



**ORDINARY  
MEETING OF  
COUNCIL**

**AGENDA**

**18 DECEMBER 2008**

## 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.*

*The agenda may include new items that have not previously been considered before at a Committee Meeting, these items are known as Orders of the Day. The agenda may also include supplementary reports which provide additional information requested by Council. Recommendations from Council's Strategy and Policy Review Committee and at times the Statutory Planning Committee (which both have met during the month) will also be presented.*

*Each Order of the Day and supplementary information will have reports 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. You will have 3 minutes to speak. If somebody has already raised an issue you agree with, there is no need to repeat it.*



CITY OF PORT PHILLIP

# PORT PHILLIP CITY COUNCIL BUSINESS PAPER

## To Councillors

Notice is hereby given that an **Ordinary Meeting** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Monday, 18 December 2008 at 6.00pm.**

## AGENDA

1. **APOLOGIES**
2. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
  - Minutes of the Ordinary Meeting of the Port Phillip City Council held on 24 November 2008.
  - Minutes of the Special Meeting of the Port Phillip City Council held on 8 December 2008.
3. **PETITIONS AND JOINT LETTERS**
4. **SEALING SCHEDULE**
5. **CORRESPONDENCE**
6. **PUBLIC QUESTION TIME**
7. **COUNCILLOR QUESTION TIME**
8. **PRESENTATION OF REPORTS AND RECOMMENDATIONS FROM S86 SPECIAL COMMITTEE MEETINGS**
  - Reports of the Strategy and Policy Review Committee – Nil.
  - Reports of the Statutory Planning Committee - Nil.
9. **CHIEF EXECUTIVE OFFICER'S REPORT**
10. **ORDERS OF THE DAY**
11. **REPORTS BY COUNCILLOR DELEGATES APPOINTED TO OTHER BODIES**
12. **URGENT BUSINESS**
13. **CONFIDENTIAL MATTERS**

Including reports considered at the Strategy and Policy Review Committee and the Statutory Planning Committee.

David Spokes  
Chief Executive Officer  
15 December 2008

**3. PETITIONS AND JOINT LETTERS**

#### 4. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and KIM GRAHAM LOWMAN and LYNETTE ANNE WATSON

To ensure according to Condition 12 of Planning Permit 173/2008 (issued 08/04/08) that upon the construction of a new triple storey garage/studio at 34 BEACONSFIELD PARADE, ALBERT PARK, it be subject to a section 173 Agreement preventing its use as a separate (second) dwelling.

Item not previously considered by Council.

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

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and MALCOLM WHITE and PETER RUJANOSKI

To ensure that prior to the issue of a Statement of Compliance, the owner shall enter into the above agreement under which it specifically covenants that:-

a) The land at 246 STOKES STREET, PORT MELBOURNE shall only be developed in accordance with the plans endorsed under Planning Permit No. 749/2007 dated 27/3/2008; and

b) It shall pay the Responsible Authority's Solicitor/client costs in respect to the preparation and registration of the agreement.

Item not previously considered by Council.

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

SECTION 163 AGREEMENT between PORT PHILLIP CITY COUNCIL and JOHNSTON SONI PTY LTD.

To ensure the owner of 462 ST KILDA ROAD, MELBOURNE be granted modifications by the Building Appeals Board subject to conditions, ie in this instance modifications have been granted and any proposed openings to the proposed building are to be brought into compliance with the building regulations should there be any development on the adjoining land.

Item not previously considered by Council.

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

## AGENDA - ORDINARY MEETING OF COUNCIL - 18 DECEMBER 2008

---

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and HOWARD CHARLES McLEAN DAWSON and MEGAN ANNE WILKINS, for the sale & transfer of land (drainage reserve) at rear of 19 Austin Avenue, Elwood.

<i>Councillor Note</i>	<i>18 December 2007</i>
<i>Advertising</i>	<i>12 February 2008</i>
<i>Council Report</i>	<i>28 March 2008</i>

**Responsible Manager:** Cathy Henderson, Manager Governance

### **RECOMMENDATION**

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

## 5. CORRESPONDENCE

### Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors between the month of 19 November 2008 and 15 December 2008 is attached for information.

**6. PUBLIC QUESTION TIME**

**7. COUNCILLOR QUESTION TIME**

**8. PRESENTATION OF REPORTS AND RECOMMENDATIONS  
FROM S86 SPECIAL COMMITTEE MEETINGS**

**8(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE FOR  
DECEMBER 2008**

NO MEETING HELD

**8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE FOR DECEMBER 2008**

NO MEETING HELD

**9. CHIEF EXECUTIVE OFFICER'S REPORT**

## **10. ORDERS OF THE DAY**

### **ORDER OF THE DAY 1**

**PROPOSED DISCONTINUANCE AND SALE OF A SECTION OF RIGHT OF WAY  
NO.R2791 (510) AT THE REAR OF 208 ALBERT RD, SOUTH MELBOURNE**

*(Refer to attached report)*

### **ORDER OF THE DAY 2**

**APPOINTMENT OF COUNCILLORS TO INTERNAL AND EXTERNAL COMMITTEES AND  
BODIES**

*(Refer to attached report)*

### **ORDER OF THE DAY 3**

**COUNCIL/COMMITTEE MEETING DATES FOR 2009**

*(Refer to attached report)*

### **ORDER OF THE DAY 4**

**LUNA PARK INTERCHANGE RENEWAL**

*(Refer to attached report)*

### **ORDER OF THE DAY 5**

**FAMILY AND CHILDREN'S SERVICES SPECIAL PROJECTS - PROGRESS REPORT**

*(Refer to attached report)*

### **ORDER OF THE DAY 6**

**ST KILDA SKATE PARK**

*(Refer to attached report)*

**ORDER OF THE DAY 7  
FEDERAL INFRASTRUCTURE GRANTS**

*(Refer to attached report)*

**ORDER OF THE DAY 8  
AUSTRALIAN NATIONAL ACADEMY OF MUSIC (ANAM) AND SOUTH MELBOURNE  
TOWN HALL (SMTH) UPDATE**

*(Refer to attached report)*

**ORDER OF THE DAY 9  
MUNICIPAL VALUATIONS CONTRACT NO. 0946 - 2 YEAR OPTION EXTENSION  
(CONFIDENTIAL)**

*(Note item is classified as a confidential report in accordance with Section 89 2 (d) of the  
Local Government Act 1989)*

*(Refer to attached Confidential report)*

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

**12. URGENT BUSINESS**

### **13. CONFIDENTIAL MATTERS**

#### **ORDER OF THE DAY 9**

#### **MUNICIPAL VALUATIONS CONTRACT NO. 0946 - 2 YEAR OPTION EXTENSION (CONFIDENTIAL)**

*(Note item is classified as a confidential report in accordance with Section 89 2 (d) of the Local Government Act 1989)*

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

<b>ORDER 1</b>	<b>PROPOSED DISCONTINUANCE AND SALE OF A SECTION OF RIGHT OF WAY NO.R2791 (510) AT THE REAR OF 208 ALBERT RD, SOUTH MELBOURNE</b>
<b>LOCATION/ADDRESS:</b>	<b>REAR 208 ALBERT RD, SOUTH MELBOURNE</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER, EXECUTIVE DIRECTOR, ORGANISATION, SYSTEMS &amp; SUPPORT</b>
<b>PREPARED BY:</b>	<b>TOULA KOTSABOUKIS, PROPERTY &amp; VALUATIONS</b>
<b>FILE NO.:</b>	<b>34/14/510-01 &amp; 34/14/2791</b>
<b>ATTACHMENTS:</b>	<b>SITE PLAN, PHOTOGRAPHS &amp; SUBMISSIONS</b>

---

**1. PURPOSE**

The owner of 208 Albert Road, South Melbourne, has applied to acquire a section of Right of Way at the rear of the property. This report recommends that the application be approved and that the section of Right of Way No. R2791 be discontinued and sold.

The matter was reported to Council in the November 2008 cycle of meetings when it was resolved that it be deferred for the consideration of the newly elected Council.

In accordance with the resolution and the procedures set out in Section 223 of the Local Government Act 1989, the applicant and those who have made a submission, have been invited to address the Council.

When the submitters have been heard and Council has considered all material presented in the submissions, a decision can be made to finalise the matter.

**2. RECOMMENDATION**

That Council, having considered all submissions received in response to the proposal in accordance with the statutory procedures set out in Sections 206 and 223 and pursuant to Clause 207 and clause 3 of Schedule 10 of the Local Government Act 1989, recommends that Council resolve:

To complete the discontinuance of the section of Right of Way R2791 at the rear of 208 Albert Rd, South Melbourne, and to sell the land to the owners of 208 Albert Rd, South Melbourne, subject to the following;

1. That the land to be sold is consolidated with the property at 208 Albert Road, South Melbourne.

2. Easements are created in favour of Council or service authorities having assets in the land, and
3. An agreement pursuant to Section 173 of the Planning and Environment Act 1987 is established with the intention of restricting the future use of the land to preserve amenity and restrict any future buildings and works on the land by location, height and size in a manner that will not prevent and will permit maintenance and repair of buildings by abutting owners of properties at 5 Thomson Street and 218-220 Albert Road, South Melbourne.

### **3. BACKGROUND AND CONTEXT**

Council has generally supported the sale of redundant laneways. Council receives proposals and responds in accordance with the Discontinuance and Sale of Roads Policy. Guidelines for the Council policy on this topic, state that discontinuance and sale can be supported for the following reasons;

- Amenity benefits – particularly where there is evidence of problems with syringes being deposited in the right of way.
- Health benefits – particularly where the right of way is used to dump rubbish or where litter collects.
- Security benefits – the discontinuance of the right of way improves security as access to a property is reduced.
- Council benefits – cost savings for the Council as the Council is no longer responsible for maintaining the right of way.

The subject land is a small portion of laneway between the rear of 208 Albert Road and the rear of 5 Thomson Street in South Melbourne, measuring approximately 34.3 square metres. It is bounded by concrete walls on three sides and therefore serves no function as an access way. It should be noted that the section of Right of Way is currently being used as a prohibited parking space. The owner of 208 Albert Road has applied to purchase the land and intends to use it for approved car parking.

It is therefore proposed to discontinue the section of right of way and to sell the land to an abutting property owner. The owner of 208 Albert Rd, South Melbourne has accepted the sale price for the land of \$85,750.00 plus an administration cost of \$2,500.00.

The statutory process for this proposal first commenced in May 2008 with a public notice appearing in the local newspaper on the 8<sup>th</sup> July 2008. No submissions were received by the due date.

Following the receipt of late submissions, Council resolved on 22<sup>nd</sup> September 2008, to recommence the statutory procedures to ensure that community views are expressed and considered in compliance with the procedures set out in the Local Government Act.

The proposal was re-advertised in the local newspaper on 7<sup>th</sup> October 2008. In response to the public notice two submissions were received in opposition to the proposal. The applicant and submitters were heard by the Strategy and Policy Review Committee on 5 November, 2008 and have been invited to address Council again.

The submissions in opposition to the proposal are attached to this report and are summarised in the Consultation section of this report.

Following the consideration of submissions Council may make a decision to finalise the matter.

#### **4. CONSULTATION AND STAKEHOLDERS**

##### Internal

Council's Asset Management, Traffic Management, Strategic Planning, Planning and Building and Project Services business units were consulted and there were no objections to the proposal.

Council's Heritage Advisor has confirmed that there are no heritage issues.

##### External

The applicant for purchase is agreeable to the establishment of a Section 173 agreement that allows for the existence of services on adjoining buildings and maintenance of adjoining buildings by the respective property owners. Council officers have met with submitters to discuss these issues.

Two submissions have been received in opposition to the proposal and they summarised below;

1. Rockman and Rockman on behalf of the three owners of apartments at 5 Thomson Street (an abutting property).

The abutting owners of 5 Thomson Street object to the proposal unless the land is sold with a covenant on title preventing construction on the land and allowing for access to the land and airspace for the purpose of maintenance particularly in relation to windows, air vents and a glass balcony on the wall on the boundary of the land.

The owners of 5 Thomson Street have previously discussed the possibility of leasing or licensing the land themselves but have considered the proposed rent or fees to be excessive.

2. Allard and Shelton on behalf of the owner of 218-220 Albert Road (an abutting property).

The abutting owner of 218-220 Albert Road objects to the proposal unless the land is sold with a covenant on title preventing construction on the land and allowing for access to the land and airspace for the purpose of maintenance particularly in relation to pipes and air vents on the wall on the boundary of the land.

Comment on objections

A Section 173 agreement, while similar to a covenant, is considered to be more practical to restrict future use and development in this circumstance. This is because a Section 173 agreement can allow for more flexibility in interpretation and process for approval. A covenant must be highly prescriptive and could inadvertently prevent a development that is of no consequence to abutting property owners. The section 173 agreement would also enable access by others for maintenance.

The covenant proposed by the objectors, grants almost unfettered access to the land by abutting property owners to the extent that the benefit of purchase is severely diminished.

External consultation with Service Authorities has been undertaken and no objections were received although it should be noted that easements are required for electricity and sewerage assets. It should also be noted that the easements will also restrict future development opportunities.

The purpose of a Right of Way is for carriageway access to abutting properties. As both abutting buildings are constructed without doors to the title boundary, the section of Right of Way is not longer required for carriageway purposes and is considered redundant.

The pipe located on the building at 218-220 Albert Road, South Melbourne, protrudes and encroaches into the air space of the Right of Way.

**5. DISCUSSION**

**5.1 OPTIONS**

Having considered all submissions Council may approve or reject the proposal.

**5.2 POLICY IMPLICATIONS**

The proposed discontinuance and sale of the section of Right of Way is in accordance with Council's discontinuance and sale policy and the powers and procedures set out in the Local Government Act.

It is considered that the section of Right of Way is not reasonably required for public use as it does not serve carriageway purposes and is therefore redundant.

**5.3 FINANCE / RESOURCE IMPLICATIONS**

The cost of selling the section of Right of Way will be absorbed within current operational budgets.

The sale price for the land is \$85,750.00 plus an administration cost of \$2,500.00. The sale price has been established by a valuation of the land.

The income from the sale of the land will be transferred into Council's general reserves in accordance with current Council policy. The funds may then be expended on an approved priority project or Council initiative.

**5.4 LEGAL & RISK IMPLICATIONS**

By complying with legislation and policy and making reasonable conditions for service authorities and neighbours, legal or risk implications are minimised.

**5.5 SUSTAINABILITY ASSESSMENT**

*SOCIAL EQUITY*

The sale of the section of right of way as proposed is seen as due compensation to the community for the loss of public land.

Small public spaces with limited visibility can be a source of private disputes over usage or a haven for anti-social behaviour.

The land is currently used as a car space but has been used in the past as a place to keep rubbish.

*ECONOMIC VIABILITY*

The income from the sale of the section of Right of Way is seen as due compensation to the community for the loss of public land.

Sale of the land would relieve Council of a minor management and maintenance burden.

*ENVIRONMENTAL RESPONSIBILITY*

It is proposed to sell the land with the encumbrance of a Section 173 agreement to maintain local amenity.

*CULTURAL VITALITY*

There are no sustainability implications in terms of cultural vitality.

**6. IMPLEMENTATION STRATEGY**

**6.1 TIMELINE**

- If approved, a surveyor will then prepare plans for the creation of easements, title, consolidation and gazettal.
- A notice will be published in the Government Gazette to formally discontinue the road.
- Council lawyers will then carry out conveyancing and the establishment of an appropriate Section 173 agreement.

- The above can be accomplished within 6 months.

## 6.2 COMMUNICATION

In accordance with the statutory procedures, all submitters will be notified in writing of Council's decision and the reasons for it.

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

---

<b>ORDER 2</b>	<b>APPOINTMENTS OF COUNCILLORS TO INTERNAL AND EXTERNAL COMMITTEES AND BODIES</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER, EXECUTIVE DIRECTOR ORGANISATION SYSTEMS &amp; SUPPORT</b>
<b>PREPARED BY:</b>	<b>NORM MCCLELLAND, GOVERNANCE ADVISOR</b>
<b>FILE NO.:</b>	<b>18/04/12</b>
<b>ATTACHMENTS:</b>	<b>LIST OF COMMITTEES AND BODIES</b>

---

**1. PURPOSE**

- 1.1. Council annually appoints Councillors to internal and external committees and bodies for the coming twelve months (2009).
- 1.2. Attachment 1 provides a list of the internal and external committees and bodies.

**2. RECOMMENDATION**

- 2.1. That Council determines the appointment of Councillors to the internal and external committees and bodies outlined in Attachment 1.

**3. BACKGROUND AND CONTEXT**

- 3.1. Council annually appoints Councillors to positions on special committees, advisory committees, internal groups and external bodies.
- 3.2. These appointments are for a calendar year (2009) and are usually made after the election of the Mayor and Deputy Mayor each year in December.
- 3.3. In 2005, a review of internal advisory committees was undertaken and included consideration of possible alternative structures. Council determined most advisory committees were to continue on the basis of improved Terms of Reference and formal annual reporting to Council. The revised Terms of Reference included a 2-year tenure sunset clause so that committees did not continue without purpose and without review by Council.
- 3.4. Councillors may wish to review current committee structures. If a review were to occur, councillors may choose to make interim appointments to council committees in the meantime.
- 3.5. Attachment 1 outlines the various council committees and external bodies to which Councillors are appointed.

**4. CONSULTATION AND STAKEHOLDERS**

- 4.1. Councillors have had the opportunity to discuss the issue of appointment to committees at a briefing session.
- 4.2. Councillors should be aware that:
  - 4.2.1. the opportunity to be involved in discussion on policy formulation and major strategic issues may arise during the participation on some of these committees;
  - 4.2.2. they can make use of the standing item on the Council agenda "*Reports by Councillor delegates appointed to other bodies*" to report back to other Councillors on respective committee activities.

**5. DISCUSSION**

**5.1. OPTIONS**

Council is able to determine the appointments as it deems appropriate.

The council may wish to review its committee structure and operations, however, it is recommended at this stage that Council make the Councillor appointments to these Committees pending a report to Council later in 2009 following a review of the capacity and effectiveness of Committees.

**5.2. POLICY IMPLICATIONS**

The terms of reference adopted by Council with respect to internal special committees and advisory committees determine the membership of the respective committees. If Council did not want to appoint a Councillor Representative to any particular internal committee it could decline to do so and at some later point amend the Terms of Reference.

Appointments to external committees and bodies is at the discretion of the Council, however, there is a possibility that Council would lose a significant voice in an important forum, for example, the Municipal Association of Victoria, the Victorian Local Governance Association, the Metropolitan Transport Forum, etc., if it were not represented.

**5.3. FINANCE / RESOURCE IMPLICATIONS**

Appointment of Councillors to committees has minor impact on budget resources and has been factored into Council's current budget structure; however, it is acknowledged that there is a considerable time commitment from Councillors to be involved in and to attend the meetings of such committees.

#### 5.4 LEGAL & RISK IMPLICATIONS

Council is required by section 76 of the Local Government Act 1989 to keep Councillors indemnified whilst they are undertaking the duties of a Councillor. The legislation requires:

*“A Council must indemnify and keep indemnified each Councillor, member of a Council committee, member of Council staff and any person exercising any function or power on behalf of a Council against all actions or claims (whether arising during or after the term of office or employment of that Councillor or member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the Council or Council committee or any Councillor, member of the Council committee or member of Council staff by or under this or any other Act.”*

- This indemnity covers Councillors whilst acting in good faith and representing Council on these committees and bodies.

Special committees (established under section 86 of the Local Government Act) have various formal legal requirements under the Local Government Act. The Act has detailed conflict of interest provisions' applying to special committees, in the same way that conflict of interest applies to the council.

#### 5.6 SUSTAINABILITY ASSESSMENT

Councillors are presented with the opportunity to commit to the following principles through their representation on internal and external committees:

##### *SOCIAL EQUITY*

*Social Pillar* – create the conditions for people to come together and for community leadership to flourish.

##### *ECONOMIC VIABILITY*

*Economic Pillar* – have the future in mind in all decision-making.

##### *ENVIRONMENTAL RESPONSIBILITY*

*Environmental Pillar* – minimise the impact on our environment in every action undertaken.

##### *CULTURAL VITALITY*

*Cultural Pillar* – actively support an inclusive city.

**6. IMPLEMENTATION STRATEGY**

6.1 TIMELINE

Council staff will:

- advise the relevant committee/body that they are associated with of the appointment of the relevant Councillor;
- ensure that the relevant Councillor's calendar (via the Mayor and CEO's office staff) is updated with the appropriate meeting dates; and
- advise the Municipal Association of Victoria and the Victorian Local Governance Association of the appointments to each organisation.

6.2 COMMUNICATION

Council staff will communicate the appointments to the respective committees.

**7. ADDITIONAL INFORMATION**

- 7.1 There is an additional section 86 Committee, Port Melbourne Community Family & Children's Hub Committee, with delegated powers that is not listed in the Attachment, however, the Terms of Reference do not require the appointment of a Councillor.

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

---

<b>ORDER 3</b>	<b>COUNCIL/COMMITTEE MEETING DATES FOR 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER, EXECUTIVE DIRECTOR ORGANISATION SYSTEMS AND SUPPORT</b>
<b>PREPARED BY:</b>	<b>MURRAY CHICK, COORDINATOR GOVERNANCE</b>
<b>FILE NO.:</b>	
<b>ATTACHMENT:</b>	<b>2009 COUNCIL / COMMITTEE MEETING TIMETABLE</b>

---

**1. PURPOSE**

- 1.1 The purpose of this report is for Council to determine its Council/Committee Meeting timetable for 2009.
- 1.2 The relevant Committees referred to in this report are the following Special Committees of Council comprised solely of Councillors: Strategy and Policy Review Committee and Statutory Planning Committee.

**2. RECOMMENDATION**

- 2.1 That Council adopts the Council/Committee meeting timetable for 2009 as per attached.

**3. BACKGROUND AND CONTEXT**

- 3.1 The Council Meetings Procedures Local Law No. 2/2005 requires Council to set the dates, time and places of Ordinary Council meetings and Special Committee meetings comprised solely of Councillors and may by further resolution alter any such dates, times and places.
- 3.2 The proposed Council/Committee meeting timetable has been based on meetings being held in the Council Chamber St Kilda Town Hall on a Monday commencing at 6.00pm and that the current monthly meeting structure will continue operating as follows:

**Week 1 Strategy and Policy Review Committee**

This Committee provides advice and recommendations to Council about Governance and Compliance matters and Policy and Planning matters.

### **Week 2 Statutory Planning Committee**

This Special Committee is responsible for determining planning matters within specific powers delegated to it by Council.

### **Week 4 Ordinary Meeting of Council**

The Council meets as the decision making body of the organisation.

- 3.3. The only variation to the timetable occurs is where a Monday set for a meeting is either a public holiday or the day prior to a public holiday. The relevant dates are March 9 (Labour Day); April 13 (Easter); June 8 (Queen's Birthday) and November 3 (Day before Melbourne Cup day). Where these occur, the meeting has been shifted to the next working day after the public holiday.
- 3.4 The Local Government Act requires Council to give at least 7 days public notice of Council / Committee meetings. This will be done via advertisements being placed in the Port Phillip Leader and the Emerald Hill Weekly newspapers and on the Council's Website.

## **4. CONSULTATION AND STAKEHOLDERS**

- 4.1 Informal discussions with Councillors have been held.
- 4.2 The Strategy and Policy Review Committee exists to provide an opportunity for public submissions on proposals before Council.

## **5. DISCUSSION**

### **5.1 OPTIONS**

- Council has the ultimate power to determine the date, timing and venue of its meetings. Council can also alter or amend the meeting schedule at any time by Council resolution. An option exists to hold a Council meeting in January to consider any matters that arise over the late December mid January period. Given Australia Day public holiday is on Monday 26 January, a potential meeting date could be Tuesday 27 January 2009.

### **5.2 POLICY IMPLICATIONS**

- Under Council's Meeting Procedure Local Law 2/2005, Council is required to resolve the dates, times and places of Ordinary Meetings of Council and Special Committee Meetings comprised solely of Councillors and may by further resolution alter any such dates, times or places.

### **5.3 FINANCE / RESOURCE IMPLICATIONS**

- The cost of placing an advertisement advising of the 2009 meeting dates schedule in the Port Phillip Leader and Emerald Hill Weekly will be approximately \$1200 (GST Inclusive). There is no cost associated with advertising the meetings on Council's internet site.

5.4 LEGAL & RISK IMPLICATIONS

- Under section 89(4) of the Local Government Act Council is required to give at least seven days public notice of its Council and Committee meetings.

5.5 SUSTAINABILITY ASSESSMENT

*SOCIAL EQUITY*

- By making the community aware of when the various Council/Committee Meetings are to be held, it gives them an opportunity to express their opinions and ideas on matters relating to their municipality.

*ECONOMIC VIABILITY*

- The cost of advertising the meetings dates in the Port Phillip Leader and Emerald Hill Weekly will be approximately \$1200 (GST Inclusive). Council spends approximately a further \$1k per month giving notice of each individual Council / Committee meeting.

*ENVIRONMENTAL RESPONSIBILITY*

- N/A.

*CULTURAL VITALITY*

- By advertising the 2009 Council/Committee Meeting dates (and also prior to each meeting) in the local newspapers and on Council's internet site, assists the community of being aware of when/where the meetings will be conducted and what topics will be discussed. This provides an opportunity for the community to participate in the decision making process of the municipality.

**6. IMPLEMENTATION STRATEGY**

6.1 TIMELINE

- Once Council adopts its meetings schedule, Council staff will ensure that at least seven days public notice is given in accordance with the Local Government Act. It is anticipated that this will be in mid January 2009.

6.2 COMMUNICATION

- The meeting dates for the whole of 2009 will be advertised in the two local newspapers circulating the municipality and will be placed on Council's Website. In addition each month, public notice of each individual Council / Committee meetings will be given via a local newspaper and Council's website.

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

<b>ORDER 4</b>	<b>LUNA PARK INTERCHANGE RENEWAL</b>
<b>LOCATION/ADDRESS:</b>	<b>CARLISLE STREET, ACLAND STREET, UPPER ESPLANADE, CAVELL STREET, ST KILDA</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING</b>
<b>PREPARED BY:</b>	<b>RORY O'LOGHLEN, ST KILDA'S EDGE PROJECT MANAGER</b>
<b>FILE NO.:</b>	<b>78/06/21</b>
<b>ATTACHMENTS:</b>	<b>ATTACHMENT 1 – ST.KILDA URBAN DESIGN FRAMEWORK SUMMARY BROCHURE</b> <b>ATTACHMENT 2 – LUNA PARK INTERCHANGE: EXISTING CONDITIONS</b> <b>ATTACHMENT 3 – LUNA PARK INTERCHANGE: TRAM TRACK RENEWAL</b> <b>ATTACHMENT 4 – LUNA PARK INTERCHANGE: PARTIAL PROJECT</b> <b>ATTACHMENT 5 – LUNA PARK INTERCHANGE: POSSIBLE FUTURE IDEA</b> <b>ATTACHMENT 6 – LUNA PARK INTERCHANGE: OPTION ANALYSIS TABLE</b> <b>ATTACHMENT 7 LUNA PARK INTERCHANGE: DESIGN PRINCIPLES</b>

---

**1. PURPOSE**

- 1.1 The Luna Park Interchange Renewal report is being presented to Council to:-
- 1.1.1 Provide a status report on potential improvement ideas for this important location.
  - 1.1.2 Outline a process to progress with improvements which are cognisant of Council's resources and future precinct planning, while maximising the opportunities to leverage shorter term external investment.
  - 1.1.3 Seek in-principle support for the functional and urban design direction.
  - 1.1.4 Support a community engagement process to seek public comment on the design direction and implementation program.
-

**1. RECOMMENDATION**

- 1.1. That Council notes the progress of the Luna Park Interchange Renewal project.
- 1.2. That Council provides in-principle support for the functional and urban design direction for the Luna Park Interchange space.
- 1.3. That Council commence a community engagement process seeking public comment on the Luna Park Interchange design ideas, consistent with the program and timelines detailed in this report.
- 1.4. That Council consider the further development and implementation of Option 2 (Partial Project) for the Luna Park Interchange space as part of the 2009/10 capital works budget process.

**2. BACKGROUND AND CONTEXT**

- 2.1. The Luna Park Interchange project is referred to in the Council Plan (pg 8 2008/09 initiatives). The project is also identified as one of the 17 projects in the St Kilda Foreshore Urban Design Framework (UDF) December 2003 (ATTACHMENT 1).
- 2.2. This project seeks to create a vibrant public space where locals and visitors can get where they want to go in safety and comfort, with a focus on improvements to pedestrian safety and amenity, public transport accessibility, urban design, and traffic & road user functionality.
- 2.3. Yarra Trams have advised a tram track renewal, in the order of \$850,000, is required within the Luna Park Interchange space. Yarra Trams have also advised these works are programmed to be completed before their franchise agreement with the State Government expires in November 2009.
- 2.4. The need for tram track renewal has presented an opportunity to achieve three other major Council objectives for the Luna Park Interchange space, namely:-
  - Urban renewal;
  - Tram stop upgrade, and
  - Improvements to road user safety and level of service, particularly pedestrianisation.
- 2.5. Over the past 12 months, a project team including officers from the City of Port Phillip and Yarra Trams have been progressing this project to deliver on these three desired outcomes.
- 2.6. Design consultancy firms Urban Initiatives and Planning Collaborative have been engaged by Council to assist the project team progress this initiative.

**3. DISCUSSION**

- 3.1. The City of Port Phillip has been progressively implementing key projects identified in the UDF over the past five years. Of the 17 projects nominated, the significant majority has been commenced and many are completed.
- 3.2. The timing of this project to some extent is based upon the opportunity to leverage external investment. However, it is considered necessary to improve the existing conditions.
- 3.3. The Luna Park Interchange (ATTACHMENT 2) was given a major renovation in the early to mid 1990's. At that time, urban design and movement focusing on cars were significant design drivers.
- 3.4. The City of Port Phillip has received regular comments and criticism over the past 10 years with respect to the Luna Park Interchange.

These could be summarised as follows:-

- 3.4.1. Pedestrian safety - no formal pedestrian crossings
- 3.4.2. Confusing priority (vehicle, pedestrian, tram, etc) and confusing intersection conditions
- 3.4.3. Tram stop located in central traffic island (with no dedicated pedestrian crossing points to or from, or DDA compliance)
- 3.4.4. Temporary conditions in relation to catering for new 33m long trams operating on the route
- 3.4.5. Aging infrastructure (both Council assets and tram infrastructure)
- 3.5. There have been many slow speed vehicle damage only type crashes at the Luna Park Interchange space since its remodel some 15 years ago. Over the past five years there have been four serious and seven minor personal injuries, including five pedestrian injuries.
- 3.6. Given the significance of the Luna Park Interchange space – size, iconic location and abutting land uses, interfaces to Acland Street shopping precinct and The Esplanade, etc – a major renewal should be considered in the context of wider precinct planning. It is for this reason a staged approach to design, community engagement and implementation of this project is proposed.

**IMPLEMENTATION OPTIONS**

- 3.7. In the context of the prior discussion, three (3) implementation options to progress this project have been developed.

OPTION 1 - 'Like for Like' (ATTACHMENT 3 – black lines).

- 3.8. Responds to the objectives of Yarra Trams only. This option replaces the existing worn tram tracks with new ones on the existing alignment.

This is essentially a 'Do Nothing' option for the City of Port Phillip – in the event that Council were not to proceed with the enhanced project elements, Yarra Trams is likely to proceed with a 'like for like' track renewal only. Thus, the opportunity to consider the function and design of the intersection in a holistic way would be lost.

3.9. OPTION 2 – 'Setting Up for the Future' (ATTACHMENT 4)  
(RECOMMENDED OPTION)

An option whereby the project is staged to initially achieve a functioning intersection, while not constructing out future ideas. This is considered the best way to proceed in the short term. This option excludes some of the hard and soft landscaping and pedestrian crossings articulated in a comprehensive future idea. It would allow for the intersection to function as intended, while allowing the design and pedestrian outcomes to be progressively implemented, if desired. It is noted this option would result in a lesser quality outcome in the short term.

3.10. OPTION 3 – 'Possible Future Idea' (ATTACHMENT 5)

This is a possible idea that would result in a comprehensive functional and urban design outcome that fully accords with the objectives for the site and is fitting of this iconic location. Staging the project, as suggested, would allow greater scope to integrate the final design solution into other initiatives in the immediate area, such as any future Acland Street precinct planning forming part of a larger St Kilda Activity Centre Structure Plan.

3.11. ATTACHMENT 6 provides a summary comparative analysis of the strengths, weaknesses and investment of the three options.

**4. DESIGN DRIVERS AND KEY DESIGN ELEMENTS**

4.1. In addition to the UDF, the design brief for the Luna Park Interchange space provided direction on:-

- Additional urban design
- Pedestrian movements and desire lines
- Role of The (Upper) Esplanade
- Role of Cavell Street
- Priority of Users
- Yarra Trams operational requirements
- Role of other Roads

**ATTACHMENT 7** provides a detailed description of the design principles.

4.2. The possible future idea (ATTACHMENT 5) displays the following qualities:-

- 4.2.1. Dedicated pedestrian crossing points: these generally follow pedestrian desire lines with the exception of the landscaped central island. The design purposely attempts to limit pedestrian access through the central area to limit the potential for pedestrian, tram

and vehicle conflicts (noting that the tram stop would no longer be located in this area).

- 4.2.2. Purposive pedestrian priority.
- 4.2.3. Disability Discrimination Act (DDA) compliant tram stop.
- 4.2.4. Minimal road widths to reduce vehicle speeds and avoid vehicles attempting to pass bicycles.
- 4.2.5. An increase in publicly useable space, including improved bicycle parking and public seating, and a larger forecourt to Luna Park.
- 4.2.6. All traffic movements retained.
- 4.2.7. Improved views to local landmarks through vegetation selection.
- 4.2.8. An ability to close Acland Street to trams and provision of a 'shunt' on Carlisle Street near Havelock Street allowing the ability for trams not to enter the interchange for special events (not shown on plans as slightly outside study area, but forms part of Yarra Trams proposal), if required.
- 4.2.9. Accommodation for new 33m "Bumblebee" trams now operating on the route.
- 4.2.10. An integrated and unified design solution for the space.
- 4.2.11. Provision for WSUD treatments to landscaped areas.
- 4.2.12. Restored rock walls, new seating and planting to O'Donnell Gardens, and improved lighting to monuments.

## **5. CONSULTATION AND STAKEHOLDERS**

- 5.1. The UDF has been the key reference point in progressing with the design ideas. Extensive community consultation was undertaken in formulating the UDF.
- 5.2. Some stakeholders (Yarra Trams, Luna Park, bus companies, Heritage Victoria, Citta) have been engaged with in the development of this project. No significant issues have arisen to date.
- 5.3. Further community engagement and consultation is recommended (detailed in Section 12 of this report).

**6. POLICY IMPLICATIONS**

- 6.1. The Luna Park Interchange Renewal project strongly aligns with the Council Plan, St.Kilda Foreshore Urban Design Framework, City of Port Phillip Tram Stop Refurbishment Strategy, and Sustainable Transport Framework.
- 6.2. The Luna Park Interchange project is identified in the UDF and Council Plan. Accordingly, implementation is a Council priority.
- 6.3. The UDF makes the following references to the Luna Park Interchange space (pgs 42 & 46):-
  - 6.3.1. *'There is scope to improve the Acland Street - Carlisle Street intersection into a truly pedestrian-friendly space, where people feel comfortable to move through and be in'*
  - 6.3.2. *'Move the tram stop at the Carlisle Street-Acland Street intersection towards the Palais and Luna Park and reconstruct into a safe stop and modal interchange incorporating bicycle lockers'*
  - 6.3.3. *'Upgrade the street space surrounding O'Donnell Gardens'*
  - 6.3.4. *'Improve pedestrian crossings across Upper Esplanade at Fitzroy Street, the Acland Street and Carlisle Street intersection and at all tram stops'*
  - 6.3.5. *'Minimise vehicle traffic impact by reconfiguring Shakespeare Grove, Upper Esplanade and Cavell Street to favour pedestrians and cyclists'*
  - 6.3.6. *'Realign Acland Street and Carlisle Street to form a regular crossroads intersection with new traffic signals and surrounding pedestrian space'* [Upon analysis, this outcome was not considered optimal by the project team – i.e would not maximise safety and pedestrianisation of the space which are key principles]
  - 6.3.7. *'Provide a modal bicycle interchange and storage space near O'Donnell Gardens'*
  - 6.3.8. *'Introduce improved tram stops in Fitzroy Street, Upper Esplanade and the intersection of Acland Street and Carlisle Street'*
  - 6.3.9. *'Reduce speed limits on Shakespeare Grove, Upper Esplanade and Cavell Street'*
- 6.4. The *City of Port Phillip Tram Stop Refurbishment Strategy 2007 – 2017* identifies the Luna Park Interchange location as a priority for earlier implementation of DDA compliant tram stop infrastructure.
- 6.5. Council's sustainable transport policy strongly supports initiatives which improve the safety, mobility and level of service for sustainable transport road users, particularly pedestrians, cyclists and public transport patrons.

**7. FINANCE / RESOURCE IMPLICATIONS**

- 7.1. \$50,000 has been allocated within the current 2008/09 financial year to progress concept plans. An additional \$50,000 has recently been approved through the 2008/09 capital works program for detailed design and documentation, should Council endorse further development.
- 7.2. The financial investment to Council for the various implementation options, as outlined in this report are in the order of \$0 – \$2.13m (approx) (ATTACHMENT 6). A further \$850K - \$2.3 million could be expected from external bodies (Yarra Trams / State Government and Melbourne Water). Additional funding programs such as the State's 'Creating Better Places' and various VicRoad / Department of Transport pedestrian programs would also be targeted for financial support / partnering.
- 7.3. Council investment for Option 1 is \$0 - tram track renewal only – investment would be fully borne by Yarra Trams / State Government.
- 7.4. Council investment for Option 2 (recommended) would be in the order of \$500,000. This option provides the necessary civil elements to support the tram track realignment. This would be a capital investment and thus application through the 2009/10 Council capital works program is proposed. Additional external investment in the order of \$2.2 million and \$50,000 by Yarra Trams / State Government and Melbourne Water respectively, could also be expected for the option.
- 7.5. Council investment for Option 3 would be in the order of \$2.1 million as described in an indicative cost plan for implementation of the possible future idea. This would be a matter for consideration in future capital works programs, and also expected to include further additional external funding.

**8. LEGAL & RISK IMPLICATIONS**

- 8.1. There is a risk that construction funding will not be forthcoming. Staging implementation of the project may result in a more favourable consideration of future funding. However, staging may result in the project not being fully realised in the future, including the design quality and public expectations for the space
- 8.2. A loss of momentum in implementing the project may result in Yarra Trams not proceeding with the project as proposed. A 'like for like' track renewal may result which is considered a lost opportunity. Otherwise, a significant time gap in construction between the Yarra Trams and Council components may result. This is not considered optimal and would require implementation of a long-term traffic and pedestrian management plan.
- 8.3. Public consultation is planned in the next stage of the project. It will be important for the community to have knowledge and understanding of the project, including staging.

**9. SUSTAINABILITY ASSESSMENT**

*SOCIAL EQUITY*

*Social Pillar* – The provision of a DDA compliant tram stop in this location would further the ability of disabled persons to access services and facilities in the immediate area. Improvements to open space furthers social interaction and cohesion.

*ECONOMIC VIABILITY*

*Economic Pillar* - The space requires a special response worthy of its iconic location. Capital works expenditure for this project will be significant to realise the full scope of the project. The partnership of Yarra Trams provides a significant opportunity for cost sharing and saving for Council.

*ENVIRONMENTAL RESPONSIBILITY*

*Environmental Pillar* – Improved public transport and pedestrian infrastructure further environmental objectives by reducing reliance on private vehicles.

*CULTURAL VITALITY*

*Cultural Pillar* – The project will revitalise this iconic and culturally significant location.

**10. IMPLEMENTATION STRATEGY**

- 10.1. Option 1 – Proposed to be implemented by Yarra Trams before November 2009.
- 10.2. Option 2 (Recommended) – Construction proposed within the 2009/10 financial year. Should Council adopt to further this option, initial community engagement would be conducted in January and February 2009. Detailed design and documentation is proposed to be scheduled from March to June 2009.
- 10.3. Option 3 – Idea could be implemented in the future.

**11. COMMUNICATION**

General community engagement and consultation is now recommended. The objectives of which are to:

Provide simple and accessible information to the public on the proposed plans and design for the new Luna Park Interchange, including possible program staging.

Build community interest and support for any initial works supporting the tram infrastructure renewal, and future possible urban design and pedestrian facilities.

Provide information through a range of communication channels and tools to facilitate community and public engagement.

The key messages are:

The Luna Park Interchange area is a special place.

It is tired and in need of urban renewal.

An opportunity exists for significant external financial investment.

Pedestrian safety, mobility and level of service will be significantly enhanced.

Design philosophy will provide higher priority for pedestrians, cyclists and public transport users

The tools proposed to deliver the community engagement program include:-

One on one meetings with key stakeholders.

Information and feedback meetings with traders and residents.

Plans viewing billboard.

Poster bills in local cafés and restaurants.

Viewing and information booth to be held on a weekday and Sunday to coincide with the Sunday Markets.

On-line information.

It should be noted that a planning permit would be required for options 2 & 3 and thus further engagement consistent with statutory obligations would also be undertaken.

**12. CONCLUSION**

The Luna Park Interchange space is an important location. Its renewal is supported in the Council Plan and St Kilda Foreshore Urban Design Framework.

The Luna Park Interchange space is tired in an urban design sense, and has a history of complaint / comment with respect to road user access, movement and safety, particularly pedestrians.

An opportunity has arisen to commence the urban renewal of this space as a result of necessary tram track renewal works, to be conducted in the 2009 calendar year by Yarra Trams.

A significant portion of the costs associated with the renewal of this space would be borne by Yarra Trams / State Government and other authorities, such as Melbourne Water.

Council's objectives for this space could be achieved with minimal investment if some civil works can be coordinated with Yarra Trams tram track renewal works.

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

**ORDER 5**

**FAMILY AND CHILDREN'S SERVICES  
SPECIAL PROJECTS - PROGRESS  
REPORT**

**LOCATION/ADDRESS:**

**RESPONSIBLE EXECUTIVE DIRECTOR:**      **DAVID YEOUART, EXECUTIVE  
DIRECTOR COMMUNITY ASSETS AND  
SERVICES**

**AUTHOR:**      **GREG WOOD MANAGER, COMMUNITY  
SERVICES**

**FILE NO.:**

**ATTACHMENTS:**      **NIL.**

---

**1. EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to provide information on the progress of key projects in family and children's services.
- 1.2 Information is provided on the following:
  - 1.2.1 St Kilda Family and Children's Centre
  - 1.2.2 Liardet St Family and Children's Centre
  - 1.2.3 Childcare Waiting List
  - 1.2.4 Other family and children's services infrastructure works
  - 1.2.5 Non council infrastructure developments

**2. BACKGROUND AND ADDITIONAL INFORMATION**

- 2.1 At its meeting of 26 May 2008 council determined the following (Item A1):
  - 2.1.1 Council re-affirms its responsibility to plan and coordinate the provision of family and children's services, including long day childcare, within the municipality. This responsibility includes ensuring an appropriate match between supply and demand and that appropriate location and planning criteria are met.
  - 2.1.2 Council notes that the State government is fully committed to the integration of Family and Children's services for the early years and that the Federal Government is rapidly moving in the same direction. The move by these two levels of government is consistent with the City of Port Phillip's Municipal Early Years Plan and Council's Childcare Review.

- 2.1.3 Council commits to working in partnership with the other two levels of government and the community to establish new integrated family and children's centres in St Kilda and Port Melbourne."
- 2.2 A special projects coordinator (Sheena Frost) has been appointed to coordinate the implementation of these two projects
- 2.3 The following staff have assisted in the preparation of this report:
  - 2.3.1 Jo Smale, Coordinator Family and Children's Services
  - 2.3.2 Sheena Frost, Special Projects Coordinator Community Services
  - 2.3.3 Virginia Lloyd, Operations Coordinator Children's Services
  - 2.3.4 Rina Mercieca, Systems Administrator Community Services
  - 2.3.5 Simon Gutteridge, Senior Urban Planner City Development

**St Kilda Family and Children's Centre**

- 2.4 With respect to St Kilda Family and Children's Centre council also determined on 26 May 2008:
  - 2.4.1 That Council supports the development of a new family and children's centre on the existing children's centre site at 171 Chapel Street, St Kilda. Council notes that this proposal has been subject to a feasibility design, costed at \$7 million, but that the final design, including the configuration of services, will be determined by Council following advice from the St Kilda Family and Children's Centre Steering Committee established below.
  - 2.4.2 That Council supports the future development of the St Kilda Parish Mission site, consistent with the objectives of the precinct plan including facilitating the co-location of community services, as defined by the Carlisle St Structure Plan.
  - 2.4.3 That Council authorises the Chief Executive Officer to negotiate the purchase of land owned by the Uniting Church and currently used by the St Kilda Children's Centre.
  - 2.4.4 That, as part of negotiations with the Uniting Church, Council considers its capacity to make available a number of car parking spaces to support development of the Mission site.
  - 2.4.5 That Council notes that there is \$100,000 proposed in the 2008/2009 capital works budget to support a project to analyse the future needs of the St Kilda Library. This project also includes an assessment of how best to treat the forecourt area on Carlisle St, in order to both physically and strategically link the library with the newly redeveloped St Kilda Town Hall.

2.4.6 Council resolves to establish the St Kilda Family and Children's Centre steering committee, which would advise council on detailed design and configuration of the proposed centre. The steering committee will include representation from:

- Users of St Kilda Children's Centre and Maternal and Child Health
- St Kilda Playgroup Inc
- City of Port Phillip Family and Children's Services
- State and federal government officers, as appropriate"

2.5 The steering committee for St Kilda Family and Children's Centre has been established and formally met once. Membership consists of:

<b>Group represented</b>	<b>Names</b>
St Kilda Primary School	Diane Pekin (Principal)
Port Phillip Community Group	Sandy Joffe
St Kilda Parish Mission	Rev John Tansey
Children's centre parents	Donna Brzezinski, Yelena Beylin, Keren Vesely, Maria Stamatelatos
Maternal & child health service users	Kathrin Gullan, Maya Donevska Sally Cunningham, Zoe Pappas
St Kilda Playgroup	Trev Ward, Sam Durban, Susie O'Neill
Maternal and child health and children's centre staff	Cathie Arndt, Mel Edwards
Department of Education & Early Childhood Development (DEECD)	Louise Rodot, Selina Halton
Councillor, Junction Ward	John Middleton (formerly Cr Gross)
CoPP officers	Jo Smale, Virginia Lloyd, Brad Morgan (project manager), Sheena Frost (executive officer)

2.6 The state government has committed \$500,000 to the project and the federal government has pledged \$1.6M. Current projected cost (excluding car parking) is \$6.5M.

2.7 A competitive tender process was undertaken and Woodhead architects in collaboration with Mary Featherston design were appointed

- 2.8 The architects have been meeting with the individual stakeholders and meet with the steering group at the next meeting scheduled for late January.
- 2.9 Negotiations are proceeding with the parish mission on the land purchase. The parish has appointed an architect for their project but planning is preliminary. However, it is clear that car parking will be a requirement of their new development and the land purchase is likely to be conditional on car parking being made available for mission users.
- 2.10 Additional car parking will also be required for users of the new family and children's centre, so a separate capital works case is being prepared for council consideration during the 2009/10 budget process.

**Liardet St Family and Children's Centre**

- 2.11 With respect to Liardet Family and Children's Centre council determined on 26 May 2008 the following:
- That the Council notes and re-affirms the following parts of its decision of 23 October 2007 on the Albert Park College Precinct Master Plan, where council resolved
  - "... to adopt, in principle the following elements of a Albert Park College Precinct Master Plan
- 2.12 Albert Park College Childcare Centre would be relocated to 83 – 85 Liardet St Port Melbourne.
- 2.13 A re-located and enhanced Albert Park College Childcare Centre should be planned to complement the existing Lady Forster Kindergarten, which adjoins the Liardet St site. Possible enhancements would consider Maternal and Child Health and Playgroup requirements.
- 2.14 Department of Education and Early Childhood Development funding, which would otherwise be used for childcare at the APC site, would be used for the development of the new Family and Children's Centre at Liardet St."
- 2.15 That Council supports the development of a new family and children's centre at 85 Liardet St, Port Melbourne. Council commits to continuing ongoing consultation with all the relevant stakeholders in developing a proposal for the new centre."

- 2.16 A steering committee has also been established for Liardet St. Membership of the committee is as follows:

<b>Group Represented</b>	<b>Name</b>
Albert Park College Childcare Centre	Di Perazzo (director) plus a parent (yet to be identified)
Dept of Education and Early Childhood Development	Selina Halton
Assistant Regional Director DEECD	Denise Ramus
Lady Forster Kindergarten	Fiona Hehir (President), Alison Prasser (teacher)
Maternal and child health	Cathie Arndt
Port Phillip Rostered Playgroup	Bernadene Voss
Councillor, Sandridge Ward	Cr Janet Bolitho
CoPP officers	Jo Smale, Virginia Lloyd, Brad Morgan (project manager) Sheena Frost (executive officer),

- 2.17 A competitive tendering process was conducted for architectural services and Perkins Architects were appointed.
- 2.18 The steering committee has met once formally and the process of consultation by the architects with individual stakeholders has begun. The committee of Lady Foster Kindergarten indicated on 9 December 2008 that they did not wish to participate in the consultation or take further part in the steering committee. The next meeting of the steering committee is scheduled for early February 2009.
- 2.19 The state government has indicated, informally, that the funding for replacement of the Albert Park College Childcare centre would be available for this project and the federal government has reacted favourably to this project for federal government funding but no formal announcements have been made.

**Childcare Waiting List**

- 2.20 Family and Children's Services established a 'childcare register of demand' in 2004 in an attempt to better understand the unmet demand for childcare in the city. On an annual basis Council manually collated the council and community managed centres waiting lists (13 in total).
- 2.21 The 'register of demand' was established as an interim measure as it was onerous to administer, subject to error and had a number of significant limitations in terms of the data Council had access to at that time. For example it did not capture the number of children that were already attending a childcare centre in the municipality but were on the list for care at an alternative centre.
- 2.22 Given these limitations, Council was actively seeking alternative ways to understand the true unmet demand in the city. Through its Children's Services Best Value Review in 2005 CoPP was instrumental in engaging the State Government's involvement in this issue. CoPP, along with Darebin City Council, was subsequently a member of the State Government's Childcare Task Force 2006 and the MAV centralised childcare waitlist pilot project 2006/07.
- 2.23 These projects reiterated the need for a centralized system that identified both the supply and demand for childcare at the local level, aggregated at the state level, to understand the true unmet demand for childcare. However such a system did not eventuate out of either of these initiatives.
- 2.24 In the absence of a statewide system council has invested significant resources to develop their own system. This has been achieved in collaboration with community managed centres. It has been a complex project requiring the development of a sophisticated software program and an agreed, common approach across all services to issues such as what and how data is collected, how priority of access is managed, how offers of places are made etc.
- 2.25 A competitive process was undertaken and Open Office was the successful bidder and commenced building the system in mid 2008. The coordinator of Ada Mary A'Beckett Children's Centre has been an 'external partner' in the development of the system.
- 2.26 Council determined at its meeting of 26 May 2008 the following:
- 2.26.1 Council notes that the new childcare waiting list, currently under test, will provide valuable information to assist in the evaluation of the need for additional childcare places, in the City of Port Phillip. Council therefore requests that the Chief Executive Officer gives the highest priority to bringing forward the implementation of the new waiting list software"
- 2.27 Additional temporary staff have been employed to implement this decision and waitlists for the four council managed centres, home based childcare and six out of the eight community managed centres have now been entered into the system and new registrations are being managed by council.

- 2.28 Clarendon Children's Centre will join in the new year. Council is continuing its consultation with South Melbourne Co-operative Children's Centre (Carter St).
- 2.29 Offers of a place for 2009 have been generated from the centralized waiting list for the 11 participating services.
- 2.30 The waiting list and the utilisation details in centres and home based childcare are currently in a state of flux as families consider their offers of a place for 2009 and will continue to be so until February 2009. More accurate data about the number of children who remain on the waitlist will be possible once offers have been finalised.
- 2.31 Current childcare users will be entered into the system early next year. Waiting lists themselves are not a true indication of unmet demand. The wait list data is only meaningful if it is understood within the context of the service usage of current users. Ideally we would also have this data for the private centres in the municipality and for all services across local government boundaries.
- 2.32 We intend to conduct a 'census' type process using the new centralized waitlist system in March and September of each year in order to provide meaningful data about childcare supply and demand in the municipality.
- 2.33 Other councils are in the process of purchasing the Open Office system which could open up the possibility of sharing data and therefore understanding demand across LGA boundaries in the future.

**Other Family and Children's Services Infrastructure Works**

- 2.34 Major renovation works commenced on 1 December 2008 at the Elwood Children's Centre (Tennyson St). Works will include:
- replacement of roof at rear of building (\$125K)
  - plastering of storeroom
  - internal repaint
- 2.31 Permits have also been submitted for additional work including:
- demolishing and replacing the side and back fence
  - demolishing a damaged pergola
- 2.32 The committee of management has engaged a consultant to redesign the outdoor play area/landscaping works. The Committee intends to submit an application for an infrastructure levy credit for these works (estimated at \$82K).
- 2.33 When landscaping plans are finalised and the works approved, landscaping, drainage work and surface replacement will also happen during relocation, time permitting.
- 2.34 CoPP have provided an alternative facility (West St Kilda Children's Centre) for the service to operate from while works are completed.

- 2.35 Clarendon Children's Centre is currently licensed for 40 long day care places and operating at 100% utilisation.
- 2.36 This centre was considered for expansion in the 2005 childcare capital works 5 year plan but was considered a low priority as the expansion area was leased by chiropractor. A new lease is in the process of being finalised, but this has been put on hold whilst expansion is reconsidered.
- 2.37 The expansion of the children's centre into the section leased to the chiropractic service would enable the service to increase its licensed places by up to 20. Current revenue from the lease is approximately \$50K per annum.

#### Non Council Infrastructure Developments

- 2.38 A planning permit has been approved at 5 Ingles St Port Melbourne (Crockford St corner) for construction of a 3 storey building with associated landscaping works and car parking (28 spaces accessed off Raglan Street), and use for a 160 place child care centre.
- 2.39 Preliminary work for this development has commenced and needs to be completed before the planning permit expires on 14 December 2009.
- 2.40 Council has been advised that substantial construction is anticipated to begin in January 2009 and operational by September 2009.
- 2.41 Council officers have been advised a lease agreement with a private operator has been secured.
- 2.42 Works have commenced on a five storey building at 77 Bay St, Port Melbourne, which includes a 90 place childcare centre, ground level retail, first floor offices and a rooftop deck. Under the permit conditions it must be completed by June 2010.
- 2.43 Works at Bay St have been temporarily halted whilst Council's planning department considers an application for minor amendments to the centre plans to incorporate revisions required by Department of Education and Early Childhood Development.
- 2.44 A permit to commence building at 101 Salmon St, Port Melbourne was issued June 2008. Works must commence by 18 January 2009 or a permit extension will be required.
- 2.45 It is Council's understanding the Salmon St premises was for an ABC Learning childcare centre as well as an ABC Learning administration office. Given the financial collapse of ABC Learning this development is considered to be at risk.
- 2.46 The permit issued was for a single storey, 120 place childcare centre with associated car parking, and a two storey office building and associated car parking.

- 2.47 A permit to construct a 75 place childcare centre at 216-222 Normanby Road was issued 27 November 2007 and is still valid.
- 2.48 A permit for a childcare centre and kindergarten was issued for 365-385 Ferrars Street, Albert Park - the eastern side of the former Albert Park railway station – on 18 August 2008. Permit conditions allow a maximum of 82 children to occupy the site.

**3 RECOMMENDATION**

- 3.1 That the Council receives and notes the report regarding Family and Children's Services Special Projects.

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

<b>ORDER 6</b>	<b>ST KILDA SKATE PARK</b>
<b>LOCATION/ADDRESS:</b>	<b>72 FITZROY ST, ST KILDA ALBERT PARK RESERVE, CORNER FITZROY ST AND LAKESIDE DVE, ST KILDA</b>
<b>RESPONSIBLE EXECUTIVE DIRECTOR:</b>	<b>GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT AND PLANNING</b>
<b>AUTHOR:</b>	<b>IAN HICKS, MANAGER CULTURE AND RECREATION</b>
<b>FILE NO.:</b>	
<b>ATTACHMENTS:</b>	<b>ATTACHMENT 1A: SKATE PARK SUPPLEMENTARY COUNCIL REPORT 2004</b> <b>ATTACHMENT 1B: ASSESSMENT CRITERIA 2004</b> <b>ATTACHMENT 1C: COUNCIL RESOLUTION NOVEMBER 2004</b> <b>ATTACHMENT 2A: SKATE PARK COUNCIL REPORTS 2005</b> <b>ATTACHMENT 2B: REPORT OF THE INDEPENDENT FACILITATOR</b> <b>ATTACHMENT 2C: COUNCIL RESOLUTION NOVEMBER 2005</b>

---

**1. PURPOSE**

- 1.1. Since 1998 Council has considered a number of sites for development of a skate park in the St Kilda precinct.
- 1.2. The proposed site for the St Kilda Skate Park - on the corner of Fitzroy St and Lakeside Drive, Albert Park Reserve - is awaiting consideration by Victorian Civil and Administrative Tribunal (VCAT) with a hearing scheduled for 27 April 2009.
- 1.3. In the context of objections to the proposed skate park location and recent Council elections, this matter warrants thorough consideration by a new Council.
- 1.4. This report and its attachments provide a record of the Council decision making process to date.

- 1.5. This report proposes that Council satisfy itself (or otherwise) of the suitability of the proposed location for the St Kilda Skate Park (ie: Albert Park Reserve) through the engagement of a suitably qualified independent consultant(s) to undertake a process that would involve:
  - 1.5.1. an independent assessment of all 8 sites already considered (including 3 site on the Foreshore), in addition to any new sites that may be identified within the St Kilda precinct;
  - 1.5.2. an independent assessment of all material regarding the Albert Park Reserve site, including previous Council reports, plans and related studies, all grounds of community objection, all previous expert witness reports and statements presented to VCAT, and the previous decisions of VCAT.

## **2. RECOMMENDATION**

That the Council resolve to

- 2.1. Note the current status of the St Kilda Skate Park.
- 2.2. Engage a suitably skilled and qualified recreation or Open Space planner to undertake an independent assessment of the 8 sites previously assessed and considered by Council, and any new sites that may be identified.
- 2.3. Apply the criteria outlined in the Sport and Recreation Skate Park Facility Guide 2001 and the Council criteria outlined in attachment 1A of this report as the basis for an assessment of the sites indicated in recommendation 8.2 above, and in addition establish the following Council objectives for the St Kilda Skate Park:
  - To provide a Local skate park for use by all ages and skill levels
  - To provide a safe facility
  - To minimise any impact on other community based facilities and stakeholders
  - Be consistent with the principles outlined in Council's Open Space Strategy 2006.
- 2.4. Establish a community reference group of key stakeholders and local skater representatives (including young people) to assist and provide input into the assessment process. The broad terms of reference for the community reference group being to:
  - Provide advice to the independent assessor;
  - Consider any additional criteria that the reference group agrees appropriate to the assessment process;
  - Consider any additional sites that the reference group agrees appropriate to the assessment process

Consider and provide comment to any draft recommendations of the independent assessor prior to a final report being presented to Council by the assessor.

- 2.5. Receive the report of the independent assessor to be presented to Council no later than March 2009.

**3. BACKGROUND AND CONTEXT**

- 3.1. In 1998 the City of Port Phillip Sport and Recreation Strategy called for the development of skate and roller blade facility.
- 3.2. The need for a skate park is identified through the extrapolation of ABS and other statistics that indicate between 25 – 30% of 7 -12 year olds will skate board in any given week. In CoPP, it is estimated that approximately 1300 young people will skate, with the skate facility being used an estimated 355 hours per week.
- 3.3. In the context of Councils Youth Development Framework the ‘constructive use of time’ is one of a number of themes that arose from the survey work of young people in 2006. It is in areas such as the ‘constructive use of time’ that young people indicated a deficiency.
- 3.4. In 2002 Council considered the development of a skate park at Marina Reserve Car Park Area (‘Turkey Toms’). This process proceeded through to applications for a planning permit and advertising, with a range of objections received. The project was pursued no further at the time.
- 3.5. In 2004 consideration was given by Council to the development of a skate facility. Council resolved that a range of locations be assessed for suitability, including previously considered sites such as the Marina Reserve Car Park Area (‘Turkey Toms’).
- 3.6. In November 2004 Council considered the outcomes of an assessment of 8 potential sites against 48 criteria.  
*The November 2004 report indicating the results of that assessment, the recommendation to Council and the Council resolution are contained in attachments 1A, 1B and 1C to this report.*
- 3.7. In November 2005 Council considered the report of independent facilitator, Ms Jan King, and resolved to pursue the development of a skate facility at the currently proposed site – being Albert Park Reserve, Cnr Fitzroy St and Lakeside Drive, St Kilda.  
*The November 2005 report indicating the results of the community reference group design process and independent reports, the recommendation to Council and the Council resolution are contained in attachments 2A, 2B and 2C to this report.*
- 3.8. A service and tenancy agreement was entered into with Parks Victoria for the use of land at the corner of Fitzroy St and Lakeside Drive. Following this an application for a planning permit was lodged. On legal advice the grounds to be determined by Council were limited to heritage matters.
- 3.9. Council resolved to grant a planning permit. The matter went before a directions hearing of VCAT on 10 August 2007. The Deputy President of VCAT (Mark Dwyer) ruled that Council was not the ‘public land manager’ of the land at 72 Fitzroy St, St Kilda for the purposes of the planning application. In the same ruling Mr Dwyer determined that the matter did not need to be remitted to Council and that the tribunal should hear the matter and the full range and extent of matters should be canvassed.

- 3.10. The matter was heard by VCAT in October 2007. VCAT determined to grant City of Port Phillip a planning permit. The matter was taken to the Supreme Court by a number of objectors. The grounds of that appeal being that Council's original advertising process incorrectly limited the grounds by which people could make object to the proposal.
- 3.11. Council wrote to the Supreme Court following a hearing of all parties and consented that the matter goes back to VCAT for re-advertising and rehearing.
- 3.12. In August 2008 a directions hearing of VCAT required a re-advertising of the planning application with the case to be remitted to a full hearing of VCAT on 10 November 2008.
- 3.13. At the 10 November 2008 rehearing, an adjournment was granted by VCAT with the hearing date now scheduled for 27 April 2009.

#### **4. CONSULTATION AND STAKEHOLDERS**

- 4.1. Internal
  - 4.1.1. It is not proposed at this stage (other than through the procurement exercise) that there will be any further staff / internal stakeholder engagement, unless required by the independent consultant
  - 4.1.2. No internal consultation on this report specifically has taken place to date.
- 4.2. External
  - 4.2.1. The external people and/or organisations who will be engaged with in relation to this issue are:
    - Community Stakeholders (as identified by Councilors)
    - Independent Consultant.
  - 4.2.2. No external consultation on this report specifically has taken place to date. It is envisaged that community engagement will take place via the establishment of the proposed community reference groups

#### **5. DISCUSSION**

The proposed course of action is:

- 5.1. That Council note the current status of the St Kilda Skate Park.
- 5.2. That an independent assessment be undertaken of the 8 sites previously assessed and considered (including 3 sites on the Foreshore) and this assessment be undertaken by a suitably skilled and qualified recreation or Open Space planner.
- 5.3. That the criteria to be used include the criteria outlined in the Sport and Recreation Skate Park Facility Guide 2001 and the Council criteria outlined in attachment 1B of this report, with a view to meeting the following Council objectives:

To provide a Local skate park for use by all ages and skill levels

To provide a safe facility

To minimise any impact on other community based facilities and stakeholders

Be consistent with the principles outlined in Council's Open Space Strategy 2006.

- 5.4. That a community reference group of key stakeholders and local skater representatives (including young people) be established to assist and provide input into the assessment process, the broad terms of reference for the reference group being to:

Provide advice to the independent assessor;

Consider any additional criteria that the reference group agrees appropriate to the assessment process;

Consider at any additional sites that the reference group agrees appropriate to the assessment process;

Consider and provide comment to any draft recommendations of the independent assessor prior to a final report being presented to Council by the assessor.

- 5.5. That the report of the independent assessor be presented to Council no later than March 2008.

- 5.6. Criterion for recommendation

In arriving at this recommendation the author has considered the following criteria:

- 5.6.1. Impartiality and Fairness – given there is a range of both support and objection to St Kilda Skate park being built on the proposed Albert Park Reserve location, it is envisaged that an 'independent' assessment and process would provide a mechanism for a re-look and re-assessment of the suitability of the proposed site and/or other sites with a high degree of impartiality and fairness.  
This process does not constrain Council in its decision making, but merely provides an independent assessment of the process to date and potential sites, in order to inform any final decision of Council.
- 5.6.2. Timeliness – the engagement of an independent resource and the utilization of all existing documentation and resources would provide for this matter to be reconsidered quickly so as to inform Council by March 2009 of the findings of the independent assessment.
- 5.6.3. Community participation and engagement – given the high degree of engagement and participation that has occurred in the process to date, any new process should (in the officers view) involve and further engage the community.

- 5.6.4. **Efficiency** – by utilizing the extensive body of work that has been prepared over a number of years by both Council and community objectors and supporters of the proposed skate park. These include consultant and expert witness reports and statements, design plans, stakeholder comments etc.

An assessment completed within the proposed timelines also reduces the need for Council to take any action on the proposed site, as the results of this independent process will be known well in advance of the proposed VCAT hearing on 27 April 2008.

Should Council revoke the permit application at this stage and then at a later stage resolve to continue with this site, Council would have to duplicate and undertake another planning permit application process and replicate the process and resources already undertaken and expended.

- 5.7. Sustainability assessment

**SOCIAL EQUITY:** *To build a just, resilient, healthy and inclusive city with equitable access to responsive and relevant services and resources.*

Social Pillar	The recommended option acknowledges and responds to the statistical and indicative need for a skate park. The recommended option specifically commits to the establishment of a community reference group to ensure further community engagement and participation in civic dialogue from the diverse interest groups.
---------------	--

**ECONOMIC VIABILITY:** *To promote effective stewardship of the council's assets and promote positive economic development within Port Phillip that also supports the council's social, cultural and environmental goals.*

Economic Pillar	The recommended option proposes the utilisation of the extensive body of research, consultant reports and assessment and design work that has been prepared by both Council and the objectors to date, and does not propose at this stage that a duplication of work and resources be embarked upon.
-----------------	--

**ENVIRONMENTAL RESPONSIBILITY:** *To foster a liveable and attractive urban environment that uses fewer finite resources*

Environmental Pillar	The recommended option is explicit in ensuring that criteria are applied that consider Council's environmental objectives, with particular regard to Open Space Strategy 2006.
----------------------	--

**CULTURAL VITALITY;** *To foster conditions that allow communities within Port Phillip to express, experience and enjoy diversity of values, beliefs and aspirations*

Cultural Pillar	The recommended option acknowledges that culturally in any community skate parks have precedents of arousing a high level of community concern and objection. This option respects the culture of arriving at difficult public policy decisions through a rigorous and considered process. The proposed recommendation will apply independent expertise and experience to assist Council in making a difficult decision while respecting that community representatives have culturally opposing views.
-----------------	---

5.8. Policy and legislative implications

This recommended option is consistent with Council policy and has no legislative impacts.

5.9. Risk implications

The officer is not aware of any risks associated with the recommended option.

5.10. Resource implications

The key resource implication is the engagement of an independent consultant to undertake the proposed assessment and report back to Council. The estimated cost of this engagement is \$30,000.

This is an unbudgeted expenditure. Should Council adopt this option then a case will be prepared to have this matter considered as part of the mid-year budget review process.

**6. ALTERNATIVE OPTIONS**

6.1. Alternative 1

To rescind the existing St Kilda Skate Park planning application and review a range of other sites, including the current Albert Park Reserve site.

6.1.1. Sustainability assessment

Social Equity Pillar	This option is not recommended as (in the officer's view) this option responds only to the current objections and objectors to the proposed site. This option would not provide recognition of the support and supporters for the proposed skate park at this site. Essentially this option would not be consistent with the principles that underpin the social equity pillar with regard to procedural fairness and justice.
Economic Viability Pillar	In the officer's view this option would still be viable in response to the objectives of the economic pillar.

Environmental Responsibility Pillar	In the officer's view this option would still be viable in response to the objectives of the environment pillar.
Cultural Vitality Pillar	This option is not recommended as (in the officers view) this option does not fit with the cultural objectives of the City of Port Phillip, specifically with regard to recognising and respecting diversity within community, particularly in this case a diversity of views. This option would arrive at a decision (ie: revoke the planning permit application) without a thorough process of assessment and understanding first being undertaken to ensure that any decision is an informed decision that takes on a diversity of views.

6.1.2. Policy and legislative implications

The policy implication of this option would be to rescind the previous decision of Council with regard to pursuing a planning application for a Skate Park at the corner of Lakeside Dve and Fitzroy St, St Kilda.

6.1.3. Risk implications

The risk to reputation with regard to Council following rigorous and thorough process in coming to a decision, particularly in the context of diverging views with regard to the suitability or otherwise of the proposed location.

6.1.4. Resource implications

Potential costs to the objectors for any costs incurred (and not already reimbursed) with regard to the current VCAT hearings.

6.2. Alternative 2

Council rescinds the existing St Kilda Skate Park planning application and does not pursue a skate park in St Kilda.

6.2.1. Sustainability assessment

Social Equity Pillar	This option is not recommended. In the officer's view this option does not respond to the social demand of young people identified through the available statistics and research.
Economic Viability Pillar	This option is not recommended as (in the officer's view) this option would not make proper use of the resources Council has utilized and available to it, so as to ensure that all evidence and materials that have been accumulated to date can be considered prior to any decision being arrived at.
Environmental Responsibility Pillar	In the officer's view this option would still be viable in response to the objectives of the environment pillar.

Cultural Vitality Pillar	<p>This option is not recommended as (in the officers view) this option does not fit with the cultural objectives of the City of Port Phillip, specifically with regard to recognising diversity within community, particularly in this case a diversity of views and needs.</p> <p>This option would arrive at a decision (ie: not pursue a skate park in St Kilda) without a thorough process of assessment and understanding first being undertaken to ensure that any such decision is an informed decision that considers a diversity of views and needs.</p>
--------------------------	--

6.2.2. Policy and legislative implications

The policy implication of this option would be to rescind the previous decision of Council with regard to pursuing a planning application for a Skate Park at the corner of Lakeside Dve and Fitzroy St, St Kilda.

6.2.3. Risk implications

The risk to reputation with regard to Council not (in this case) being seen to providing infrastructure and support for a diversity of community needs.

6.2.4. Resource implications

Potential costs payable by CoPP to the objectors for any costs incurred (and not already reimbursed) with regard to the current VCAT hearings.

6.3. Alternative 3

To proceed with the existing St Kilda Skate Park planning application for current Albert Park Reserve site.

6.3.1. Sustainability assessment

Social Equity Pillar	<p>In the officers view this option allows for the diverse views and expert witness reports of all parties to be considered and adjudicated upon by an independent panel (VCAT)</p> <p>This option provides a forum for the views and opinions of the supporters and objectors for the proposed skate park at this site.</p> <p>However, this is not the recommended option because this option does not provide the 'newly' constituted Council with an opportunity to undertake its own review of the available information and evidence and/or establish it's own objectives for the development of a Skate Park in St Kilda. .</p>
Economic Viability Pillar	<p>In the officer's view this option would still be viable in response to the objectives of the economic pillar.</p>
Environmental Responsibility Pillar	<p>In the officer's view this option would still be viable in response to the objectives of the environment pillar.</p>

Cultural Vitality Pillar	In the officer's view this option would still be viable in response to the objectives of the cultural pillar as this option allows a 3rd party and independent process to take place that recognises and respects the diversity within community, particularly in this case a diversity of views.
--------------------------------	---

6.3.2. Policy and legislative implications

There are no policy or legislative implications associated with this option.

6.3.3. Risk implications

The risk to reputation of Council and/or Councilors, given the policy platforms on which a large number of elected Councilors stood with regard to the St Kilda Skate Park.

6.3.4. Resource implications

There are no resource implications related to the proposed process in this option.

However, should Council proceed and be successful with gaining a planning application, the estimated cost for construction of the skate park is \$800,000.

**7. IMPLEMENTATION**

7.1. A brief be prepared by officers for the engagement of an appropriately qualified and skilled independent consultant.

7.2. That officers procure the services of an independent consultant consistent with Local Government / Council procurement policies.

7.3. That a terms of reference for the St Kilda Skate Park community reference group be developed. These terms of reference will guide the selection of interested persons arising out of an advertised EOI process and also provide guidance on the role and responsibilities of the reference group.

**8. COMMUNICATION**

- 8.1. It is proposed that a press release be prepared to inform the community of Council's decision.
- 8.2. It is also proposed that an Expression of Interest (Eoi) process be implemented against criteria for the selection of community representatives onto the community reference group for St Kilda Skate Park.

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

---

<b>ORDER 7</b>	<b>FEDERAL INFRASTRUCTURE GRANTS</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>RESPONSIBLE EXECUTIVE DIRECTOR:</b>	<b>DAVID YEOUART, EXECUTIVE DIRECTOR COMMUNITY ASSETS AND SERVICES</b>
<b>AUTHOR:</b>	<b>SAM HEWETT, MANAGER ASSET SERVICES</b>
<b>FILE NO.:</b>	<b>40/01/26</b>
<b>ATTACHMENTS:</b>	<b>NIL.</b>

---

**1. EXECUTIVE SUMMARY**

- 1.1. On November 17 and 18, 2008, the Mayor of the City of Port Phillip Councillor Janet Cribbes, was invited to meet the Prime Minister, Kevin Rudd, in Canberra along with Mayors from all other municipalities across Australia.
- 1.2. At this inaugural meeting of the Australian Council of Local Government, the Commonwealth Government announced \$300 million for the new Regional and Local Community Infrastructure Program (RLCIP) for community infrastructure projects.
- 1.3. This stimulus package was announced as an effort by the Commonwealth to help boost local economies.
- 1.4. The funding package applies to the current financial year and has two parts;
  - 1.4.1. A \$250 million package which will provide grants valued between \$100,000 and \$2.9 million to each Council across Australia, depending on need and population growth.
  - 1.4.2. A \$50 million fund will provide individual grants of over \$2 million for large scale projects which require joint funding.
- 1.5. A further \$8 million was set aside (and will be available to universities) to establish a 'think tank' which will examine performance improvement for local government.
- 1.6. The City of Port Phillip was allocated \$352,000 as part of 1.4.1 (above) and has been invited to apply for a grant as part of 1.4.2 (above).
- 1.7. These grants are subject to various conditions and this report provides project options for Council's consideration for each of the above Commonwealth grants.

**2. BACKGROUND AND CONTEXT**

- 2.1. As part of his speech to the Australian Council of Local Governments in Canberra in November, the Prime Minister said;

*“Our starting point in our nation-building partnership with local government is a dedicated Regional and Local Community Infrastructure Program to address the needs of local communities.*

*In May this year we announced that this fund will commence in 2009-10.*

*However, in light of economic conditions and the urgent need for investment in community infrastructure, we have decided to bring forward this investment.*

*That is why today I am pleased to announce that we will make immediate provision for \$300 million to local governments through the Regional and Local Community Infrastructure Program.”*

- 2.2. The Prime Minister went on to say;

*“Where appropriate, the Government will consider making resources available for a long term reform fund to support councils as they improve their asset management and financial plans.*

*And it will provide the Commonwealth with the confidence necessary to provide further support in the future.”*

- 2.3. In November 2008 the Prime Minister announced 2 funding programs.

- 2.3.1. The Regional and Local Community Infrastructure Program 2008/2009 (RLCIP) and;
- 2.3.2. The Regional and Local Community Infrastructure Program – Strategic Projects 2008/2009 (RLCIP Strategic Projects)

- 2.4. The City of Port Phillip has been allocated \$352,000 as part of the \$250 million RLCIP package for local government across Australia. The table below compares Port Phillip with its neighbouring municipalities.

<b>Council</b>	<b>Amount</b>
City of Port Phillip	\$352,000
Glen Eira City Council	\$460,000
City of Yarra	\$305,000
City of Stonnington	\$364,000
City of Kingston	\$488,000
City of Bayside	\$355,000
City of Melbourne	\$336,000

- 2.5. As part of the RLCIP conditions set out by the Commonwealth, the City of Port Phillip is required to advise the Commonwealth by January 30 2009 with the details of the project(s) it intends to complete with the grant funding (\$352,000).
- 2.6. The conditions for acceptable projects for RLCIP includes;
- Must be for ready to proceed projects
  - For new construction, renovations, or refurbishments
  - For social and cultural infrastructure, recreational facilities, tourism infrastructure, youth, children and seniors facilities, access facilities and environmental initiatives
  - Funding can be used for construction or fit out, engineering or geotechnical studies, land surveys, site investigations and project management costs.
  - Not to be used for roads, operational costs, maintenance, or transport initiatives
  - Funding must be expended by September 30 2009.
  - Payment to the City of Port Phillip will be made when the Council signs the agreement.

- Progress report is due on May 30 2009.
  - Final report is due on the expenditure on the project by September 30 2009.
- 2.7. As part of the RLCIP – Strategic Projects conditions set out by the Commonwealth, the City of Port Phillip is required to apply for this grant by December 23 2008. This is a nationally competitive process and priority will be given to those projects which include partnership funding and are significant in size and scale.
- 2.8. The conditions for acceptable projects for RLCIP – Strategic Projects includes;
- Must be for ready to proceed projects
  - For new construction, renovations, or refurbishments
  - For social and cultural infrastructure, recreational facilities, tourism infrastructure, youth, children and seniors facilities, access facilities and environmental initiatives
  - Funding can be used for construction or fit out, engineering or geotechnical studies, land surveys, site investigations and project management costs.
  - Not to be used for roads, operational costs, maintenance, or transport initiatives
  - Funding will be available for a limited number of large strategic projects seeking a minimum Commonwealth contribution of \$2 million.
  - Project construction must commence within six months of the funding agreement being signed (Services agreements are estimated to be with successful local governments in February 2009).
  - Project reports will be due at agreed and negotiated milestones throughout the project.

- 2.9. Council officers have explored a range of capital project options which may be appropriate for these grants. This included an option to apply both grants to the replacement of Council's 80 watt mercury vapour lights (used in most of Port Phillip's residential streets) with the T5 twin 14 Watt fluorescent light (which uses only 32% of the power of the 80 watt mercury vapour light). The total cost of this replacement is estimated at approximately \$2 million and is a cost that will be borne by Council. Unfortunately, when Council officers contacted the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government to clarify whether this is an acceptable project for the grants, we were informed that it was not. The Commonwealth believe this is a maintenance program and not in the spirit of the grants.

NB – Council still has an option to fund this public lighting replacement from the capital works program 2009/2010. Council will be consulted about this option in early 2009.

- 2.10. The Commonwealth has indicated that a further announcement will be made under the Regional and Local Community Infrastructure Program as part of the 2009/2010 budget.

### **3. RECOMMENDED OPTION**

- 3.1.1. Council is asked to approve the grant application for the Commonwealth's Regional and Local Community Infrastructure Program 2008/2009 for the Play Space Upgrades (Garden City Reserve Playspace, Catani Garden's Playspace and Jacoby Reserve Playspace) in the amount of \$352,000.
- 3.1.2. Council is asked to approve the grant application for the Commonwealth's Regional and Local Community Infrastructure Program – Strategic Projects 2008/2009 for the Urban Studies Centre (USC) in the amount of \$3.7 million.

#### **3.2. Criterion for recommendation**

Council is advised that the above recommendations are made based on the capacity of the project meeting the grant eligibility.

While other projects have been considered (see options below) the above projects represent the best fit for the two grants available.

- 3.2.1. The Playspace Upgrades (Garden City Reserve, Catani Gardens Reserve and Jacoby Reserve) are highly visible and tangible projects, are well advanced in terms of their planning, have had wide consultation and enjoy community support. It is anticipated that the three Playspaces will be completed prior to June 2009
- 3.2.2. The Urban Studies Centre (USC) is one of only 2 projects in Port Phillip that fit the criteria for the RLCIP – Strategic Projects (the other is listed below in 'Options'). The USC is a significantly sized project, enjoys significant joint funding (approximately \$850,000 from the City of Port Phillip) is well planned, enjoys wide community support, and is scheduled to begin construction in May/June 2009.

3.3. Sustainability assessment

*SOCIAL EQUITY*

Social Pillar	The Playspace Upgrades and the Urban Studies Centre projects are examples of Council's commitments to children, to the arts and culture, to free leisure and recreational pursuits and projects which span the municipality. They have responded to community demands and are great examples of community driven project development.
---------------	---

*ECONOMIC VIABILITY*

Economic Pillar	These projects will assist Council to renew its special places and assets and will share the cost of renewing other ageing infrastructure. The <b>RLCIP</b> funding will allow 3 community Playspaces to be upgraded, and as they are fully funded, this will allow Council to reallocate \$352,000 towards other projects that may not have been funded without the grant.
-----------------	---

*ENVIRONMENTAL RESPONSIBILITY*

Environmental Pillar	Council establishes its capital works program with an acute environmental sensitivity. All projects need to be able to demonstrate a commitment to sustainability in terms of energy savings, water saving or though the selection of products and/or services that go into constructing the project. The three Playspaces and the Urban Studies Centre have complied with this requirement.
----------------------	--

*CULTURAL VITALITY*

Cultural Pillar	These projects are accessible by all Port Phillip's communities. They provide variety and respect Council's individual communities and their particular needs. The USC responds to Council's impressive arts and cultural collection and a purpose built centre further respects the collection.
-----------------	--

3.4. Policy and legislative implications

There is strict project eligibility attached to the grants offered by the Australian Government. In particular, the Commonwealth has stressed the need to fully expend the RLCIP funding by September 30 2009 and to begin construction of the projects funded under the RLCIP Strategic Program within 6 months of signing the service agreement.

3.5. Risk implications

The Commonwealth has reserved the right to recover funds and terminate funding agreements where grant requirements have not been met. To reduce this risk, only projects with an increased likelihood of complying with the grant criteria should be selected for these grant applications.

3.6. Resource implications

No further resources will be required from Council as part of these grant applications. All projects will be delivered using existing resources.

However, if Council chooses another of the options (listed below) then Council will be expected by the Commonwealth to meet the financial shortfall where necessary.

**4. ALTERNATIVE OPTIONS**

4.1. Alternative 1

Should Council prefer there are other viable options for the 2 grants which are outlined in the tables below. The rationale is also articulated.

<b>RLCIP 2008/2009</b>	<b>Project</b>	<b>Project Cost</b>	<b>Rationale</b>
<b>Option 1</b>	Street and Park Furniture	\$352,000	There is a constant need to renew, replace and install new street and park furniture throughout the municipality. It is ready to be purchased and can be stored until required.
<b>Option 2</b>	St. Kilda Family and Children's Services Land Purchase	\$750,000*	The land purchase is critical to the establishment of the St. Kilda Family and Children's Services Centre. Negotiations for purchase are well advanced and will be complete by June 2009.

\* Council would contribute the difference of \$398,000

<b>RLCIP – Strategic Projects 2008/2009</b>	<b>Project</b>	<b>Funding</b>	<b>Advantages</b>
Option 1	Elwood Foreshore Management Plan (Final Stage)	\$2,600,000	This project is well planned, can commence construction prior to September 2009, and has enjoyed considerable joint funding to date from the City of Port Phillip of approximately \$1.6 million.

4.1.1. Policy and legislative implications

No change

4.1.2. Risk implications

No change

4.1.3. Resource implications

No change

**5. PARTICIPATION AND ENGAGEMENT**

5.1. Internal

5.1.1. The people who have been engaged with in relation to this issue are:

- Chief Executive Officer
- Executive Director Organisation Systems and Support
- Executive Director Community Development and Planning
- Managers of Community Services, Environment and Renewal, Culture and Recreation, Buildings and Green Services, Infrastructure Services
- Co-ordinator Asset Planning.

5.1.2. Considerable internal consultation has occurred to be sure that all project options were considered before a recommendation was made to Council. All agree that the recommended options are the best fit for the grants, and in relation to the RLCIP Strategic Projects, the USC application gives Council the best chance of a successful application.

5.2. External

5.2.1. The external people and/or organisations who have been engaged with in relation to this issue are:

- The Commonwealth Department of Infrastructure, Transport, regional Development and Local Government.
- The Chief Executive Officer and Manager of Environment of Frankston City Council.

5.2.2. The Commonwealth Department of Infrastructure, Transport, regional Development and Local Government was consulted to determine more clearly the government's priorities particularly in relation to the RLCIP Strategic Projects. We were informed at that time that no public lighting project would be supported and the projects most likely to receive support for the Special Project funding would be significant in size and have significant joint funding commitments.

The City of Frankston was consulted at the time when Port Phillip was considering a joint local government grant application for change over of the mercury vapour 80w public lighting to the more environmentally friendly T5.

**6. IMPLEMENTATION**

6.1. Council will be required to provide details of projects intended for the Regional and Local Community Infrastructure Program by January 30 2009.

6.2. Council will be required to apply for the Regional and Local Community Infrastructure Program – Strategic Project funding by December 23 2008.

6.3. Once the Australian Government has received details of Council's applications and once decisions have been made, appropriate adjustments will be made to Council's Capital Works program.

6.4. The Manager Asset Services will inform Council on the outcome of the grant application process when known. He will also be responsible for all grant applications and all milestone reporting to the Australian Government as per the conditions of the grants.

**7. COMMUNICATION**

7.1. The City of Port Phillip is pleased that the Australian Government has directly allocated funding to local government and has recognised local government is well placed to deliver local projects that benefit local communities. This package also addresses infrastructure renewal concerns of local government.

7.2. The City of Port Phillip is pleased that the Australian Government is likely to make further announcements about funding for local government infrastructure needs as part of the 2009/2010 budget.

**8. RECOMMENDATION**

- 8.1. That the Council approve the grant application for the Commonwealth's Regional and Local Community Infrastructure Program 2008/2009 for the Play Space Upgrades (Garden City Reserve Playspace, Catani Garden's Playspace and Jacoby Reserve Playspace) in the amount of \$352,000.
- 8.2. That the Council approve the grant application for the Commonwealth's Regional and Local Community Infrastructure Program – Strategic Projects 2008/2009 for the Urban Studies Centre in the amount of \$3.7 million.

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

<b>ORDER 8</b>	<b>AUSTRALIAN NATIONAL ACADEMY OF MUSIC (ANAM) AND SOUTH MELBOURNE TOWN HALL (SMTH) UPDATE</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>GEOFF OULTON, EXECUTIVE DIRECTOR COMMUNITY DEVELOPMENT &amp; PLANNING</b>
<b>PREPARED BY:</b>	<b>CAROL MAYELL, MANAGER COMMUNITY DEVELOPMENT &amp; ENGAGEMENT</b>
<b>FILE NO.:</b>	<b>86/04/08</b>
<b>ATTACHMENTS:</b>	<b>NIL.</b>

---

**1. PURPOSE**

To update the Council as to the status of funding to the Australian National Academy of Music (ANAM) and their continued use of the eastern side of South Melbourne Town Hall (SMTH) under the current Occupancy Agreement, as per the request by the Council on 27 October 2008 for the Chief Executive Officer (CEO) to provide the incoming council with a report on implications.

The Council's Chief Executive Officer (CEO) has recently received advice from the newly appointed General Manager of ANAM that the Commonwealth government is continuing their funding of ANAM beyond 31/12/08.

To recommend that the Council recommences the process to lease part of the vacant 1<sup>st</sup> floor on the western side of SMTH to a not for profit organization for a period up to two years, as resolved by the Council on 25 August 2008.

**2. RECOMMENDATION**

- That the Council notes the advice received from the newly appointed General Manager of Australian National Academy of Music (ANAM) that a new Board of Directors is to be appointed in January 2009 and that their tenancy at South Melbourne Town Hall (SMTH) is to continue beyond 31/12/08.
- That the Council notes that further advice in writing is to be received from ANAM to confirm continuation of the Occupancy Agreement at SMTH.

- That the Council resolve to continue to seek from the ANAM tenancy: a commercial return; improved community access to the main hall; as well as other community benefits.
- That Council note the re-visioning process for the SMTH precinct to preserve future options, as resolved by the Council in July 2007, is to commence in 2009.
- That the Council resolve to implement the process to lease part of the vacant 1<sup>st</sup> floor on the western side of SMTH to a not for profit community organization for a period not exceeding two years, further noting that a rebated rent can be negotiated, as per the Council decision of 25 August 2008.
- That the Council offers a commercial lease for part of the 1<sup>st</sup> floor of SMTH to McKillop Family Services who require temporary office accommodation whilst their own offices in Cecil Street, South Melbourne are undergoing refurbishment over the coming two years.
- That the Council notes that the floor area required by McKillop Family Services, ie approx 300m<sup>2</sup>, is independently valued at \$43,500 per annum. The lease is therefore not subject to the provisions of the Local Government Act, sections 190 & 223, which relate to the requirements for a public advertising process if the premises are valued in excess of \$50,000pa.
- That the Council delegates authority to the Property Coordinator, in consultation with the Manager Community Development & Engagement, to negotiate a rebated rent, consistent with the Council decision of 25 August 2008, if McKillop Family Services can justify their inability to pay full commercial value for the premises.

### 3. BACKGROUND AND CONTEXT

- The ground floor on the western side of South Melbourne Town Hall is undergoing a major refurbishment in preparation for its new life as the Community Hub designed to primarily service the South Melbourne and St Kilda Road neighbourhoods.
- The Hub will comprise a mix of council services including ASSIST, cashier, maternal & child health and housing information & support; community welfare services; community group administration spaces; and a number of multi-purpose meeting rooms.
- The development of the hub commenced in May 2008, once council officers had relocated to the new Port Phillip administration hub at St Kilda Town Hall. The Hub is expected to become operational in February 2009.
- The 1<sup>st</sup> floor on the western side of SMTH, was vacated by council staff in March 2008 who were relocated to the new administration centre at St Kilda Town Hall. The 1<sup>st</sup> floor was assessed as not required for Community Hub or Council purposes. In accordance with Council strategy the space became available for commercial lease.
- A decision was made by the Council on 25 August 2008 to lease this space to a not for profit organization for a period not exceeding 2 years, however the process was

put on hold by the Council on 27 October 2008 in response to the reported decision by the Commonwealth government to cease funding ANAM. This decision brought into doubt their future tenancy of SMTH and therefore the Council wished to ensure that future options were preserved for uses of SMTH.

- Several approaches have been made to the Council expressing interest in leasing the vacant space on the 1<sup>st</sup> floor of SMTH. Approaches have been received from: McKillop Family Services requiring urgent temporary accommodation for up to 2 years from 2009 while their existing offices in Cecil Street are refurbished. McKillop have indicated their capacity to pay a negotiated rent. Other enquiries have been received from the National Theatre who is wishing to expand, an opera school and a local ballet school. These approaches however have all been on the basis of securing permanent accommodation on a non-commercial return and were therefore outside the Council's policy parameters for this building.
- The eastern side of the SMTH, including the main hall, is currently occupied by the Australian National Academy of Music (ANAM), however their tenancy beyond 31/12/08 came into doubt with a recent Federal government announcement that funding to ANAM will cease after that time.
- ANAM was established and structured under the terms of a Memorandum of Understanding (MOU) between the Commonwealth of Australia and the State Government of Victoria dated 21 June 1995.
- The MOU set out the State governments undertaking to provide security of tenure for ANAM at SMTH. ANAM has since occupied the eastern side of SMTH under the terms of a 21 year Occupancy Agreement between the State government of Victoria, the University of Melbourne, ANAM and Port Phillip City Council signed on 5 March 1996. This agreement did not require the payment of rent other than an annual contribution to the cost of operational costs. The Occupancy Agreement is valid to March 2017.
- Under the terms of the Occupancy Agreement clause 2.2 'the Academy may at its option terminate this Occupancy Agreement by giving to Port Phillip not less than six (6) months written notice of termination if the Commonwealth Grant ceases to be current during the Term or any other Further Terms.' The newly appointed General Manager of ANAM, Mr. Nick Bailey has indicated that their tenancy will continue as per the current Occupancy Agreement and there is not an intention to exercise the option to terminate as the grant to ANAM has not ceased.
- ANAM continues to be listed by Australian Securities and Investments Commission (ASIC) as a registered company.
- A re-visioning process for the SMTH and precinct is to proceed in 2009, as resolved by the Council in July 2007 to ensure that future options for the both the public and civic spaces are preserved.

**4. CONSULTATION AND STAKEHOLDERS**

- In discussions with Council's Chief Executive Officer (CEO) and senior staff the General Manager of ANAM has confirmed their status and plans to remain at SMTH. The CEO has indicated to ANAM that the Council will continue to pursue improved access to the main hall and other civic spaces within SMTH and a fair commercial return for their tenancy.
- Advice is being sought from the Commonwealth government to confirm the details of their support of ANAM beyond 31/12/08.

**5. DISCUSSION**

**5.1 OPTIONS**

- This report presents information that indicates no change to the Council's current position in relation to the ANAM tenancy at SMTH. There are therefore no alternative options identified.
- Council could choose not to lease part of the vacant 1<sup>st</sup> floor on the western side, but at this stage it appears that there are no particular advantages to this course of action, ie the Council decision to put on hold the proposed leasing made on 27 October 2008 was in response to the reported decision to cease funding to ANAM. The decision to defer was made to ensure options were preserved whilst maintaining existing obligations in relation to SMTH. Given that the funding to ANAM has been re-instated to continue beyond 31/12/08 the Occupancy Agreement appears to be still valid. The proposal to lease part of the 1<sup>st</sup> floor for up to 2 years would not appear to jeopardize future options for SMTH.

**5.2 POLICY IMPLICATIONS**

- The recommendations are consistent with the current policies pertaining to property management, community hubs, the re-visioning process for the precinct and SMTH and the South Melbourne Central Structure Plan.

**5.3 FINANCE / RESOURCE IMPLICATIONS**

- There are no additional financial or other resources identified as a result of the recommendations.
- An improved financial situation and derived community benefits may be an outcome with leasing of part of the 1<sup>st</sup> floor of SMTH and negotiations with a new Board and executive of ANAM.

5.4 LEGAL & RISK IMPLICATIONS

- There appears to be no legal implications for the Council from the recommendation, which is based on current available information. The recommendation requests that the Council notes the continued status of ANAM's tenancy at SMTH.
- The recommendation to proceed with leasing part of the 1<sup>st</sup> floor of SMTH valued at \$43,500 is not subject to the provisions of the Local Government Act which applies to leases of \$50,000 or more.

5.7 SUSTAINABILITY ASSESSMENT

SOCIAL EQUITY

*Social Pillar* – Maintaining McKillop Family Services in the local community by providing accommodation for them for the next two years will be of benefit to local families and other service providers who are part of the local referral and support network.

ECONOMIC VIABILITY

*Economic Pillar* – improved financial benefits for the Council can be realised as a result of proceeding with a lease on commercial terms of part of the 1<sup>st</sup> floor space

ENVIRONMENTAL RESPONSIBILITY

*Environmental Pillar* - A new tenancy on the 1<sup>st</sup> floor will require environmentally responsible responses to energy use.

CULTURAL VITALITY

*Cultural pillar* - The recommendations maintain the cultural identity of the precinct and vitality of the area with increased use and activity.

**6. IMPLEMENTATION STRATEGY**

6.1 TIMELINE

- An offer to McKillop Family Services to lease part of the 1<sup>st</sup> floor of SMTH can be made mid January 2009 by the Property Coordinator, as per the conditions of the recommendation.
- The re-visioning process for the precinct and SMTH is to commence in 2009.