



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

18 DECEMBER 2008

MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD ON 18 DECEMBER 2008 IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL

The meeting opened at 6.00pm.

PRESENT

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

IN ATTENDANCE

David Spokes Chief Executive Officer, Geoff Oulton Executive Director Community Development & Planning, Sally Calder Executive Director Organisation Systems and Support, David Yeouart Executive Director Community Assets and Services, David Filmalter Chief Financial Officer, Ian Hicks Manager Culture & Recreation, Greg Wood Manager Community Services, Cathy Henderson Manager Governance and Risk Management, Paul Smith Manager Environment & Renewal, Carol Mayell Manager, Community Development, Sam Hewett Manager Asset Services, Norm McClelland Governance Advisor, Murray Chick Coordinator Governance, David Graffen Property Coordinator, Rory O'Loughlen St Kilda Edge Project Manager, Toulia Kotsabouikis Property Advisor, Rose Nolan Library Senior Team Leader, Jo Smale Coordinator Family & Childrens Services.

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

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Bolitho/Klepner

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 24 November 2008 be confirmed.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Thomann/Powning

That the Minutes of the Special Meeting of the Port Phillip City Council held on 8 December 2008 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. PETITIONS AND JOINT LETTERS

Item 1

A Petition was received from 201 residents in relation to changing the St Kilda Local Beach to a Jet Ski Beach area between Brooks Jetty and St Kilda Marina.

The Petition states the following:

'We the undersigned, object to this proposal. We believe that jet-skis are noisy, smelly, disruptive and environmentally unsustainable. Swimmers and dog-walkers from the local area should not lose their enjoyment of their local beach.

We suggest jet-skiers should use the marina ramps instead.'

Geoff Oulton, Executive Director Community Development and Planning advised that Council has had preliminary discussions with Parks Victoria and that our view would be similar to the outcome sought by this proposal to not have jet skis on this beach. There are other jet ski locations along the City particularly in Port Melbourne where Council does have current arrangements in relation to jet skis. A report be brought to Council in February 2009 to outline a response to the Petition and related matters through out the municipality.

MOVED Crs Bolitho/Klepner

That the Petition lay on the table.

A vote was taken and the MOTION was CARRIED.

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

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

MOVED Crs Middleton/Klepner

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

A vote was taken and the MOTION was CARRIED.

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.

**No formal discussion ensued on this matter.*

6. PUBLIC QUESTION TIME

Item 1

John Webster asked the following question.

'Why aren't school crossing supervisors tested randomly for alcohol and drug usage.'

****The CEO advised that this matter would be investigated appropriately by the responsible Manager.***

Item 2

Paul Morgan asked the following questions:

1. *What would have been the consequences flowing from the development agreement had Council rejected the development plan in February 2008?*
2. *What was the legal advice to Council on the consequences of it rejecting the proposed Development Plan at its February 7 meeting?*
3. *Does BBC have committed and guaranteed financing for the proposed Triangle Development? If yes, has the recent financial meltdown affected this guarantee? If no, will Council continue to support a project where financing has not been committed?*
4. *Has Council reviewed the financial capacity of BBC to undertake this development in the contracted time frame? If yes, what is the outcome of that review? If not, does Council intend to review the capacity of Babcock and Brown to raise the loans required to fund the Triangle project?*
5. *Is the Triangle project in any way threatened by the Global Financial Crisis and the financial position of Babcock and Brown? Did the financial position of Babcock and Brown play any part in Council, last October, allowing a 12 month extension to its contractual obligations?*
6. *Would you kindly explain the extent of exposure to the possible market failure of this partner of the City of Port Phillip?*
7. *Babcock & Brown is selling its real estate assets. Would you kindly outline the terms and conditions under which it could on-sell its development rights to the site?*
8. *What is the process for assessing substitute financial partners proposed by Citta?*
9. *Has Council offered BBC any financial concessions before or since Feb 2008 – for example, will BBC receive any rental or rate concessions?*

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10. *Would you kindly explain the ownership structures of, and relationships between Citta Property Group, Babcock and Brown, and the entity known as BBC Triangle Investments, signatory to the DA.*
11. *Would you kindly make public:*
 - a) *The amount directly spent on consultants and other expenses such as PR/advertising; in particular including and itemizing:*
 - *Cost, to 31 December 2008, of contract number 0959, signed on 17 January 2007 between CoPP and Quotable Communications.*
 - *Cost of design, hosting, writing and maintaining the website St Kilda Live.*
 - *Cost of Mayor's Triangle flyers to residents – writing, printing and distribution.*
 - *Value of contributions, if any, from BBC towards any joint advertising/PR campaigns, and Council's share of the costs of the same.*
 - b) *The amount of internal resources utilising including Council planners, building staff PR staff, senior management involved in the Triangle project since May 2007. Of particular interest is the composition of the 'triangle site campaign team' mentioned in contract 0959.*
12. *Will Council make public sections of the Development Agreement blacked out when a redacted version was released in November?*

****The Mayor Cr Frank O'Connor advised Mr Morgan that Councillors have been expressing a keen interest in this issue and many other matters relating to the Triangle Development but as I have advised at the Council Meeting held on 8 December 2008, the Council will not be rushing to take rash action on the Triangle or any other site where it might jeopardise Council's position. As Council receives proper legal and management advice around these matters, Council will consider them very carefully. Significant number of the Councillors have been elected on a mandate of openness and accountability of Council's actions.***

****David Spokes, Chief Executive Officer advised Council that the above questions will be taken on Notice and a response will be provided to Mr Morgan.***

Item 3

Paul Morgan asked the following questions on behalf of Trevor White:

1. *That the CEO provide Council with a detailed report outlining a chronological list of all the contracts made with parties associated with the Triangle development from 2000 to the date of this requested report being submitted to Council.*
 - *This report to include all meetings, correspondence and phone records that Councillors, officers and their advisors have had with all parties, prospective tenders, Babcock and Brown, and their subsidiaries, partners, contractors and their advisors, state and federal politicians and their officers and advisors and anyone else who has made representations or been involved in discussions about or associated with the project known as the Triangle proposal.*
 - *This report to include names of all present, date, costs, entertainment benefit, outcomes and record of discussions.*

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- *This report to include all declared interests that former Councillors and officers have in any of the parties associated with any aspect of the Triangles development.*
- 2. *That the CEO provide Council with all the information and reports that the police and officers have about the circumstances surrounding the fire at the Palace and the status of police action up to the date of this requested report being given to Council.*
- 3. *That the CEO prepare a report as to whether any of Council's IT or hard copy files or documents have been destroyed, mislaid, shifted or forwarded to third parties over the last 2 years. If no audit has been undertaken, that the CEO undertakes such an audit and report the findings to Council.*

****David Spokes, Chief Executive Officer advised Council that the above questions will be taken on Notice and a response will be provided to Mr White.***

7. COUNCILLOR QUESTION TIME

Nil.

**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

Nil.

10. ORDERS OF THE DAY

Items were discussed in the following order:

- ORDER 1 PROPOSED DISCONTINUANCE AND SALE OF A SECTION OF RIGHT OF WAY NO.R2791 (510) AT THE REAR OF 208 ALBERT RD, SOUTH MELBOURNE
- ORDER 6 ST KILDA SKATE PARK
- ORDER 2 APPOINTMENT OF COUNCILLORS TO INTERNAL AND EXTERNAL COMMITTEES AND BODIES
- ORDER 3 COUNCIL/COMMITTEE MEETING DATES FOR 2009
- ORDER 4 LUNA PARK INTERCHANGE RENEWAL
- ORDER 5 FAMILY AND CHILDREN'S SERVICES SPECIAL PROJECTS - PROGRESS REPORT
- ORDER 7 FEDERAL INFRASTRUCTURE GRANTS
- ORDER 8 AUSTRALIAN NATIONAL ACADEMY OF MUSIC (ANAM) AND SOUTH MELBOURNE TOWN HALL (SMTH) UPDATE
- ORDER 9 MUNICIPAL VALUATIONS CONTRACT NO. 0946 - 2 YEAR OPTION EXTENSION (CONFIDENTIAL)

ORDER 1 PROPOSED DISCONTINUANCE AND SALE OF A SECTION OF RIGHT OF WAY NO. R2791 (510) AT THE REAR OF 208 ALBERT RD, SOUTH MELBOURNE

Purpose

This report is to recommend the discontinuance and sale of a section of Right of Way No.R2791 at the rear of 208 Albert Rd, South Melbourne, pursuant to Clause 3 of Schedule 10 and section 223 of the LGA1989.

MOVED Crs Bolitho/Klepner

That Council suspend Standing Orders to allow members of the gallery to make a verbal submission in relation to this item.

A vote was taken and the MOTION was CARRIED.

The following members of the gallery made a verbal submission in relation to this item:

- Mr Small- objection to a roof structure being built on the land.
- Mr Phillip Borelli – access to airspace, maintenance of that air space.

MOVED Crs Klepner/Bolitho

That this item be stood down for 10 minutes to allow for further consultation.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Klepner/Bolitho

That Council resume Standing Orders.

A vote was taken and the MOTION was CARRIED.

ORDER 6 ST KILDA SKATE PARK

Purpose

For council to consider the St Kilda Skate Park.

MOVED Crs Klepner/Bolitho

That Council suspend Standing Orders to allow members of the gallery to make a verbal submission in relation to this item.

A vote was taken and the MOTION was CARRIED.

The following members of the gallery made a verbal submission in relation to this item:

- Michael Sowry – Support skate park and its location. Supports the design of the skate park.
- Michael Malcaly – Concerns about withdrawing VCAT Appeal. Supports the proposal for kids aged 10-12 years.
- David Myer – Everyone wants a skate park but we need to consider the best possible site, its about doing our best for the skaters and the community.
- Keith Miller – In support for the kids getting a skate park. Believe this is the site and that the application should not be withdrawn.
- Renton Miller – Frequents skate parks and that a skate park is a product of its environment.

MOVED Crs Klepner/Bolitho

That Council resume Standing Orders.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Thomann/Klepner

That the Council resolve to:

1. Withdraw the current planning application for the St. Kilda Skate Park proposed in Albert Park reserve.
2. Commit to retain current funding to enable development of a skate park in the near future.
3. 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.
4. Establish a community reference group of key stakeholders and local skater representatives (including young people and 2 Councillors) 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.

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- Consider the criteria and weightings that the reference group agrees appropriate to the assessment process.
 - Consider any additional sites that the reference group agrees appropriate to the assessment process for approval by Council.
 - 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. Apply the approved criteria as the basis for an assessment of the sites indicated in recommendation 3 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 in the shortest possible time.
 - 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.
6. Receive the report of the independent assessor to be presented to Council at the earliest practicable date.

A vote was taken and the MOTION was CARRIED.

ORDER 1 PROPOSED DISCONTINUANCE AND SALE OF A SECTION OF RIGHT OF WAY NO. R2791 (510) AT THE REAR OF 208 ALBERT ROAD, SOUTH MELBOURNE

Purpose

This report is to recommend the discontinuance and sale of a section of Right of Way No.R2791 at the rear of 208 Albert Rd, South Melbourne, pursuant to Clause 3 of Schedule 10 and section 223 of the LGA1989.

MOVED Crs Bolitho/Touzeau

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.
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.

A vote was taken and the MOTION was CARRIED.

ORDER 2 APPOINTMENT OF COUNCILLORS TO INTERNAL AND EXTERNAL COMMITTEES AND BODIES

Purpose

Council annually appoints Councillors to internal and external committees and bodies for 2009.

MOVED Crs Klepner/Thomann

1. That the Council resolve the appointment of Councillors to the internal and external committees and bodies outlined below for 2009:

COUNCIL	Purpose	Membership	Chair
Ordinary Council	Meets monthly to consider reports from the Strategy and Policy Review Committee and to note decisions made by the Statutory Planning Committee.	All Councillors	Mayor

SECTION 86 SPECIAL COMMITTEES COMPOSED ENTIRELY OF COUNCILLORS -	Purpose	Membership	Chair
Strategy and Policy Review Committee	Meets monthly to consider reports from staff on strategy and policy matters and makes recommendations to Council.	All Councillors	Chair to be appointed at the first meeting in 2009
Statutory Planning Committee	Meets monthly and has a delegation from Council to make decisions on planning applications.	All Councillors	Chair to be appointed at the first meeting in 2009

OTHER SECTION 86 SPECIAL COMMITTEES WITH DELEGATIONS	Purpose	Councillors	Community members
Inner Melbourne Action Plan Committee (with Stonnington, Melbourne and Yarra Councils)	Encourages collaboration regionally across eleven regional strategies and 57 actions to address one objective: to make the inner Melbourne region more liveable.	Mayor, Cr O'Connor	N/A
Neighbourhood Programs Committee	Has the discretion to make minor donations and grants to individuals, organisations or community groups	Mayor, Cr O'Connor & Deputy	N/A

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	on behalf of councillors.	Mayor, Cr Klepner	
South Melbourne Market Management Committee	Special committee with delegated powers to oversee South Melbourne Market.	Cr O'Connor, Cr Klepner & Cr Middleton	2
St Kilda's Edge Committee	Special committee with delegated powers. Facilitates delivery of the St Kilda's Edge project as set out in the Urban Design Framework.	Cr O'Connor, Cr Middleton & Cr Thomann	2

ADVISORY COMMITTEES	Purpose	Councillors	Community members
Audit Committee	Reviews internal audits and follows-through to ensure recommendations are implemented. Reviews financial reporting, internal controls, risk management and compliance. This committee is a requirement of the Local Government Act 1989.	Mayor, Cr O'Connor & Cr Klepner	2
Community Grants Assessment Panel	Assesses community grant applications received according to selection criteria, makes recommendation to Council.	Cr Powning & Cr Thomann	4
Community Pulse Steering Committee	Project steering committee for community sustainability indicators.	Cr Touzeau	4-6
Cultural Development Fund Committee	Makes recommendations to Council on granting of cultural grants.	Cr Touzeau	tba
Friends of Suai Community Taskforce	Promotes Friends of Suai program across City of Port Phillip, and promotes community links with Suai. Project steering committee for Council funded initiatives in Suai.	Cr Powning (reserve Cr Touzeau)	15
Healthy & Safer Cities Alliance	Includes range of agencies, supports implementation of Healthy & Safer Cities Plan, also serves as local priority policing committee	Cr Powning	15

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ADVISORY COMMITTEES	Purpose	Councillors	Community members
Hindmarsh Steering Committee	A committee to monitor the Hindmarsh – Port Phillip Friendship Agreement	Cr Bolitho	
Multicultural Forum	A forum for communication between Council & multicultural communities.	Cr Thomann	20+
Multi-Faith Network Steering Committee	Arose from a recommended strategy in the Health & Well Being Strategy.	Cr O'Connor	12
Older Persons Consultative Committee	Advice and advocacy about wellbeing issues affecting older people and policies, plans & services impacting on older people.	Cr Touzeau	12
Sustainable Environment Forum	Forum for community consultation and action in line with Sustainable Environment Strategy.	Cr Touzeau & Cr Middleton	10
Urban Study Consultative Committee	Advises on local history and heritage services, particularly Urban History Centre.	Cr O'Connor (reserve Cr Bolitho)	8

EXTERNAL COMMITTEES	Purpose	No of Councillors
Association of Bayside Municipalities	Group of the 10 councils with coastal frontage to Port Phillip Bay. Any councillor can be appointed.	Cr Bolitho
Drugs Round Table	Representatives from various agencies and services. Operating more as an information network. Previously had a councillor appointment but not essential as now reporting through Healthy & Safer Cities Alliance.	Cr Thomann
Inner Melbourne Community Road Safety Council (Yarra, Stonnington, Melbourne Councils)	Addresses road safety programs in Yarra, Melbourne, Port Phillip areas.	Cr Bolitho
Inner South Metropolitan Mayors Forum	Forum for inner south council mayors	Mayor, Cr O'Connor
MAV Association of Victoria	One representative to be appointed to attend MAV state council on behalf of CoPP.	Cr O'Connor (reserve Cr Klepner)
MAV Strategic Environment Advisory Group	This is an Advisory Committee to the MAV Board to provide policy advice on environmental issues affecting local government.	Cr Middleton & Cr Powning

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EXTERNAL COMMITTEES	Purpose	No of Councillors
MAV Human Services Portfolio Committee		Cr Klepner
MAV Melbourne 2030	Reference Group	Cr Klepner (no reserve)
MAV Transport & Infrastructure Advisory Group		Cr Bolitho (reserve Cr Middleton)
Melbourne Sports and Aquatic Centre Advisory Committee	Provides advice to MSAC. Originated from a Deed of Agreement in 1995. TOR amended 2008 to specify categories and 2-yr tenure for community reps, and number of councillors increased from 1 to 2. Meets 4 times a year. External committee but is administered by CoPP.	Cr O'Connor & Cr Klepner
Metropolitan Transport Forum – 17 Councils	Advocates for effective, efficient and equitable transport in metropolitan Melbourne.	Cr Bolitho (reserve Cr Middleton)
Metropolitan Waste Management Group	Supports implementation of Sustainability Victoria's Waste Wise program and other waste management programs.	Cr Bolitho
Port Phillip Housing Association Ltd – Board of Directors	Trustee company to fund, develop, own and manage community housing under the Port Phillip Housing Trust.	Cr Touzeau
Victorian Local Governance Association	Recent change to membership requires the Mayor to be the representative.	Mayor, Cr O'Connor (reserve Cr Touzeau)

INTERNAL COMMITTEES	Purpose	Councillors
Human Resources Committee	Update Council on organisational issues, changes and plans. Provide a sounding board for ideas from the CEO and Manager, People & Culture.	Mayor, Cr O'Connor & Deputy Mayor, Cr Klepner
Civic Projects and Citizens of the Year Panel	Convenes annually to recommend awards	Cr Powning & Cr Thomann
External Relations Taskforce	Develops strategy to influence government and other stakeholders for high priority Council projects.	Mayor, Cr O'Connor & Deputy Mayor, Cr Klepner

2. That Cr Bolitho be appointed as a member to the Hindmash Steering Committee.

A vote was taken and the MOTION was CARRIED.

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ORDER 3 COUNCIL/COMMITTEE MEETING DATES FOR 2009

Purpose

The purpose of this report is for Council to determine its Council/Committee Meeting timetable for 2009.

MOVED Crs Powning/Thomann

1. That Council adopts the Council/Committee meeting timetable outlined below for 2009.

Strategy and Policy Review Committee Commencing at 6.00pm	Statutory Planning Committee Commencing at 6.00pm	Ordinary Meeting of Council Commencing at 6.00pm
--	--	Tuesday 27 January 2009
Monday 2 February 2009	Monday 9 February 2009	Monday 23 February 2009
Monday 2 March 2009	Tuesday 10 March 2009	Monday 23 March 2009
Monday 6 April 2009	Tuesday 14 April 2009	Monday 27 April 2009
Monday 4 May 2009	Monday 11 May 2009	Monday 25 May 2009
Monday 1 June 2009	Tuesday 9 June 2009	Monday 22 June 2009
Monday 6 July 2009	Monday 13 July 2009	Monday 27 July 2009
Monday 3 August 2009	Monday 10 August 2009	Monday 24 August 2009
Monday 7 September 2009	Monday 14 September 2009	Tuesday 29 September 2009
Monday 5 October 2009	Monday 12 October 2009	Monday 26 October 2009
Wednesday 4 November 2009	Monday 9 November 2009	Monday 23 November 2009
Monday 7 December 2009	---	Thursday 17 December 2009

2. All Council / Committee meetings are to be held in the Council Chamber, First Floor, St Kilda Town Hall, corner Carlisle Street and Brighton Road, St Kilda, or other location as advised.

A vote was taken and the MOTION was CARRIED.

ORDER 4 LUNA PARK INTERCHANGE RENEWAL

Purpose

Provide a status report on potential improvement ideas for this important location.

MOVED Crs Middleton/Bolitho

- 1 That Council notes the progress of the Luna Park Interchange Renewal project.
- 2 That Council request further advice from Council officers and Yarra trams staff prior to formalising support for the design of the Luna Park Interchange Renewal.
- 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.
- 4 That Council progresses 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.

A vote was taken and the MOTION was CARRIED.

**ORDER 5 FAMILY AND CHILDREN'S SERVICES SPECIAL PROJECTS -
PROGRESS REPORT**

Purpose

The purpose of this report is to provide information on the progress of key projects in family and children's services.

MOVED Crs Klepner/Powning

1. The membership of the steering committee for St Kilda and Liardet Street Centres be amended to include two (2) Councillors ie: the Ward Councillor and one (1) additional Councillor plus one representative from Child Care Access Port Phillip.
2. The Lady Forster Kindergarten be advised that a place will continue to be open for them and that they will continue to be advised of all proceedings of meetings of the Liardet Steering Committee.
3. The Executive Director Community Assets and Services, in consultation with the two Councillors be delegated to finalise representation from any additional group/s to be represented in the development of detail design and configuration of each of the Centres and review their terms of reference.
4. That in the context of Council's Child Care Strategy and noting the current increased pressure on child care places, particularly in the Albert Park and South Melbourne neighbourhoods, a feasibility study be developed, with respect to Clarendon Street Centre, to determine the actions, costs and timelines necessary to expand the Centre by up to 20 places and that a sum of \$20,000 be allocated in the mid-year budget review, to undertake this study.
5. That Council commence consultation with Clarendon Child Care Committee of Management on this proposal.

MOVED Cr Bolitho – AMENDMENT

1. The membership of the steering committee for St Kilda and Liardet Street Centres be amended to include two (2) Councillors ie: the Ward Councillor and one (1) additional Council plus one representative from Child Care Access Port Phillip.
2. The Lady Forster Kindergarten be advised that a place will continue to be open for them at and that they will continue to be advised of all proceedings of meetings of the Liardet Steering Committee.
3. The Executive Director Community Assets and Services, in consultation with the two Councillors be delegated to finalise representation from any additional group/s to be represented in the development of detail design and configuration of each of the Centres and review their terms of reference.

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4. That timely advice be provided to Council regarding the feasibility of expanding the Clarendon Street Children's Centre in the context of Council's planning and policy for increasing the provision of childcare in Port Phillip.

As there was no SECONDER to the MOTION, the AMENDMENT was LOST.

A vote was taken and the SUBSTANTIVE MOTION MOVED by Crs Klepner/Powning was CARRIED.

ORDER 7 FEDERAL INFRASTRUCTURE GRANTS

Purpose

To provide Council with information regarding the two Commonwealth Infrastructure Grants for Local Government announced recently by the Prime Minister

MOVED Crs Klepner/Powning

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.

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.

A vote was taken and the MOTION was CARRIED.

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

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.

MOVED Crs Klepner/Touzeau

1. 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.
2. That the Council notes that further advice in writing is to be received from ANAM to confirm continuation of the Occupancy Agreement at SMTH.
3. 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.
4. 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 and that the scope of this project will be clarified with Council in February 2009.
5. That the Council resolve to implement the process to lease part of the vacant 1st 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.
6. That the Council offers a commercial lease for part of the 1st 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.
7. That the Council notes that the floor area required by McKillop Family Services, ie approx 300m², 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.
8. 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.

MINUTES – ORDINARY MEETING OF COUNCIL – 18 DECEMBER 2008

9. That Council write to Minister Garrett seeking clarification of the continuity of funding and corporate structure of ANAM (or otherwise) in light of Ministerial statements reported in the media.

A vote was taken and the MOTION was CARRIED.

Cr Middleton left the meeting at 8.09pm.

Cr Middleton returned at 8.10pm.

MOVED Crs Klepner/Touzeau

That the meeting be closed to members of the public in accordance with Section 89 2 (d) of the Local Government Act 1989).

A vote was taken and the MOTION was CARRIED.

The meeting closed to members of the public at 8.10pm.

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

REFER TO THE CONFIDENTIAL SECTION OF THE MINUTES FOR THE COUNCIL'S
RESOLUTION ON THIS ITEM

MOVED Crs Klepner/Middleton

That the meeting be re-opened to members of the public to consider the remainder of the
agenda.

A vote was taken and the MOTION was CARRIED.

The meeting re-opened to members of the public at 8.13pm.

11. REPORTS BY COUNCILLOR DELEGATES APPOINTED TO OTHER BODIES

Item 1

Cr Klepner advised that it had been the intention of Cr Powning and herself to table a report as to the outcomes of the summit on Community childcare but due to time constraints have been unable to present it tonight.

**Councillors Klepner/Powning to circulate report to all Councillors.*

Item 2

Cr Bolitho advised Council that the most immediate implication of the Victorian Transport Plan is that the Inner Orbital Bus route going through Elwood as part of its journey around the Melbourne Metropolis, is no longer included in the Victorian Transport Plan.

12. URGENT BUSINESS

Nil.

13. CONFIDENTIAL MATTERS

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

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As there was no further business the meeting closed at 8.20pm.

Confirmed: 27 January 2009

Chairperson: _____