amendments are also proposed to the Councillor Support and Expense Reimbursement Policy for consideration by Council.

2. RECOMMENDATION

That Council:

2.1 adopt the Councillor Gift and Hospitality Policy as attached.

2.2 adopt the amended Councillor Support and Expense Reimbursement Policy as attached.

3. BACKGROUND AND CONTEXT

3.1 The Ombudsman, in a report produced in March 2008, recommended that “Councils have clear rules on accepting gifts and hospitality”. In response to this recommendation and a request from Councillors, a draft Councillor Gift and Hospitality Policy has been drafted for review and adoption by Council.

3.2 Council does not currently have a Councillor Gift and Hospitality Policy, although a policy does exist for staff.

3.3 It is proposed to amend the Councillor Support and Expense Reimbursement Policy to allow for reasonable personal use of Council equipment provided to Councillors.

4. CONSULTATION AND STAKEHOLDERS

4.1 The draft Councillor Gift and Hospitality Policy has been influenced by information provided by the Municipal Association of Victoria and from legal advice sought by Council.

5. DISCUSSION

5.1 OPTIONS

5.1.1 Council has determined to develop a Councillor Gift and Hospitality Policy as the Council has never had such a policy before.

5.1.2 Council may include in a Gift and Hospitality Policy any matters that it considers to be appropriate and relevant to dealing with an offer/receipt of a gift or hospitality.

5.1.3 The draft Policy:

5.1.3.1 states that Councillors must not accept or solicit personal gifts of any kind;
5.1.3.2 requires any gift accepted by a Councillor on behalf of Council to be a corporate gift and will not belong to the Councillor;
5.1.3.3 requires the Chief Executive Officer to determine whether a corporate gift will be retained or returned;
5.1.3.4 establishes conditions by which a corporate gift will be accepted;
5.1.3.5 requires Councillors to determine if they will accept or decline hospitality;
5.1.3.6 establishes matters for Councillors to consider before accepting or declining offers of hospitality; and
5.1.3.7 sets out the process for reporting gifts and hospitality.

5.1.4 Council can adopt the draft Councillor Gift and Hospitality Policy attached to this report, or it can make amendments as required.

5.1.5 The Act requires Councils to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors. Port Phillip adopted such a policy, the "Councillor Support and Expense Reimbursement Policy", on 27 April 2009. It is proposed to make minor amendments be made to the existing policy.

5.1.6 The proposed amendments are:

5.1.6.1 to allow for ***"reasonable personal use of the equipment"*** supplied to Councillors (see clause 3.6.1 on page 5 of attachment 2).

5.1.6.2 to amend clause 5.1 on page 6 to read **"*Council resources must not be used for the purposes of election campaigning for Councillors*"**.

5.1.7 Councillors are requested to assess these amendments and adopt the amendments to the existing Councillor Support and Expense Reimbursement Policy if deemed appropriate.

5.2 ALIGNMENT TO COUNCIL PLAN

5.2.1 The policies attached to this report are consistent with Council's key direction of "Engaging and governing the City" as contained in Council's 2009 – 2013 Council Plan. The Plan, under strategy 1.2.1, commits to "promote a culture of good governance".

5.3 POLICY IMPLICATIONS

5.3.1 The Councillor Gift and Hospitality Policy is a new policy and will be operable once it is adopted by Council.

5.3.2 Council adopted the Councillor Support and Expense Reimbursement Policy in April 2009, adoption of the proposed amendments will replace the policy adopted in April.

5.4 FINANCE / RESOURCE IMPLICATIONS

5.4.1 Development of the Councillor Gift and Hospitality Policy will not result in any direct financial implications.

5.4.2 The proposed changes to the Councillor Support and Expense Reimbursement Policy will have minimal budgetary impact.

5.5 LEGAL & RISK IMPLICATIONS

5.5.1 There is no legislative requirement for Council to have a Councillor Gift and Hospitality Policy, however the Ombudsman has recommended that all Councils should have clear rules on accepting gifts or hospitality. The attached draft policy addresses the Ombudsman's recommendation, as well as, supports open and transparent government.

5.5.2 The Local Government Act 1989 requires Council to have a Councillor Support and Expense Reimbursement Policy. Council is able to amend this policy at any time.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

6.1.1 The requirements within the Councillor Gift and Hospitality Policy and the Councillor Support and Expense Reimbursement Policy are operable once the policies are adopted by Council.

6.2 COMMUNICATION

6.2.1 N/A

7. OFFICER DIRECT OR INDIRECT INTEREST

7.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

ORDINARY MEETING OF COUNCIL
10 AUGUST 2009

2.	**EVENTS CALENDAR - 2009/10 SEASON**
LOCATION/ADDRESS:	**FORESHORE AND OPEN SPACE – CITY OF PORT PHILLIP**
EXECUTIVE DIRECTOR:	**GREG WOOD – A/EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING**
PREPARED BY:	**DAVID SHEPARD – COORDINATOR YOUTH AND RECREATION**
FILE NO.:	**76/01/160.**
ATTACHMENTS:	**DRAFT EVENTS CALENDAR - 2009/10 SEASON**

1. EXECUTIVE SUMMARY

1.1 This report presents Council with the draft Events Calendar 2009/10.

1.2 New Years Eve events have not been considered in the events calendar and are subject to a specific New Years Eve Management Plan. At this stage there are no road closures proposed for New Years Eve.

2. RECOMMENDATION

That Council:

2.1 Adopts the Events Calendar 2009/10 as attached.

3. BACKGROUND AND CONTEXT

3.1 The City of Port Phillip is known as an active and creative City and has a heritage of staging events for 20 years.

3.2 Each year the City hosts a range of events along the foreshore and in surrounding parkland. These events include: triathlons, marathons, beach volleyball, sailing and kite boarding events

3.3 Approximately 50,000 people participate in the triathlon events hosted by the City, but not including the participation in Pride March and St Kilda Festival. The demographic for participation ranges from seven to seventy years of age.

4. CONSULTATION

4.1 Internal – City of Port Phillip

- Foreshore Coordinator
- Traffic Engineers
- Health and Amenity Officers
- Beach & Street Cleaning Services Officers
- Parks and Open Space Officers
- Waste Management Services Officers
- Communications Officers
- Sport & Recreation Officers and
- Arts & Festivals Officers

4.2 External

- Parks Victoria
- Victoria Police

4.3 Feedback received from these agencies and individuals has been considered in the revised documents and proposed 2009/10 Events Calendar.

5. DISCUSSION

5.1 In June 2009 advertising took place for persons and/or organizations interested in hosting events consistent with Council's policy and strategy to express on interest.

5.2 As a result of assessing these events against a series of policy related criteria the draft Events Calendar 2009/10 has been produced and is presented in this report for Council consideration.

5.3 Key changes proposed to the Events Calendar 2009/10 are:

- Reduction from 13 (08/09) to 11 events this coming year requiring road closures;
- Additional limitations on the size and nature of events warranting road closure,
- Requirement for all events to have 'waste wise' accreditation to bronze standard or equivalent;
- Improved noise reduction strategies to further minimize the impact on residential amenity
- Improvements in community communication through the development of a City of Port Phillip dedicated 'Events On-line' site, and proposal to be able to access the CoPP events calendar via related web sites;
- Introduction of a regional coordination group to better understand and manage the implications of events across the inner City, and including Albert Park Reserve (Parks Victoria).

6. ALTERNATIVE OPTIONS

6.1 Council could reconsider the draft Events Calendar 2009/10 with a view to further reducing or removing the successive road closures.

6.2 There have been negotiations with event organisers with a view to reducing the staging of events on successive weekends.

6.3 The event organizers have indicated to date that to change these proposed dates would result in the event needing to be withdrawn in its entirety as the events in question either form part of a traditional calendar of events or is part of a wider national series of events.

7. ALIGNMENT TO COUNCIL PLAN

Engaging and governing the City.

- The application process for events was advertised in the Age. This included detailed information on an information evening for event organisers to be briefed on the process and expectations of council when holding events within the municipality.

- Revisions of the Events Policy 2003 and Event Management Strategy 2008 have been undertaken to better reflect the key current issues and deliver positive outcomes for the City.

Taking action on climate change.

- A major review of the events application forms was undertaken in 2008 to incorporate better environmental practices within the way events were produced in our open space venues.

- The Events Policy 2009 and Strategy 2008 incorporate requirements for Event Organisers to improve their approach to managing events in open space including improved environmental management and measurement of environmental impact.

- In the context of climate change and drought the introduction of improved management practices and guidelines are proposed in order to more sustainably manage events in heritage gardens.

Strengthening our diverse and inclusive community.

- City of Port Phillip is an Active and Creative city that supports events which contribute significantly to the life, identity and diversity of the community.

- The revisions to the Events Policy and Strategy 2008 reinforce the values of the City.

- The Events Calendar 2009/10 presents a range of activities and participation opportunities for all of the community with the number of

people estimated to participate at over 50,000, excluding Pride March and St Kilda Festival.

Enhancing liveability.

- In order to minimise the impact of events on public open spaces the events calendar ensures that the culture of participation and inclusion in events can continue while minimizing the impact on venues and residents.

- Specifically, the revised Events Policy proposes to minimse the type of events that can be held in heritage gardens, limits the types of events that will be eligible for road closures, and introduces new regimes for the management of noise levels to reduce the impact on residential amenity.

8. POLICY IMPLICATIONS

8.1 The key variations from Council's intent in this years draft calendar are 3 incidents of consecutive road closures affecting the same locale and roads.

- 6 December and 13 December – due to the hosting of the Sussan Women's Fun Run and Gatorade Triathlon resulting in the section of Beach road between Glenhuntly Rd and Kerferd Rd would be closed for consecutive weekends; and

- 7 February and 14 February – due to the hosting of Pride March and St Kilda Festival on consecutive weekends; resulting in the Upper Esplanade and Fitzroy St will be closed for successive weekends, and

- 14 March and 21 March for the Kids Weetbix (21 March) and Gatorade Series Triathlon (21 March), resulting in the section of Jacka Boulevard between Fitzroy St and Kerferd Rd being closed for successive weekends.

8.2 The calendar considers the following Council policies and plans:

- Community Plan 2007 – 2017
- Council Plan 2009 – 2013
- Disability Action Plan 2008 – 2012
- Foreshore Management Plan 2004
- Open Space Strategy 2006
- Waste Wise Strategy 2006 – 2009

9. FINANCE / RESOURCE IMPLICATIONS

9.1 The permitting and administration of events is cost neutral for Council. The staging of Events on the Foreshore and Open Space produces an income to Council that generally covers the known costs incurred in administering those events.

9.2 It is estimated that events in the City, particularly large scale events such as St Kilda Festival, Weetbix Kids Try-athlon, Nissan/BRW corporate triathlon

and Pride March generate an economic return locally of in excess of $4.5m per annum

9.3 Additionally, some local clubs such as Elwood Life Saving Club and Elwood Cricket Club benefit financially and have done for many years from involvement and fundraising with events held in the precinct.

9.4 Reducing the number of events held would reduce income to Council by between $10,000 and $15,000 per event. The reduction of revenue would impact on the resources available to manage the events within Council's objectives.

9.5 The reduction of events may also have an economic impact within the community and on some of the community organization mentioned in 9.3.

10. LEGAL & RISK IMPLICATIONS

10.1 Council continues to minimize its risk exposure through Events by requiring event organizers to have adequate Public Liability insurance ($20m) to protect Council and event participants.

10.2 Event organisers are also required to provide council with Traffic Management Plans for on road events with Police and Vic Roads approval and Risk and Emergency Management Plans.

10.3 Site inspections are held regularly and will be supported by site protocols to ensure there is minimal impact on the public domain and particularly heritage gardens.

10.4 Event Organisers are required to submit a Waste Management Plan indicating their Waste Wise certification which minimizing the risk of complaints regarding waste after events.

10.5 Event permits are only issued and approved on the basis that all selection criteria are met and event management plans submitted.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 On approval by Council the Events Calendar 2009/10 the selected event organizers must present an outline of their proposed event at an Event Team meeting prior to final permits being issued. Permits will be issued in September.

11.1.2 The Events Calendar will be published in October.

11.1.3 The Events season runs from October 2009 to March 2010 and officers will be engaged in overseeing these events.

11.1.4 In April 2010 a debrief session between Event Team and event organizers will be held to evaluation the events season and policy implementation.

11.2 COMMUNICATION

11.2.1 The 2009/10 Summer Events Calendar including all road closures will appear in the October edition of Divercity.

11.2.2 Additional copies of the calendar will be made available at Town Halls and Community Centres. Copies of the calendar will also be distributed to all foreshore kiosks and businesses for further distribution.

11.2.3 All events will be listed on Council's Internet along with a road closures' information page will be listed on Council's website and other appropriate websites. This link will provide specific information on events with road closures

11.2.4 Copies of the Events Calendar will be made available at all events. Council's Assist staff will be further briefed on the summer events season to aid with any enquiries.

11.2.5 A weekly "what's on" email will be sent to all key stakeholders, event providers, Council staff and Councillors advising of upcoming events during the summer season.

11.2.6 Signage in the areas of road closures will be displayed in the week leading up to any road closure.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report are known to have any direct or indirect interest in the matter.

ORDINARY COUNCIL MEETING 10 AUGUST 2009

3.	**DOG OFF LEASH REVIEW**
LOCATION/ADDRESS:	
EXECUTIVE DIRECTOR:	**GREG WOOD, A/ EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING**
PREPARED BY:	**KIRSTEN HUGHES, COORDINATOR LOCAL LAWS AND ANIMAL MANAGEMENT**
FILE NO.:	**TRIM FILE NO. 04/02/16**
ATTACHMENTS:	**1. PROPOSED COUNCIL ORDER NO 3 (TO REPLACE COUNCIL ORDER NO. 2)** **2. MAPS OF PROPOSED CHANGES** • **MAP 1 – WEST PORT FORESHORE RESERVE** • **MAP 2 – GARDEN CITY RESERVE** • **MAP 3 – OFF LEASH BEACH C** • **MAP 4 – ALBERT PARK RESERVE** • **MAP 5 – OFF LEASH BEACH A AND B.** • **EXISTING OFF LEASH AREA MAP** • **PROPOSED OFF LEASH AREA MAP** **3. SURVEY RESULTS** **4. COUNCIL ORDER NO 2**

1. EXECUTIVE SUMMARY

1.1. Council has statutory obligations with respect to the Domestic (Feral and Nuisance) Animals Act. As part of its obligations Council has committed to reviewing dog off leash areas on an annual basis, to ensure the continued promotion of harmonious and responsible pet ownership.

1.2. Part of the process for the review included an extensive public survey which was conducted in April 2009. As a result of feedback received and issues raised from other key stakeholders a number of changes have been recommended to the Council Order No 2, which is the mechanism by which dog off leash areas are designated.

1.3. Council Order No 3 (attachment 1) will replace Council Order No 2.

1.4. The changes recommended include:

- a change to the definition of “Effective Control”,
- allowing temporary on or off leash areas
- off leash changes to West Port Foreshore Reserve, Port Melbourne (Map 1)
- off leash changes to Garden City Reserve, Port Melbourne (Map 2)
- off leash changes to beach C, Port Melbourne (Map 3)
- off leash changes to beach A & B, West Beach, St Kilda (Map 5)
- off leash changes to Albert Park Reserve (Map 4), and
- 5m off leash clearance zone from bicycle and pedestrian paths

2. RECOMMENDATION

2.1. That Council:

2.1.1. Authorise 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:

2.1.1.1. amending the definition of effective control;

2.1.1.2. allowing temporary on or off leash areas;

2.1.1.3. removing West Port Foreshore Reserve, Port Melbourne as an off leash area;

2.1.1.4. reducing the off leash area at Garden City Reserve, Port Melbourne;

2.1.1.5. increasing off leash Beach C, Port Melbourne;

2.1.1.6. removing off leash Beach B, St Kilda;

2.1.1.7. increasing off leash Beach A, St Kilda;

2.1.1.8. including Albert Park Reserve on and off leash areas;

2.1.1.9. making an on leash requirement within 5m of any pedestrian or bike path.

2.1.2. 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.

2.1.3. Hear and review all public submissions at the Council meeting on 12 October 2009.

3. BACKGROUND AND CONTEXT

3.1. The Council has statutory obligations under the Domestic (Feral and Nuisance) Act. Under that Act all Victorian Council's are required to have a Domestic Animal Management Plan, a strategic document that outlines how the Council will promote responsible animal ownership.

3.2. In 2008 the Council approved and adopted its Domestic Animal Management Plan. It aims to promote harmonious and responsible pet ownership by focusing on the issues of keeping dogs under effective control, pet registration, amenity, identification of animals, and dog litter. One of the mechanisms in place to assist these aims is the commitment to review off leash dog areas on an annual basis.

3.3. Dog Off Leash Areas are made pursuant to powers under s26 of the Domestic (Feral and Nuisance) Animals Act. This enables Councils to make an Order providing various restrictions. Council's Order No 2 was created in 2001 with amendments in 2003, 2004 and 2005.

3.4. Council Order No 2 shall be replaced with Council Order No 3 as a result of this review.

3.5. The process of review of Dog Off Leash Areas has included considerable consultation with external stakeholders. In April 2009 a public survey was conducted to review off leash areas (See attachment 3). This survey was available on the Port Phillip Council website, at each of the town halls and via six sessions at park locations including Alma Park, Catani Gardens, Garden City Reserve, Gasworks Park, Elwood Beach and St Kilda Botanical Gardens. The survey asked eight questions relating to use of off leash parks and beaches.

3.6. The results of the Dog Off Leash Areas survey has indicated that there is a need for greater clarity around some of the off leash areas, in terms of location and signage.

3.7. Review of the Dog Off Leash Areas have noted that there are insufficient controls in the current structure, such as an inability to temporarily cease off leash areas to allow areas to rest or rejuvenate. Similarly there is currently no capacity to cease off leash areas for a major public event or sporting activity.

3.8. Concerns were also raised about the environmental damage that professional dog walkers may cause at various parks and the ability of dog walkers to effectively control a large number of dogs at one time.

4. CONSULTATION AND STAKEHOLDERS

4.1. Public Consultation

- In addition to the public survey in April 2009, consultation has also taken place with key stakeholders including Parks Victoria and the Port Melbourne Yacht Club regarding proposed changes to the off leash areas in and around areas under their control and management.

- Public consultation was not only aimed at obtaining information about problematic issues to assist in the review, it also sought to explore key issues and opportunities that need to be addressed to improve the experience for all users of the space.

4.2. Internal Consultation

A number of key business areas of council have been consulted in relation to this review including

- Parks and Open Space;
- Sport and Recreation;
- Foreshore Coordinator;
- Foreshore Events Advisor;
- Animal Management Officers;
- Manager Parking Health and Enforcement; and
- Director Community Development and Planning.

4.3. All business areas have advised that the proposed recommended changes compliment and do not impact on current standard service delivery. This includes impacts on environmentally sensitive areas, foreshore management, sport and recreation programs and designated boating zones.

4.4. Further consultation is planned with the release of the proposed changes for public comment. This will include all registered dog groups within the municipality, the general public, and key stakeholders, including Port Melbourne Yacht Club, Parks Victoria, permitted foreshore businesses and professional dog walking groups.

5. DISCUSSION

5.1. Options

A number of changes are recommended with respect to the Council Order No 2, these are outlined in detail below. These changes will be incorporated in the new Council Order No 3.

5.2. Change 1: Definition of Effective Control

- **Existing definition:** The current definition of effective control does not stipulate restrictions on the number of dogs a person can walk on or off lead at any one time.

- **Proposed definition:** The proposed definition of effective control will limit the number of dogs a person can walk at any one time to four dogs... A person with more than four (4) dogs at the one time is not "effective control".

- **Reason for Change:** Sections of the public have raised concerns about individuals walking large numbers of dogs at a time. Specifically, the public have expressed concerns about environmental impacts if these large numbers of dogs continue to use the same park repeatedly, and also whether they can maintain control of that many animals. Council's Animal Management unit also has considerable concern about the ability to have effective control of more than four dogs at one time.

  The basis for the number of animals has been based on existing legislation related to the control of dogs, namely greyhounds, where a person cannot walk more than four greyhounds on lead at one time. The restrictions in this proposal are not as onerous as dogs can be on or off lead.

  It is considered that the proposed change in definition will allow better management of this issue.

5.3. Change 2: Restricting Off/On Leash Areas As Required

- **Existing conditions:** There is currently no ability to establish temporary on or off leash areas for areas otherwise under environmental stress from repeated activity.

- **Proposed conditions:** Changes will be made to allow restriction of off leash areas to enable rest/maintenance of an area, or if needed for special events. Capacity will also be made to enable temporary off leash areas in an ordinarily on leash area, to compensate for the temporary changes where appropriate.

  Temporary on leash/off leash areas will be managed using temporary signage at the different locations, to advise of the pending change, and then to advise of the temporary arrangements.

- **Reason for Change:** Concerns have been raised about the inability in the current Order to limit the use of off leash areas. For example, currently Council is unable to

restrict access to off leash areas that may be in need of repair/maintenance as a result of the long term drought problems. Likewise there is no ability to cease off leash activities temporarily for special events. There is also no capacity to have temporary off leash areas.

This change will bring a degree of flexibility to the management of the off leash parks.

5.4. **Change 3: West Port Foreshore Reserve, Port Melbourne**

(See Map 1 - attachment 2)

- **Existing condition:** West Port Foreshore Reserve is currently designated as an off leash reserve.

- **Proposed condition:** Remove the West Port Foreshore Reserve as an off leash area.

- **Reason for Change:** When the Council Order was first created this part of Port Melbourne was not a high traffic area. With development at Beacon Cove and at Sandridge Beach, the area now has much greater traffic as well as a highly used bike path which has resulted in an escalation of conflicts between off leash dogs and people. As a consequence this space is no longer appropriate for an off leash park.

5.5. **Change 4: Garden City Reserve, Port Melbourne**

(See Map 2 - attachment 2)

- **Existing condition:** The entire Garden City Reserve is designated as an off leash reserve.

- **Proposed condition:** Change status north of the path that runs east from Edwards Avenue from off leash to on leash.

- **Reason for Change**: Garden City reserve has been redeveloped and part of that development has included a refurbishment of the playground. It is envisaged that there will be an increased use of this area. As such it would be appropriate to restrict dogs to on leash north of the path.

5.6. **Change 5 – Dog Off Leash Beach C – Port Melbourne**

(See Map 3 – attachment 2)

- **Existing condition:** Beach C is the area of land and/or sand south west of Beach Street between an imaginary line (extending in a north easterly direction from the low water mark at Lagoon Pier to Beach Street) and another imaginary line (extending in a south westerly direction from the north west boundary of Dow Street to the low water mark).

- **Proposed condition:** Beach C is the area of land and/or sand southwest of Beach Street between an imaginary line (extending in a north easterly direction from the low water mark at Lagoon Pier to Beach Street) and another imaginary line (extending in a south westerly direction from the north west boundary of Bay Street to the low water mark).

  This change increases the area of the off leash beach to be adjacent to the Port Melbourne Yacht Club.

- **Reason for Change:** The current zone for the off leash area is delineated by an imaginary line in the sand. This is problematic for users of the area who may be unclear as to where the zone starts and finishes. The exclusion zone around the Yacht Club was based around protecting people from being bothered by dogs. This should not be an issue provided dogs are under effective control. It is proposed that this area would be patrolled regularly, particularly on Saturdays, to ensure dogs remain under effective control and would be reviewed again in 12 months.

5.7. **Change 6 – Dog Off leash Beach B – West Beach, St Kilda and Dog Off Leash Beach A.**

(See Map 5 - attachment 2)

- **Existing condition:** Beach A is the area of land and/or sand west of Pier Road extending to the low water mark between St Kilda Pier and an imaginary line 400 metres north west of the St Kilda Pier from the western boundary of Pier Road to the low water mark.

  Beach B is the area of land and/or sand south west of Beaconsfield Parade between an imaginary line (extending in a south westerly direction from the north western boundary of Langridge Street to the low water mark) and another imaginary line 140 metres south east of Fraser Street (extending in a south westerly direction from a point on the south west boundary of Beaconsfield Parade to the low water mark).

- **Proposed condition:** Remove Dog Off Leash Beach B and increase Dog Off Leash Beach A to include the area south-east of the drain at the west end of Pier Road.

  The no dog area would extend from Pier Road, in line with Cowderoy Street and west of the drain and include the Fraser Street sand dunes.

- **Reason for Change:** The current Beach B is adjacent to a no dog zone. This area includes an environmentally sensitive area and preservation of this area should be given priority.

  St Kilda West Beach is a naturalised section of the Port Phillip foreshore formed after 1960 following the construction of the St Kilda breakwater. The site consists of two distinct areas: the Fraser Street Dunes and the vegetation at West Beach.

  St Kilda West Beach and the Fraser Street dunes contain intact remnants of Coastal Dune Grasslands, and ecosystem considered vulnerable in the Gippsland Bioregion. This type of bionetwork is depleted or highly modified in other areas around Port

Phillip Bay. This type of naturalized area is rare in the inner-city context and provides residents and visitors a quiet place of respite to enjoy nature.

Limiting access to the site to both humans and dogs is the key way to protect the site and allow the vegetation to grow and flourish.

5.8. **Change 7 – Albert Park Reserve**

(See Map 4 - attachment 2)

- **Existing condition:** This area is not included in the current Order

- **Proposed condition:** To include the entire Albert Park Reserve within the Council Order No 2. This will include two proposed off leash areas along the Canterbury Road boundary and along the Albert Road boundary, all subject to Parks Victoria approval. The balance of the Reserve will remain an on leash area

- **Reason for change:** While Council currently investigates and manages issues relating to dog attacks within the Albert Park Reserve, there is currently no capacity to deal with effective control or on/off leash issues. In order to promote responsible pet ownership and to allow a greater capacity to manage issues preventing dog attacks, the Reserve needs to be included in the Council Order. This will also encourage a consistent approach to the management of all off leash areas within Port Phillip.

5.9. **Change 8 – Prohibited Areas**

- **Existing condition:** While there is a restriction keeping dogs 5m away from children's play areas, no such restriction exists in relation to bike paths or pedestrian paths throughout the municipality.

- **Proposed condition:** Prohibit dogs from going within 5m of any bike path or pedestrian path, unless on a leash or cord.

- **Reason for change:** To reduce the possibility for conflict between people and dogs.

6. ALIGNMENT TO COUNCIL PLAN

6.1. The proposed changes are considered to be consistent with the intent and aspirations of the 2009-2013 Council Plan.

6.2. The changes are also considered to be consistent with Councils Domestic Animal Management Plan 2008-2011, particularly as it relates to promoting harmonious and responsible pet ownership.

7. POLICY IMPLICATIONS PLAN

7.1. The changes are consistent with Council policy.

8. FINANCE / RESOURCE IMPLICATIONS

8.1. There are no financial/resource implications as a result of the proposed changes. All changes can be accommodated within the current operational budget.

9. LEGAL & RISK IMPLICATIONS

9.1. The recommended changes and clarification of Dog Off Leash Areas will improve the Council's exposure to legal risk associated with delivering effective animal management services.

10. IMPLEMENTATION STRATEGY

10.1. Timeline

10.2. The implementation of these changes shall occur as follows:

- August - Public Consultation for four weeks.
- October 12 – report to Council to consider public submissions
- November 9 – report to Council recommending final changes for adoption and implementation.

11. COMMUNICATION PLAN

11.1. Prepare advertising to request public comment in August 2009.

11.2. Advertise proposed changes in local media, on Council's website and via a direct mail out to key stakeholder groups inviting public comment and submissions.

11.3. Following consideration of submissions and formal approval from Council a targeted media campaign will commence to advise of changes in November and December 2009.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1. No officers involved in the preparation of this report have any direct or indirect interest in the matter.

ORDINARY COUNCIL
10 AUGUST 2009 ***SECTION OF COMMITTEE***

4.	**COMMUNITY FACILITY FUNDING (SPORT AND RECREATION) PROGRAM 2010/2011**
LOCATION/ADDRESS:	**VARIOUS**
EXECUTIVE DIRECTOR:	**GREG WOOD, ACTING EXECUTIVE DIRECTOR, COMMUNITY DEVELOPMENT AND PLANNING**
PREPARED BY:	**DAVID SHEPARD, COORDINATOR YOUTH AND RECREATION**
FILE NO.:	**TRIM FILE NO. 40/05/66**
ATTACHMENTS:	**NIL**

1. EXECUTIVE SUMMARY

1.1 This report considers the Department of Community Planning and Development's (DPCD) Community Facility Funding Program for 2010/2011, nominates the projects to be submitted in the Major Facilities and Planning Categories and outlines the application process for the Minor Facilities Category.

2. RECOMMENDATION

That Council:

2.1 Submits an application for a Major Facilities Grant for the 'South Melbourne and Port Melbourne Lifesaving Club' project.

2.2 Submits 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.

2.3 Writes to all community sporting groups within the City of Port Phillip and advise of the Minor Facilities Grant and seek applications.

2.4 Receive a report at the Ordinary Meeting of Council on 14 September 2009 to consider the applications from community sporting clubs.

3. BACKGROUND AND CONTEXT

3.1 The Department of Planning and Community Development operates the Community Facility Funding Program on an annual basis and has just released the Program for 2010/2011.

3.2 Council is eligible to apply for one grant in either the Major Facilities or Aquatic Access/Better Pools categories. These grants are available on a

DPCD $1 to Council $3 basis up to $500,000. Applications in these categories must be submitted by 17 August 2009.

3.3 Council is eligible to apply for one grant in the Planning Category on a $1 for $1 basis to a maximum grant of $30,000. Applications must be submitted by 28 October 2009.

3.4 Council is also eligible to apply for three Minor Facilities Grants on a $1 for $1 basis. Two of these grants can be for projects of up $200,000 and grants of up to $60,000, the third can be for a project with a total cost of up to $60,000 with a maximum grant of $30,000. Applications must be submitted by 17 September 2009.

4. CONSULTATION

4.1 Consultation has been undertaken internally with departments that undertake projects that could fit the criteria of the funding program. This includes Youth and Recreation, Parks and Open Space, Asset Services and Building Services.

4.2 Community Sporting Clubs will be invited to submit applications to Council for consideration under the Minor Facilities Category.

5. DISCUSSION

5.1 OPTIONS

5.1.1 Council does not own or manage a pool so will not apply under the Aquatic Access/Better Pools Category.

5.1.2 For projects to qualify for a Major Facilities Grant they need to:

- have catchments of more than one municipality;
- attract users who are more likely to travel some distance to participate; and
- be identified as regionally significant by the State Sporting Association; and
- provide facilities for regional and/or state level training or competition.

5.1.3 Projects currently identified that fit the Major Facilities Category are:

- Lifesaving Pavilion for South Melbourne and Port Melbourne Lifesaving Clubs – construction of a new lifesaving pavilion. This project is currently undergoing concept design and a Council contribution for construction is incorporated into the Council's Strategic Resource Plan and appears to meet the grant criteria.
- Redevelopment of North Port Oval – this project to create new change rooms and social facilities potentially meets the criteria

but has already attracted significant external funding support, including funds from DPCD.

- Redevelopment of Alma Park Change Rooms – incorporating new change rooms suitable for female sport. Alma Park is a local sporting facility with a small catchment area, is not regionally significant and does not provide for regional or state level training or competition.

- Redevelopment of Clarke Shields Pavilion – including new change areas and social facilities. An application was made for this project through the same fund last year but was unsuccessful.

5.1.4 Projects identified at present that may be suitable for an application in the Planning Category are:

- revision of Council's Playground Strategy – this project would provide a strong application for this grant program as it would consider the development of playgrounds to attract a variety of users across all age groups and abilities

- scoping study for the redevelopment of Peanut farm Reserve Facility/Clubrooms – this single facility project would not present as strong an application as the Playground Strategy

5.1.5 Applications for the Minor Facilities Category will be sought from community sporting organisations.

5.1.6 Applications from clubs will be considered against the criteria set by the Department of Planning and Community Development and the outcome of this assessment presented to Council for endorsement on 14 September 2009.

5.2 ALIGNMENT TO COUNCIL PLAN

The Council Plan contains the following relevant actions:

- Build an Active and Creative Community (Strategy 3.2.1)

- Ensure Open Spaces support active communities through integrated planning and sustainable management (Strategy 4.1.3)

5.3 POLICY IMPLICATIONS

5.3.1 The proposed applications are in accordance with existing Council policy, specifically the Sport and Recreation Strategy 2008 and the Open Space Strategy 2006.

5.4 FINANCE / RESOURCE IMPLICATIONS

5.4.1 Should any of the applications be successful Council will need to allocate its contribution to the projects through the 2010/2011 budget process.

- In the case of the Planning Category this would be $30,000.
- In the case of the Minor Facilities Category this is to be determined by the applications to be submitted but would be a maximum of $150,000 and could be supplemented by club contributions.
- In the case of the Major Facilities Category this has been identified in Council's Strategic Resource Plan at up to $2.5 M. Preliminary costing of the South Melbourne Port Melbourne Lifesaving Club is for a total construction cost of $5M. Additional sources of funding will be needed for the project to proceed.

5.5 LEGAL & RISK IMPLICATIONS

5.5.1 There are no risks or legal implications arising from the recommendations in this report.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

Category	Task	Due Date
Major Facilities	Submit an application for a Major Facilities Grant for 'South Melbourne/Port Melbourne Lifesaving Pavilion'.	18 August '09
Minor Facilities	Write to all sporting clubs and request applications.	24 July '09
	Sporting Club applications to Council close.	17 August '09
	Officers assess submissions.	20/21 August '09
	Recommendation to Council.	14 September '09
	Submit to DPCD the Council endorsed applications.	17 September '09
Planning Grant	Submit application for a Planning Grant for development of a 'CoPP Playground Strategy'.	28 October '09

6.2 COMMUNICATION

6.2.1 All sporting clubs within CoPP will be written to and advised of the potential to submit for the Minor Facilities funding and the criteria.

6.2.2 All applicants under the Minor Facilities Category will be advised of the outcomes of their application via direct mail including the reasons for the decision.

6.2.3 Key messages are that the City of Port Phillip is an Active and Creative City and that the provision and development of good facilities is important in encouraging participation and ensuring a positive experience.

7. OFFICER DIRECT OR INDIRECT INTEREST

7.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

ORDINARY MEETING OF COUNCIL 10 AUGUST 2009

5.	**AMENDMENT C79**
ADDRESS:	**400-430 CITY ROAD, 115-131 WHITEMAN STREET & 10-24 CECIL STREET, SOUTHBANK**
EXECUTIVE DIRECTOR:	**GREG WOOD, ACTING EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT & PLANNING**
PREPARED BY:	**JANE BIRMINGHAM, URBAN PLANNNG COORDINATOR**
FILE NO.:	**TRIM FILE NO. 66/02/176**
ATTACHMENTS:	**ATTACHMENT 1: AMENDMENT C79 EXPLANATORY REPORT**

1. EXECUTIVE SUMMARY

1.1 A major mixed use development application is expected to be lodged for the City Road Wedge site in July 2009.

1.2 During an extensive pre-application process it has been brought to the applicant's attention that their preferred design does not comply with one of the mandatory requirements of Clause 43.02 at Schedule 8 to the Design and Development Overlay (DDO), which specifies a 10m setback from City Road above the streetwall.

1.3 The applicant has written to the Minister for Planning to request the facilitation of an amendment to the Port Phillip Planning Scheme pursuant to Section 20(4) of the Planning and Environment Act 1987. The amendment request involves a minor change to the wording of the DDO to facilitate the applicant's preferred design.

1.4 While there is considered to be merit in the amendment sought, officers oppose the request on the basis that the Section 20(4) process does not include public exhibition. Officers have recommended to the applicant that the preferred approach would be to pursue a combined amendment and planning permit process, under Section 96A of the Planning & Environment Act 1987.

2. RECOMMENDATION

That Council:

2.1 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.

2.2 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.

2.3 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.

3. BACKGROUND AND CONTEXT

Subject Site and Proposed Development

3.1 A planning permit application for a major mixed use development with an estimated development cost in excess of $400 million, will be lodged in late July by Urbis on behalf of Wadhawan Holdings Pty Ltd.

3.2 The subject site is former industrial land and is essentially an island site bounded by City Road, Whiteman Street and Cecil Street. The site area is approximately 1.2 ha and sits immediately south of a section of the Westgate Freeway.

3.3 The development would comprise a podium level containing commercial uses with three residential towers and one hotel tower above. The development would include 1 264 residential apartments and 288 hotel rooms. The following heights are proposed:

Tower	Height (m above street to roof)	Storeys (+ plant)
1	128.1m	39
2	97.1m	30
3	99.4m	31
Hotel	134.5m	39

3.4 The site is located in a Mixed Use Zone and is covered by a Heritage Overlay, Environmental Audit Overlay and a Design and Development Overlay (DDO8-10 City Road Wedge), which amongst other controls has a maximum preferred maximum height of 90 metres.

3.5 In addition to the subject site, DDO8-10 affects 378-386 City Road and 25 Cecil Street. This site also contains a significant heritage building which would be required to be incorporated into any future development of that land.

3.6 The first and third dot points listed in the requirements of DDO8-10 (City Road Wedge) state:

- The streetwall parapet height in the precinct must not exceed 16 metres or 4 storeys whichever is the lesser.

- Above the streetwall, buildings must be setback 10 metres from City Road.

3.7 The applicant has had a number of pre-application meetings with Council officers. The plans presented to officers to date do not comply with the mandatory 10m setback above the streetwall along the City Road frontage. The proposed design has a 'streetwall' height of approximately 7.5m as a result of the retention of the frontage of the heritage building to City Road. Sections of the building are proposed to a height of 16m with a setback from City Road ranging from 3.5m to 8m. At level 5 and above the proposed development is setback a minimum of 10m in accordance with the DDO requirements. Officers brought the area of non-compliance with the DDO to the attention of the applicant as the current controls prohibit the consideration of any additional podium form, behind and above the existing heritage fabric.

3.8 In a letter dated 11 May 2009, the applicant sought support from Council officers for changes to Schedule 8 of the DDO to facilitate the development of the site in accordance with their preferred design. On 18 May 2009 Officers advised in writing that, although there would appear to be merit in amending the DDO to allow some encroachments at a lower level while maintaining a setback of 10m to the tower elements along City Road, the preferred approach would be for the applicant to pursue a combined permit and amendment process, rather than a Ministerial amendment.

Request for Amendment C79

3.9 In a letter dated 30 June 2009, Wadhawan Holdings Pty Ltd, has requested the Minister for Planning to intervene under the powers pursuant to Section 20(4) of the Planning and Environment Act 1987, to facilitate an amendment to the Port Phillip Planning Scheme. The amendment request seeks a minor change to the wording of DDO8.

3.10 The amendment proposes to amend the third dot point under the 'Requirements of Area DDO8-10 City Road Wedge' of the Port Phillip Planning Scheme to read as follows:

Above the streetwall, towers must be setback 10 metres from City Road. This does not apply to any other built form up to a maximum height for 16 metres or 4 storeys.

Ministerial Powers of Intervention in Planning and Heritage Matters

3.11 Section 20(4) of the Planning and Environment Act 1987 gives the Minister the authority to undertake a planning scheme amendment with an exemption from the standard public notification requirements of the Act.

3.12 The criteria for Ministerial intervention are specified in the General Practice Note on Ministerial Powers of Intervention in Planning and Heritage Matters (November 2004) as follows:

1. The matter will be one of genuine State or regional significance.

2. The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known.

3. The matter will be the introduction of an interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review (such as the introduction of permanent controls in a planning scheme).

4. The matter will raise issues of fairness or public interest.

5. The matter requires co-ordination to facilitate decision-making by more than one agency.

As an overriding consideration, Ministerial powers will only be exercised having regard to and within the confines of the legislative provision in question.

Applicant's submission

3.13 In support of the requested amendment the applicant submits that the proposed amendment meets the criteria for Ministerial intervention and states:

The minor amendment to the DDO8 will allow the consideration of a site responsive podium design, whilst still ensuing that any tower elements are appropriately setback from City Road. The proposed podium design is the optimum design response for the hotel component of the proposed development which will represent a significant investment in Victoria (in excess of $400 million) and will provide a diverse range of housing options whilst at the same time maximising the potential of a parcel of land that is currently being under utilised.

3.14 The applicant's primary reason for opposing a combined amendment and permit process is concern that the matter could take 12-18 months to resolve.

4. CONSULTATION AND STAKEHOLDERS

Urban Design and Heritage Advisor

4.1 The design merit of the proposed development has been discussed with Council's Urban Design and Heritage Advisor, who has made the following comments regarding the proposed encroachment into the mandatory 10m setback beyond the streetwall:

- It would appear from the Panel Report that the design intent of the 10m setback relates to the positioning of the tower as opposed to protection of heritage fabric - regardless both aims are complimentary.
- Based on the plans submitted (2 April 2009) the extent of roofing retained to the Johns Waygood building is sufficient to ensure that its level of significance is protected. The

heritage intent is to ensure that the gable ended buildings do not present as merely facadism but rather express the previous structure, form, finishes and detailing. Retention of part of the roof form helps to inform an understanding of the previous functionality of the building, its era of development and the contextual relationship given the historic Cable Tram Engine House, opposite.

- The view lines to the roof form of the Johns Waygood building from pedestrian street level will not be impacted by the proposed encroachment.
- The hotel areas that encroach within the 10m zone are activated areas, including dining, function rooms and offices so there is a direct benefit for the public realm as opposed to the internalised car park areas adjacent.

Strategic Planning

4.2 Schedule 8 to the Design and Development Overlay implements the built form outcomes sought through the South Melbourne Central Urban Design Framework. These controls were introduced into the Port Phillip Planning Scheme in April 2008 by Amendment C52, following extensive public notification and an independent panel process.

4.3 'Area DDO8-10 City Road Wedge' establishes Design Objectives and Requirements specific to the land bounded by City Road, the Light Rail and the Westgate Freeway. A key design objective is:

- "To ensure tower elements of new development are setback from City Road to appear to form part of the Southbank precinct".

4.4 This objective is supported by design requirements which seek to achieve a clear distinction between the podium / street-wall component and the tower element of any building through specifying; a maximum street-wall height of 16 metres, a minimum setback above the street-wall of 10 metres, and a preferred maximum overall building height of 90 metres.

4.5 The subject land is partially occupied by a significant heritage building located adjacent the City Road frontage. Retention of this heritage fabric is sought and supported by the design objective "To encourage adaptive re-use of heritage buildings as appropriate so that they form a unique and valued part of the contemporary urban fabric and that new development reflects the preferred character in this area".

4.6 The siting and height of this existing heritage building limits the potential for compliance with the mandatory 10 metre setback between the street-wall and tower components, suggesting that a rewording of the DDO provision is appropriate to provide for a more flexible design response which still achieves retention of the significant heritage fabric and a clear distinction between lower 'podium' level development and the higher 'tower' form.

4.7 It is recommended that the requirement of the DDO be modified to read:

- Above a height of 16 metres, buildings must be set back 10m from City Road.

This requirement would complement the existing provisions which specify; that the streetwall parapet height must not exceed 16 metres or 4 storeys, and that the overall maximum building height should not exceed 90 metres or 25 storeys. This wording is considered to be clearer in intent, whilst consistent in effect, with the wording sought by the proponent.

4.8 In effect this change would enable new development up to the maximum podium height of 16 metres to be achieved, but not exceeded, rather than the existing heritage building defining a reduced podium level height along City Road.

4.9 With respect to pursuing an amendment to the scheme, it is recommended that Section 96A of the Planning and Environment Act 1987 offers the most appropriate process by providing for a combined and concurrent planning scheme amendment and planning permit application process. This would achieve a streamlined assessment / approval process whilst maintaining the opportunity for public comment and a review by an independent panel.

5. DISCUSSION

5.1 OPTIONS

5.1.1 Council has the following options available to it:

Option 1: Resolve to advise the Minister for Planning that Council does not support the request pursuant to Section 20(4) of the Planning and Environment Act 1987 for Amendment C79 to the Port Phillip Planning Scheme but that, in the event that the Minister approves Amendment C79, the third dot point under the 'Requirements of Area DDO8-10 City Road Wedge' of the Port Phillip Planning Scheme read as follows:

Above a height of 16 metres, buildings must be setback 10m from City Road.

Option 2: Resolve to advise the Minister for Planning that Council supports the request pursuant to Section 20(4) of the Planning and Environment Act 1987 for Amendment C79 to the Port Phillip Planning Scheme.

5.1.2 Option 1 is recommended.

5.1.3 The Panel report relating to Amendment C52 (South Melbourne Central) makes the following comments in relation to the mandatory setback of 10m above the streetwall:

At the same time, the importance of the role to be played by the lower street wall element in responding to the established character of City Road and providing a pedestrian scale at the frontage is a fundamental and central element in the Urban Design Framework and

in our opinion must be acknowledged and reflected in any design. By virtue of their scale, the tower elements can overwhelm the street wall element. The Panel agrees with Council that the towers should be sited toward the rear of the City Road properties where they will be provided with a more representative built form context by the existing tower development in Southbank. The panel accepts Council's submission on this issue and agrees that this needs to be reflected in the 'preferred character' statement with an additional insertion.

The panel also accepts that the DDO should include a mandatory requirement that the levels above the street wall be set back a minimum of 10 metres from the frontage to City Road.

5.1.4 It is therefore clear that the primary aim of the setback is to ensure a distinct separation between the tower and podium elements of any development. The design, as most recently presented to Council officers, achieves this objective with the towers set back 10m from City Road from Level 5. The podium level could have been proposed with no setback from the front boundary and would thus have complied with the allowable streetwall height of 4 storeys or 16 m. However this would result in the loss of the significant heritage building along the City Road frontage. Instead the design proposes the incorporation of this fabric and, in order to maintain the legibility of the roof form, would be setback 3.5m at levels 3 and 4.

5.1.5 Despite officers being supportive of the proposed changes to the DDO in principle, the preferred approach would be for the applicant to pursue a combined permit and amendment process, rather than a Ministerial amendment. The concurrent amendment permit process provides for a single, time efficient assessment process which maintains the opportunity for public input.

5.1.6 In the request to the Minister the applicant states that the proposed amendment to the DDO maintains the mandatory requirements in that any new tower be setback a minimum of 10 metres from City Road, whilst allowing flexibility in the design response to the area between the streetwall and any tower, particularly where a heritage facade is being retained. This response is consistent with the position reached by the Panel on the South Melbourne Structure Plan.

5.1.7 In the event that the Minister approves the requested amendment, officers consider that the following wording would be more appropriate:

Above a height of 16 metres, buildings must be setback 10m from City Road.

It is considered that the above wording more clearly states that any built form above the podium level (16m) must be setback 10m from City Road. The concern with the wording proposed by the applicant is the reference to 'towers' which, despite having an ordinary and understood meaning, is not defined in the DDO. Although the word

'tower' is used frequently in the 'Preferred Character' and 'Design Objectives' of DDO8-10, it is considered that the wording of the specific requirements must be unambiguous.

5.2 ALIGNMENT TO COUNCIL PLAN

5.2.1 The proposed changes to the DDO would align with strategic direction 4. Enhancing Liveability. Strategy 4.1.7 seeks to preserve our heritage, valuing the past and planning for the future. The revisions to the DDO would ensure that the significant heritage buildings along City Road are retained as an integral part of the proposed development.

5.3 POLICY IMPLICATIONS PLAN

5.3.1 The proposed changes to Schedule 8 of the DDO would be consistent with the South Melbourne Central Structure Plan adopted by Council in September 2004 and the South Melbourne Central Urban Design Framework adopted in October 2005. The aspirations of these documents are reflected in Clause 22.11 (South Melbourne Central) of the Port Phillip Planning Scheme and the relevant DDO objectives and requirements.

5.4 FINANCE / RESOURCE IMPLICATIONS

5.4.1 There are no financial or resource implications for Council.

5.5 LEGAL & RISK IMPLICATIONS

5.5.1 Even if Council resolves to advise the Minister that it does not support the request for Amendment C79 to be processed pursuant to section 20(4) of the Planning and Environment Act 1987, the Minister still has the power to approve the amendment. Bearing this in mind officers have recommended more appropriate wording of the changes proposed to DDO8.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

6.1.1 A letter will be sent to the Minister for Planning and the applicant within one week of the Council resolution advising of Council's position.

6.2 COMMUNICATION

6.2.1 If the Minister uses the section 20(4) process to approve the amendment, there would be no public consultation process.

6.3 Should the proposed changes to the DDO be pursued through a combined planning scheme amendment and planning permit process (Section 96A), normal exhibition processes would apply.

7. OFFICER DIRECT OR INDIRECT INTEREST

7.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

ORDINARY MEETING OF COUNCIL 10 AUGUST 2009

6.	**ST KILDA FAMILY AND CHILDREN'S CENTRE PLAN**
LOCATION/ADDRESS:	**171 CHAPEL ST, ST KILDA**
EXECUTIVE DIRECTOR:	**SAM HEWETT, ACTING EXECUTIVE DIRECTOR, COMMUNITY ASSETS AND SERVICES**
PREPARED BY:	**JO SMALE, ACTING MANAGER, COMMUNITY SERVICES**
	SHEENA FROST, SPECIAL PROJECTS COORDINATOR, COMMUNITY SERVICES
FILE NO.:	**36/02/39**
ATTACHMENTS:	**1.ARCHITECT PLANS FOR ST KILDA FAMILY & CHILDREN'S CENTRE.**
	2. COUNCIL RESOLUTION MAY 2008
	3. COUNCIL RESOLUTION DECEMBER 2008

1. EXECUTIVE SUMMARY

1.1. This report summarises the consultation process through which the attached plans for the integrated family & children's centre in St Kilda have been achieved.

1.2. The plans as attached have been endorsed by the St Kilda Family & Children's Steering Committee appointed by Council in May 2008, and extended by Council in December 2008, to provide advice and guidance to Council on the design and configuration of the centre.

1.3. The design achieves high levels of environmental sustainability and creates at ground level, up to 116 place children's centre, and on the first floor three maternal and child health and family support consulting suites, two playgroup rooms and a large multi-purpose room for the delivery of 0-8 curriculum activities during the day, and for general community use after hours.

1.4. A competitive tender will be conducted to seek the most efficient delivery of this project by the end of 2010.

2. RECOMMENDATION

That Council:

2.1 Acknowledge the extensive consultations with key community, including children, and government stakeholders that has resulted in the plans produced to date.

2.2 Approve the commencement of a competitive tender process for the construction of the Centre once planning application processes have been completed.

2.3 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.

2.4 Acknowledge the contribution of the St Kilda Family & Children's Centre Steering Committee in developing these plans and thank them for their continuing efforts.

3. BACKGROUND AND CONTEXT

3.1 In May 2008 Council resolved to proceed with plans for an integrated Family & Children's Centre at the site of the current St Kilda Children's Centre at 171 Chapel St.

3.2 The Centre was endorsed to provide more children's places, new maternal and child health (MCH) consulting suites, space for playgroups and other community and family support spaces.

3.3 A Steering Committee was established in Council's resolution of May 2008, to provide advice to council on design and configuration of this centre (Attachment 2). The committee membership was extended in Council's resolution of December 2008 (Attachment 3).

3.4 A public tender process for design services commenced in June 2008. The tender brief specified a building that delivers basement car parking as well as space for 75-120 long day care places, kindergarten, playgroups, consulting suites for MCH services, community meeting space, meeting and/or training rooms and family support services. It also specified a 6 star Greenstar rating was a requirement of the project, although acknowledging a tool through which to achieve that rating does not yet exist.

3.5 In October 2008 the Federal and State Governments' announced the project had successfully received $1.6M and $500,000 respectively in funding. The project met funding criteria as it increases childcare places in St Kilda and is an integrated service delivery model. The Federal Government funding is contingent upon delivering a minimum 50 additional childcare place, taking the number of childcare places to be accommodated on site from the current 50 places to a minimum of 100 places.

3.6 Following the tender selection process, Woodhead Architects was appointed to design the centre.

3.7 The Steering Committee first met in June 2008, and then commenced consultations in December 2008 through to June 2009.

3.8 The floor plans and design attached to this report were endorsed by the Steering Committee at its meeting of 4 June 2009.

3.9 Functionally, the design provides:

3.9.1 A children's centre will occupy the ground floor, capable of accommodating 116 licensed children's services places. It includes a family style kitchen and dining area, and north and south facing outdoor play areas.

3.9.2 The first floor will accommodate:

- a common reception/waiting area
- three consulting suites for maternal and child health, family support and other related uses
- two rooms for use by playgroup, which are licensed for 40 children's services places, and adjoining large outdoor play space
- a meeting room for new parent groups
- a large multi-purpose room internally connected to the children's centre down stairs, for curriculum activities for the 0-8 age group during the day and general community use after hours. There is also an adjoining outdoor play space.

3.9.3 The basement will accommodate parking for 49 cars and secure facilities for bikes and prams; shower and toilets facilities for bicycle commuters and water tank storage.

4. CONSULTATION AND STAKEHOLDERS

4.1 Consultation around the design and configuration of the building has taken place via the following: the steering committee, with children and visits to benchmark sites.

4.2 Steering Committee

4.2.1 A Steering Committee comprising key service users, councillors and officers was formed in May 2008, to provide advice to council on the design and configuration of the St Kilda Family & Children's Centre. The membership at May 2008 comprised representatives of: St Kilda Children's Centre staff and families; St Kilda Maternal and Child Health staff and families; St Kilda Playgroup Association; St Kilda Uniting Church; Port Phillip Community Group; St Kilda Primary School, the ward councillor and council officers.

4.2.2 In December 2008, the membership of the St Kilda Family & Children's Centre Steering Committee was extended to include a

representative from Childcare Access Port Phillip and a second councillor.

4.2.3 The Steering Committee met for the first time in June 2008 to provide a comprehensive briefing about the project, context, and processes that would follow throughout the project. This meeting was held prior to the appointment of an architect.

4.2.4 Following the appointment of the architect, dedicated consultations with each of the key service user groups were held in December 2008 with the architect team. Participants were: families from St Kilda Children's Centre, MCH and St Kilda Playgroup and staff of St Kilda Children's Centre and MCH. Childcare Access Port Phillip had a consultation meeting in January 2009 with the architect.

4.2.5 Based on these initial consultation sessions, and the feedback received from the children's consultations conducted in October 2008, Woodhead Architects compiled a comprehensive 'reverse brief' document of all feedback received. This was discussed at the January 2009 Steering Committee meeting, and further opportunity to provide additional feedback was provided.

4.2.6 The 'reverse brief' formed the basis of the first draft concept plan produced by Woodhead Architects for the February 2009 Steering Committee. At each subsequent meeting Steering Committee members were asked to seek feedback from their representative groups and provide it to the architects within a set time frame. The Steering Committee has seen a total of four design iterations, each incorporating feedback from Committee members.

4.2.7 A first concept, based on consultations with Steering Committee members, was prepared for the February 2009 Steering Committee meeting. This broad concept was over two levels, including: basement car park, ground level 116 place children's centre; three MCH consulting rooms, two playgroup rooms and a multi-purpose room on the first floor. It also presented a street entrance frontage to Carlisle St, a proposed entry to the carpark from Carlisle St and an interface with the St Kilda Primary School. This early concept, based as it was on key criteria identified by stakeholders, was endorsed by the Steering Committee for the architects to progress work on.

4.2.8 Key concerns that members raised, and been addressed through the design process, included:

- retaining the family feel of the children's centre whilst maximising the number of children's places
- integrating services over two storeys
- creating links with the primary school
- access to the car park and entrance from Carlisle St
- interaction with the neighbouring site, particularly with regard to the redevelopment plans for the Mission site

- location of toilets throughout the facility
- environmentally sustainable design and use of materials

4.3 Children

4.3.1 Children of St Kilda Children's Centre, St Kilda Primary School and St Kilda playgroup participated in consultations around the design of the new centre. Responses were asked to three queries: what do you like currently, what don't you like, and what would you change? This consultation was conducted over October 2008.

4.3.2 Themes that came through strongly from children's feedback was use of colour inside and out; improving the welcoming feel of the building; ensuring sensory experiences outdoors; retaining use of photos and pictures to add to the warmth of a building; and interesting outdoor surfaces and plantings.

4.4 Site visits

4.4.1 Architects and staff undertook site visits to Poets Grove, a council owned integrated family and children's centre; Treehouse Childcare, a multi-story children's centre; and Lady Gowrie's new centre in Docklands, an integrated family and children's centre located on the first floor of an urban office building to inform the design.

5. DISCUSSION

5.1 OPTIONS

5.1.1 The recommended option is to proceed to tender based on the endorsed plans attached.

5.1.2 Mechanisms will be built into the recommended option whereby respondents to the tender will be required to provide detailed costings that will allow council to consider further reductions, if budget constraints require it.

5.1.3 The recommended option has the advantage of putting the plans to market for actual costs. Council can determine the final scope of the centre once responses to the tender have been received.

5.1.4 An alternative option is to reduce the scope of the design prior to going to tender and testing the market. This will reduce functionality and the green star rating of the building and would no longer represent the view of the Steering Committee.

5.2 ALIGNMENT TO COUNCIL PLAN

5.2.1 The establishment of an integrated family & children's centre in St Kilda is consistent with 3.1.6 Ensure the quality and accessibility of children's services

5.2.2 Reducing water use via water collection, incorporating environmental design to optimize natural heating, lighting and cooling options and reducing reliance on mechanical interventions is achieved in the

proposed design, aligning the recommended option with 2.1 Reducing consumption and emissions.

5.3 POLICY IMPLICATIONS

5.3.1 Establishing integrated family & children's centres has been identified as a key action of Port Phillip's Municipal Early Years Plan (MEYP). The MEYP has identifed six goals that support the establishment of these facilities - improved child development and wellbeing, promote a 'whole of child' perspective, increase children's participation, adopt a fully integrated approach, work in partnership and building on research evidence

5.3.2 The designs attached to the recommended option exceed the 2006 Sustainable Design Policy. Both designs aim to achieve a rating of 5 star or equivalent, consistent with the leadership position Council aspires to achieve in environmentally sustainable design and policy commitments as expressed in the:

- Council Plan 2009 (Taking action on climate change)
- Toward Zero Sustainable Environmental Strategy policy, adopted in June 2007.

5.3.3 The recommended option is consistent with the Council's Community Hubs Policy in 2004 which provides the framework for the planning and delivery of integrated family and children's services models for Port Phillip.

5.3.4 The recommended option is consistent with research evidence about the importance of the early years and the benefits of integrated service planning and provision, and a range of state and federal government strategies to improve outcomes for children and their families e.g. the State Government's Department of Education and Early Childhood Development 'Blueprint for Early Childhood Development and School Reform' and the national 'Early Years Learning Framework for Australia'.

5.4 FINANCE / RESOURCE IMPLICATIONS

5.4.1 A quantity surveyor has provided a cost estimate as at June 2009. The estimate excludes soil remediation, playgrounds and furnishings.

5.4.2 Council has received $1.6M from the Federal Government to develop a family & children's centre which will increase childcare places in Port Phillip and $500,000 from the State Government to develop this centre as an integrated facility.

5.4.3 Council's has forecast its commitment to this project over three financial years (commencing 08/09).

5.4.4 The federal funding is contingent on the Centre achieving, as a minimum, an increase of 50 children's places. Therefore a minimum of 100 children's places must be delivered on site to satisfy the federal government's funding requirements.

5.5 LEGAL & RISK IMPLICATIONS

5.5.1 The attached designs meet licensing requirements of the Children's Services Regulations 2009. Throughout the design process, the licensing requirements have taken precedence over all other requests, to ensure the functional requirements of the building can be achieved.

5.5.2 Any future changes to the Children's Services Regulations 2009 may have an impact on the total number of children's services places that can be accommodated on the site.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

6.1.1 Planning application due to be determined in September 2009.

6.1.2 Public tender process for the construction of the Centre to commence at the end of September 2009 subject to approval in planning process. A tender evaluation panel has already been appointed and documentation in preparation for this stage of the project has commenced.

6.1.3 Tender for the construction of the Centre to be awarded prior to end of calendar year with a view to commencing construction in early 2010.

6.2 COMMUNICATION

6.2.1 Council is fulfilling its commitment to increasing the number of childcare places in the city

6.2.2 Council is seeking to create a facility that sets benchmarks in integrated family & children's services delivery and environmental design.

ORDINARY MEETING OF COUNCIL
10 AUGUST 2009

7.	***'ANSWERING THE CALL'***
LOCATION/ADDRESS:	**BEACH ST, PORT MELBOURNE**
RESPONSIBLE EXECUTIVE DIRECTOR:	**GREG WOOD, EXECUTIVE DIRECTOR COMMUNITY PLANNING AND DEVELOPMENT**
AUTHOR:	**PENNY MORRISON, HERITAGE OFFICER**
FILE NO.:	
ATTACHMENTS:	**1. SUBMISSION FROM THE NAVAL HERITAGE FOUNDATION OF AUSTRALIA INC**
	2. ASSESSMENT BY THE COPP MEMORIALS AND MONUMENTS WORKING GROUP
	3. MAP OF PROPOSED LOCATION

1. EXECUTIVE SUMMARY

1.1. The Naval Heritage Foundation of Australia Inc. applied to the CoPP in October 2008 to erect a bronze statue, '*Answering the Call'*, and interpretative plaques on Beach St. at the end of Dow St, Port Melbourne.

1.2. The purpose of the memorial is to:

- serve as a national memorial to all Australian naval men and women who served the nation
- recognise the naval heritage of the City of Port Phillip.

1.3. The memorial will be of national and local significance and highlight this shared heritage by commemorating the significance of Port Melbourne in Australia's maritime history.

1.4. The memorial is proposed to be located along the road reserve on Beach St, Port Melbourne, opposite Dow St.

1.5. The memorial is proposed to be fully funded by the applicant being the Navy Heritage Foundation of Australia Inc.

2. RECOMMENDATION

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

2.1.1 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.

2.1.2 Seek consent from the appropriate Minister in accordance with the *Coastal Management Act 1994*.

3. BACKGROUND AND CONTEXT

3.1. Port Melbourne was the site of the first Australian local voluntary naval service and culminated in the national maritime defence force, reflecting the political changes occurring as Australia moved from its colonial beginnings through federation.

The following summary of historic milestones was compiled by the Naval Heritage Foundation of Australia in their submission, and illustrates the long and continuous association of Port Melbourne with naval activities:-

1859 – Naval Reserve training commenced with the formation of the Sandridge company of the Victorian Naval Brigade

1860's - Sandridge Corp carried out regular parades in the Orderly Room in Dow Street

1876 – Drill Hall and Naval Cadet Depot was set up at Port Melbourne

1890 – Dow St Drill Hall was sold

1901 - Drill was carried out at the Customs sheds on Town Pier at the end of Bay St.

1911 – Royal Australian navy formed

1912 – Port Melbourne naval Drill Hall was built on the site adjacent to the former Post Office, making it probably the first new building completed for the new Royal Australian Navy

1942 – Australian Navy Reserve Drill Hall was built on the old reclaimed lagoon and named HMAS Lonsdale

1992 – HMAS Lonsdale was decommissioned and the long Naval association with Port Melbourne came to an end.

3.2. In 2006 discussion began with representatives of the Naval Service regarding the possibility of a memorial to commemorate naval men and women in the Port Melbourne area.

3.3. In 2008 the Navy Heritage Foundation of Australia Inc. applied to the CoPP to erect a bronze statue, '*Answering the Call'*, and interpretative plaques on Beach St. at the end of Dow St, Port Melbourne.

4. CONSULTATION

4.1. The applicants have sought and received the support of many people and organisations with local, state and national links to their proposal.

Patron of The Naval Heritage Foundation is Vice Admiral Russ Crane, AM,CSM, RAN, Chief of Navy.

Letters of support from the following were included with the application:-

- PM Historical and Preservation Society
- St Kilda Historical Society
- Michael Danby MHR, Federal Member for Melbourne Ports
- Martin Foley, Member for Albert Park
- Andrea Coote MP, Member for Southern Metropolitan Region, Parliament of Victoria
- Judith Troeth, Senator for Victoria.

5. DISCUSSION

5.1. The concept proposed for the statue is based on the figure of an RAN sailor of the 1942 era in a rig which represents all ranks and rates. The sailor will be cast in bronze, 1.25 normal size and stand 2.2 metres tall standing on a half meter bluestone high plinth. The statue will face towards the sea on a bearing directed to the entry of Port Phillip Bay.

5.2. The memorial will be of both national and local significance as the only heritage marker in Australia recognising all naval men and women nationally, and the substantial maritime heritage of the CoPP, particularly that of Port Melbourne, which spans the period from 1859 to 1992

5.3. Currently there is no tangible marker of this heritage which is of local, state and national significance.

5.4. Three sites along the Beach Rd foreshore at Port Melbourne have been considered. They are at Lagoon Pier, at the end of Bay St and at the end of Dow St.

5.5. The recommended site is directly opposite Dow St. It has been selected because of the long association with this locale and national maritime defense from 1859 until 1992, in particular with the old Drill Hall on Bay St and the site of the Town Pier at the end of Bay St

5.6. This site is considered preferable to the Bay St site because of the configuration of the beach wall which allows easy access at two points to the beach and the backdrop of the cityscape which is afforded up Dow St for people viewing the statue.

5.7. There is sufficient space for people attending an annual memorial service to congregate, noting that the cyclists and pedestrians could be readily managed during such relatively brief events.

6. ALIGNMENT TO COUNCIL PLAN

6.1. This proposal relates to the Draft Council Plan 2009 – 2013, specifically;

Section 4.1:	A Sense of Place
Strategy 4.1.7:	Preserve our heritage, valuing the past and planning for the future

7. POLICY IMPLICATIONS

7.1. The *Memorials and Monuments Policy 2008* , section 5.4.1 'Creation of New Memorials' selection criteria articulates the criteria against which submissions for new memorials need to be assessed.

7.2. The City of Port Phillip Memorials and Monuments Working Group considered this application and recommends that it is generally consistent with CoPP policy. This Group, which comprises staff from Governance, Parks and Open Spaces and Curatorial Services, assessed the proposal against the selection criteria applied to new memorials.

8. FINANCE AND RESOURCE IMPLICATIONS

8.1. The proposal from the Naval Heritage Foundation will be fully funded by the foundation. The Naval Heritage Foundation is not seeking funding from Council. It is seeking approval from Council to locate a memorial of national significance in the CoPP.

8.2. It is intended that all funds required would be raised through the Naval Heritage Foundation, which intends to mount a fund raising campaign should Council provide in-principle support for the-is proposal.

9. LEGAL AND RISK IMPLICATION

9.1. Council is the committee of management for the land in question and is therefore acting under the authority of the *Crown Land Reserves Act 1978*.

9.2. In accordance with the *Coastal Management Act 1994* Council will require coastal management act consent for the proposal to proceed. The Department of Sustainability and Environment have been made aware of this proposal and CoPP is awaiting in-principle consent.

9.3. It is intended that any obligations with regard to public liability, maintenance and other like matters will be managed through the development of a licence agreement or similar instrument, to be agreed between the City of Port Phillip and the Naval Heritage Foundation.

10. IMPLEMENTATION STRATEGY

10.1. The process for implementation of this recommendation, should it be approved by Council; would be:

10.1.1. Seek and receive 'in-principle' consent in accordance with the Coastal Management Act 1994.

10.1.2. Subject to the Naval Heritage Foundation raising the necessary funds for installation of the memorial, negotiate and enter into a

draft licence agreement between the Naval Heritage Foundation and City of Port Phillip for installation and maintenance of the memorial.

10.1.3. Report to Council to seek final approval for the installation of the Answering the Call memorial to proceed.

11. OFFICER DIRECT OR INDIRECT INTEREST

11.1. No officers involved in the preparation of this report have any direct or indirect interest in the matter.

ORDINARY COUNCIL MEETING 10 AUGUST 2009

8.	**RENEWAL OF BUILDING MAINTENANCE CONTRACTS**
LOCATION/ADDRESS:	**VARIOUS**
EXECUTIVE DIRECTOR:	**SAM HEWETT, ACTING EXECUTIVE DIRECTOR COMMUNITY ASSETS AND SERVICES**
PREPARED BY:	**SAM HEWETT, ACTING EXECUTIVE DIRECTOR COMMUNITY ASSETS AND SERVICES**
FILE NOS.:	**14/01/0916, 0998, 0999, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1251, 1253 AND 1254**
ATTACHMENTS:	**ATTACHMENT 1 - CURRENT CONTRACT STRUCTURE AND STATUS**

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to recommend to council that it extend a range of building maintenance contracts for an additional period of 12 months.

2. RECOMMENDATION

That Council

2.1 Approves the 12 month extension of the following building maintenance contracts from 1 October 2009 until 30 September 2010;

2.1.1 Provision of Air Conditioning/Mechanical Service Maintenance Contract 0998 with Pioneer Pty Ltd

2.1.2 Provision of Fire Services Maintenance and Testing Contract 0999 with National Fire Solutions Pty Ltd

2.1.3 Provision of Lift Maintenance Services Contract 1002 with Independent Lifting Services Pty Ltd

2.1.4 Provision of Electrical Services Maintenance and Testing Contract 1003 with JMD Electrics Pty Ltd

2.1.5 Provision of Electrical Services Maintenance and Testing Contract 1003 with Urban Maintenance Systems Pty Ltd

2.1.6 Provision of Plumbing and Gas Services Maintenance Services Contract 1004 with Peck Plumbing Pty Ltd

2.1.7 Provision of Plumbing and Gas Services Maintenance Services Contract 1004 with Urban Maintenance Systems Pty Ltd

2.1.8 Provision of Plumbing and Gas Services Maintenance Services Contract 1251 with D J Murphy Plumbing Services

2.1.9 Provision of Automatic Doors Maintenance Services Contract 1005 with Besam Australia Pty Ltd

2.1.10 Provision of Pest Control Services Contract 1006 with Pestaway Australia Pty Ltd

2.1.11 Provision of Graffiti Removal and Auditing Services Contract 1008 with Graffiti Gone

2.1.12 Provision of Painting Services Contract 1009 with Graffiti Gone

2.1.13 Provision of Painting Services Contract 1253 with Programmed Maintenance Services Ltd

2.1.14 Provision of Painting Services Contract 1253 with Munters Pty Ltd

2.1.15 Provision of Carpentry/Handyman Services Contract 1010 with J W and P C Simpson

2.1.16 Provision of Carpentry/Handyman Services Contract 1010 with Urban Maintenance Systems Pty Ltd

2.1.17 Provision of Carpentry and Handyman Services Contract 1254 with Programmed Maintenance Services Ltd

2.2 Approves the 12 month extension of the Provision of Cleaning Services for (A) Council Facilities (B) Public Conveniences and (C) BBQs Contract 0916 from 1 January 2010 until December 31 2010 with Wayne Cleaning Systems Pty Ltd.

3. BACKGROUND AND CONTEXT

3.1 Port Phillip City Council currently contracts all building maintenance services. The current contract structure, status and current contract sums are shown in Attachment 1. The lump sum figures refer to the preventative maintenance arrangements while the schedule of rates refers to all reactive maintenance.

3.2 The building maintenance contracts expire 30 September 2009 with an option to extend for a further 12 months. The cleaning contract expires on 31 December 2009 with an option to extend for a further 12 months.

3.3 A review of the building maintenance contracts will be undertaken within the current financial year to identify and investigate delivery options, best practice and cost effective bundling of building maintenance service contracts.

3.4 It is anticipated that this review will coincide with the development of new specifications for service contracts that will be required to be put in place prior to the expiry of these contracts.

3.5 This current structure also provides panels of contractors for the provision of plumbing and gas-fitting, electrical, painting and carpentry and handyman services.

3.6 Having panels in place for these high activity services provides council with a more competitive and flexible service delivery options.

3.7 Staff within the Building Maintenance unit administer these service contracts and meet monthly with each contract provider. At these meetings all key performance indicators, as provided for in each contract, are reviewed and documented.

4. CONSULTATION AND STAKEHOLDERS

4.1 Internal consultation occurred with building user groups regarding the performance of the contractors listed in this report. This feedback was generally positive, and where it wasn't, the information was used to improve contractors' performance.

5. DISCUSSION

5.1 ALIGNMENT TO COUNCIL PLAN

5.1.1 Strategy 1.4.4 of the 2009-2013 Council Plan provides that Council maintain council and community assets to a standard that matches industry best practice. By having a robust pool of building maintenance service providers contracted to it, Council is best placed to meet this objective.

5.2 POLICY IMPLICATIONS PLAN

5.2.1 Council's Tendering and Contracts Policy provides that in the case of a contract awarded by the council, the decision as to a contract extension is to be referred to the council. Council initially awarded these contracts at its Ordinary Council Meeting 27 August 2007.

5.2.2 The policy also provides that a decision not to extend a contract will generally be made because of poor performance by the contractor, in which case, the performance issues should have been discussed with the contractor over a substantial period and fully documented.

5.3 FINANCE / RESOURCE IMPLICATIONS

5.3.1 The tendering of the building maintenance services has led to a reduction in expenditure over the last 2 years of approximately $800,000 per annum.

5.3.2 All expenditure for these contracts have been budgeted within the 2009/2010 financial year.

5.4 LEGAL & RISK IMPLICATIONS

5.4.1 The current contracts – and any extension of these – are provided for in detailed contract documentation prepared by Council's legal advisors when they were awarded.

5.4.2 There is always a risk of a contracted building service provider failing to continue delivering service for reasons such as financial failure and industry down turns. This risk is mitigated by Council's decision to have a panel of providers in place for those high service delivery areas.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

6.1.1 It is intended that written notification to all providers of the renewal of these contracts will be forwarded prior to 31 August 2009 as provided for under the respective contracts.

6.2 COMMUNICATION

6.2.1 There will be no changes in service provision, processes or outcomes. All building occupants will continue to see maintenance services provided by existing contractors.

7. OFFICER DIRECT OR INDIRECT INTEREST

7.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

9. REPORTS BY COUNCILLOR DELEGATES APPOINTED TO OTHER BODIES

10. URGENT BUSINESS