



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

26 OCTOBER 2009

**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD ON 26 OCTOBER, 2009 IN THE
COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.04pm.

PRESENT

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

IN ATTENDANCE

Kay Rundle Chief Executive Officer, Sue Wilkinson General Manager Environment and Planning, Vanda Iaconese General Manager Cultural and Community Development, John Hicks General Manager City Infrastructure Services, Mark Brady General Manager Corporate Services, Mike McIntosh Acting Manager Parking, Health and Enforcement, George Borg Manager City Development, Cathy Henderson Manager Governance and Risk Management, Richard Schuster Coordinator Statutory Planning St Kilda/Albert Park, Gary Spivak Housing Development Officer.

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 Powning/Thomann

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 12 October 2009 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME

Item 1

Adrian Jackson asked the following questions:

1. Would Council consider postal voting for the next election?

Mayor Frank O'Connor responded that Council is satisfied by the manner in which elections are held at present.

2. Reference Panels – Is it Council policy that residents are not allowed to observe at these panels?

Mayor Frank O'Connor responded that reference committees are established to work closely with staff to put together material to go out for public consultation, so the process ensures productive and cooperative relationships.

3. In relation to the area at the western end of Fitzroy Street, near the War Memorial, when you cross the road there are new steps on the other side and there appears to be no disabled access. Further along past the memorial the path narrows to a small track and the area has not been properly completed for public access.

Mayor Frank O'Connor responded that this matter would be taken on board and passed on to the relevant staff.

Item 2

John Webster asked the following question:

1. Does the Council conduct regular drills in the event of a terrorist attack?

*Mayor Frank O'Connor referred this to the CEO, Kay Rundle.
CEO Kay Rundle responded that Council has regular emergency management operations which involve different emergency scenarios, one of which is terrorism and these are conducted in conjunction with various emergency services approximately every six months.*

Item 3

Miriam Orwin asked the following question:

1. What was the proposed by-law regarding limiting the amounts of dogs being walked by one person based on?

Mayor Frank O'Connor responded that Council is not making any by-laws, but rather conducting a public consultation regarding how many dogs should be walked by an individual at one time. After public consultation in April/May of 2009 there was clear indication that there was community concern about the number of dogs people were walking (professional dog walkers and otherwise).

2. How and where was the consultation process conducted as I (Ms Orwin) hadn't heard about it?

Mayor Frank O'Connor responded that the consultations were held at various dog parks within the municipality.

Item 4

Phillip James asked the following question:

1. In 1997 there was a Master Plan drawn up for Alma Park. Why hasn't anything from the Master Plan been implemented, such as the Caretaker's House being returned to the public and used as a public facility?

Mayor Frank O'Connor responded that he was not aware of the Master Plan but Councillors will examine it and the answer to this question will be made publicly available.

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

1. 171 Chapel Street And Part 169 Chapel Street And Part 99a Carlisle Street St Kilda
2. Dogs Off Leash – Review Of Submissions
3. 2008/09 Annual Report
4. Research Projects That Support Affordable Housing - Review Of Social Housing Car Parking Demand
5. Proposed Tender Process – Lease of 71A Acland Street

**1. 171 CHAPEL STREET AND PART 169 CHAPEL STREET AND PART 99A
CARLISLE STREET ST KILDA**

The Reverend John Tansey made the following submission on this item:

- Concerned that this application for the Family Centre affects the proposal the Church is about to put to Council for its own development.
- Could the Council implement a review of its parking needs in light of the Green Travel Plan?
- Can the Council reserve its judgment on the reallocation of the 5 parking spaces back to itself?
- Reverend Tansey, representing St Kilda Legal Services, Port Phillip Community Centre, St Kilda Uniting Care and St Kilda Parish Mission, stated that these organisations are concerned that the plans for the Family Centre show part of it will be built on Church land and that the terms of sale have not yet been finalized. Until the negotiation of terms of sale or acquisition is completed, the aforementioned organisations cannot support this project.

Purpose

To consider an application for planning permit to use the property known as 171 Chapel Street, St.Kilda for the purposes of a children's centre.

MOVED Crs Middleton/Powning

- 1.1 That the Responsible Authority, having caused the application to be advertised and having received one objection is of the opinion that the demolition of existing buildings, construction of a two level child care/maternal health centre construction and use of a basement car park and child care centre playground and altered access to a Road Zone Category 1 will not cause material detriment to any person.
- 1.2 That a Notice of Decision to grant a permit be issued for the demolition of existing buildings, construction of a two level building for the purposes of a child care centre, maternal health centre, playgrounds and community facility, construction and use of a basement car park and child care centre playground and altered access to a Road Zone Category 1, subject to the following conditions:
- 1.3 Before the development starts, amended plans and elevations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted to Council but modified to show the following:
 - (a) All alterations required to accord with the requirements of Melbourne Water and VicRoads.
 - (b) All works required in accordance with a qualified arborist's report in relation to protection of the Elm tree's root zone in the vicinity of the proposed basement, to ensure its ongoing health and retention.

- (c) A schedule of external materials and colours, including samples (glass, timber and otherwise) all in a form capable of being endorsed and placed on Council's file.
- (d) The position of the crossover onto Carlisle Street shown repositioned 1.2m to the east.
- (e) Deletion of the stairwell with the municipal office car park and reinstatement of the three spaces that would be otherwise lost.
- (f) Retention of one car space adjacent to the Carlisle Street crossover.
- (g) Modification of the vehicular access to the new basement car park so as to reduce the loss of car parking within the municipal office car park to three.
- (h) Allocation of five spaces within the proposed car park for use by the municipal offices as a replacement for the five spaces lost from the municipal office car park and a further 23 car parking spaces allocated specifically to the proposed child care/maternal health care centre.
- (i) Design of the Carlisle Street crossover to accord with Council's Vehicle Crossover Guidelines to the satisfaction of VicRoads.
- (j) Improved pedestrian sight lines either side of the crossover by way of a solid material from the kerb up to 0.5 m in height and the remainder of the pedestrian accessways having a railing with several parallel members to provide acceptable pedestrian sight lines to the relocated vehicular accessway and the redesign of the pedestrian exit point from the municipal office car park to direct it onto the public footpath rather than the vehicular driveway.
- (k) Disabled car space no.9 relocated to the position of car space no.8.
- (l) Wheel stops replaced by kerb and channel.
 - 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 - 3. Without the further written consent of the Responsible Authority there shall be no more than three maternal health practitioners practising from the centre, 116 places provided in the child care centre, 40 places provided in the playgroup and 100 seats provided in the community facility.
 - 4. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.
 - 5. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority. Any plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
 - 6. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
 - 7. Prior to the commencement of the development hereby permitted the applicant must demonstrate how environmentally-positive features will be incorporated into the development where possible, to the satisfaction of the responsible authority following consultation with Council's ESD officer via completion of either a STEPS assessment or a written Sustainability Statement of the various approaches to sustainability matters included in the development.

8. The car parking areas and accessways as shown on the endorsed plans shall be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.
9. Before completion of the building, the Applicant/Owner must do the following things to the satisfaction of the Responsible Authority:
 - Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development including modifying and line marking kerbside car parking spaces and altering parking signage, all being related to the new vehicle crossover.
 - Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
 - Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.
 - Remove the redundant crossover to Council's specifications with associated costs to be borne by the applicant/owner/developer.
10. Before commencement of the works, a construction management plan must be prepared, including a works program, with the objective of minimising the impact of construction works on the nearby properties to the satisfaction of the responsible authority. The plan must specify the means of reducing the construction impact (at the cost of the applicant) of dust and noise on the nearby properties, and must provide that hours of work be in accordance with any relevant Local Law
11. During the construction of the buildings and works allowed by this permit, the roads and streets adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
12. Before the development begins, either a report from a qualified Arborist is to be submitted to, approved by and to the satisfaction of Council indicating the methods and requirements to ensure retention and survival of the elm tree on the northern portion of 99a Carlisle Street with particular reference to the proximity of the proposed basement car park to the tree's root system.

Melbourne Water conditions:

13. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
14. Finished ground floor levels must be a minimum of 300mm above the applicable flood level.
15. Any entry to the basement carpark (including stairways) must have a non-mechanical apex a minimum of 300mm above the applicable flood level.
16. At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.

VicRoads conditions:

17. The proposed crossover on Carlisle Street shall be constructed to a minimum width of 6.5m at the property line, flared 60 degrees with 3 metre radial turnouts and 1m clearance from any fixed object.
18. There shall be no gate or other obstruction to the movements of vehicles with 6m of the property line.
19. All vehicular movements to and from Carlisle Street shall be made in a forward manner.
20. At no cost to VicRoads and the responsible authority, the developer will be responsible for the relocation of any road furniture and other services that may be required in this work.
21. Worksite traffic management practices for all work undertaken within the road reserve adjacent to the subject property shall be in accordance with VicRoad "Worksite Traffic Management (Roadworks Signing) Code of Practice with includes Australian Standard AS 1742.3 – 2002 "Manual of Uniform Traffic Control Devices – Part 3: Traffic Control Devices for Works on Roads".
22. All works associated with the development are to be completed at no cost to VicRoads and to the satisfaction of VicRoads and the responsible authority.
23. A traffic management plan is to be submitted and approved by VicRoads at least 14 days prior to any works on site.
24. All works within the declared road must be performed at no cost to VicRoads.

(End VicRoads conditions)

25. Before the use commences, a green travel plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must provide detailed advice regarding how traffic movements and staff parking will be managed and identify opportunities for the provision of more sustainable transport options and encouragement of their use.
26. The loading and unloading of good from vehicles must only be carried out on the land.
27. Prior to the commencement of the development, a Waste Management Plan must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
 - The estimated garbage and recycling generation volumes for the whole development.
 - The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
 - The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
 - The path of access for both users and collection vehicles.
 - How noise, odour and litter will be managed and minimised.
 - Approved facilities for washing bins and storage areas.

- Who is responsible for each stage of the waste management process.
28. Prior to the occupation of the buildings, a parking management plan must be prepared and submitted to the satisfaction of the responsible authority, with the objective of maximising the efficiency of the use of the 23 car parking spaces indicated on the endorsed plans in accordance with Condition 1(h) of this permit. The parking management plan must specify each component of the approved use, each component's operating hours and days, specify the total combined car parking demand generated by hour and day, indicate any unused parking spaces which could become available for other uses and the means by which these spaces could be made available to other uses. Once the plan is to the satisfaction of the Responsible Authority, it will be endorsed and form part of this permit. The occupier of the site must ensure that the plan approved under this condition is implemented upon the occupation of the building and continuously complied with to the satisfaction of the Responsible Authority.
29. This permit will expire if one of the following circumstances applies:
- The development and use is not started within 2 years of the date of this permit.
 - The development and use is not completed within 2 years of the date of commencement.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

PART B:

That the Council advises that the proposed car parking provision is satisfactory pursuant to Clause 52.06-1 of the Port Phillip Planning Scheme.

Permit Notes:

If further information is required in relation to Melbourne Water's permit conditions shown above, contact Melbourne Water on 9235 2517, quoting reference 169156.

The applicable flood level for this property that has a probability of occurrence of 1% in any one year is 5.8m to AHD. A licensed surveyor should be engaged to determine the exact effect of the applicable flood level on the property.

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

The applicant/owner would provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

A vote was taken and the MOTION was CARRIED.

2. DOGS OFF LEASH REVIEW

The following speakers made verbal submissions on this item (please note that the minutes do not contain points that had already been raised by previous speakers):

Matthew Jones

- Owns Melbourne Kite Boarding Academy which operates off West Beach in St Kilda, is a resident and has no objection to the dogs off leash area at West Beach.
- No-one in the Kite Boarding community that he has spoken to has a problem with the dogs on the beach.

Liz Burke

- Representing Alma Dogs group.
- The 5 metre rule from cycle paths is impractical and not enforceable.
- Cyclists and dog owners have successfully shared the path in Alma Park West for years with minimal problems.
- It is safer to use the paths to walk dogs as they are well lit and the 5 metre rule will impede the safety of dog owners/walkers.
- West St Kilda Beach is a vital area to exercise dogs off leash– where is the evidence that dogs are damaging the natural vegetation?
- Dog owners form strong bonds whilst exercising their animals and this encourages a wider sense of community.
- Dog owners support the establishment of a reference group comprised of dog owners to discuss a better way forward than currently proposed.

Adrian Jackson

- Suggested moving the dog off leash beach area further up the foreshore to the area between McGregor and Armstrong Streets.
- Says a percentage of dog owners do the right thing, but many don't with regards to controlling their dogs and cleaning up after their dogs.
- Believes all dogs should be on a leash when being walked.

Cameron Abbott

- Concerned about the 4 dog rule in the sense that it deems a limit without any reference to behaviour.
- The impact of the 4 dog rule on the community and particularly on professional dog walkers should be considered.
- Professional dog walkers usually have more experience in handling and controlling dogs
- By temporarily closing areas due to damage to vegetation from extensive dog walking, Council is instilling in officers an arbitrary power to do so without opening up another area for dog walkers to use in the interim.

- The 5 metre rule in the park in the Garden City area makes using the park to exercise a dog almost untenable as it has 3 paths in the park and the area remaining once the 5 metre rule is implemented would be equivalent to cricket strips for dogs to run on.

Anna Lindars

- President of Alma Dogs.
- Shared paths should remain shared, with both cyclists and dog walkers showing mutual care and respect for all path users.
- People should be encouraged to train their animals off leash rather than reducing the areas where dogs can be exercised off leash.
- Believes the focus should be on education not legislation.

Barbara Millar

- Friends come from all over Melbourne to West Beach St Kilda to walk their dogs.
- Kite Boarders are very friendly and tolerant of dogs on the beach.
- Damage to natural vegetation on that part of the beach often occurs from illegal campers and homeless people, not necessarily dogs.

Helen Mutimer

- Opposed to several elements of the Dog Off Leash Review, including the proposed closure of West Beach from Langridge Street, the changes at Pier Road and the 5 metre exclusion rule in parks.
- The closure of West Beach would have a detrimental affect on the social structure of the community.
- The health and wellbeing of both dogs and their owners is dependant upon the availability of off leash areas.
- In many instances the interaction with other dog owners may be the only source of outside contact a person has – this interaction means that at least one group in the community is aware and interested in a person's wellbeing.
- Welcomes the establishment of an Animal Management reference group comprising members of the dog owning community.

Jocelyn Snow

- Wants the current off leash areas to remain so.
- Suggests that cyclists have bells on their bikes or some way of warning dog owners/walkers when they are approaching.
- Port Phillip is well known all over Melbourne for being an ideal place to bring a dog to exercise off leash because of the extensive foreshore and parks.

Koral Denholm

- Proposed that Port Melbourne Beach from Station Pier to Kerferd Road, Middle Park Beach from Kerferd Road to Langridge Street, Elwood Beach and St Kilda Beach be open 5.30am – 9.30am throughout the year to make it more equitable for working people to exercise their dogs off leash on the beach.
- Proposed that Council fix the lighting in Gasworks Park as it is very difficult to be a responsible owner and clean up after your dog when it is too dark to see properly and urged Council to install bags for owners to use.

Miriam Orwin

- With regards to the 4 dog rule, believes it is incumbent upon Council to consider the elderly or frail members of the community with regards to the 4 dog rule as people will quite often walk dogs for people who are unable to do so themselves.
- The term “effective control” is a relative term and is open to interpretation.

Heather Walkerden

- Endorses everything that has been said so far, except for one speaker.

Bronwyn Beder

- Council’s website encourages people to own animals as a way of maintaining a healthy lifestyle but it does not put a lot of money back to the dog owners in the community with regards to extra bins, water fountains and fencing.

Colin MacEwan

- Due to the increase in Port Phillip’s population density, dog off leash areas have been reduced over the years to make way for playgrounds, sports grounds and barbeque areas.
- The Grand Prix robs dog owners of an option to run dogs off leash over summer, when the event is setting up and closing down.
- Feels that a dog that has reached companion standard through training should be able to be walked anywhere off leash within the municipality.

Jonathan Whitelaw

- Concerned about the 4 dog limit and that education of the animals is more important to enforce.
- Professional dog walkers walk those animals that may not otherwise be exercised and the symptomatic problems of dogs that aren’t exercised include excessive barking and general poor health of the animal.

Adam Smith

- Read a poem written by his partner about their dog expressing the joy of having a dog and requesting the areas not be changed.
- Read a poem written by himself about walking in and enjoying Alma Park with his dog.

Steve Clifford

- Supports the call for no changes to be made to the dog off leash areas and wonders what is driving the proposed changes.
- As people work longer hours Council should increase the rights of people to exercise their dogs in the evenings rather than reduce the limitations that already exist.

Glenda Smith

- Uses Garden City to exercise and socialize her dog which allows other residents to do the same.
- Opposed to closing down beaches from dogs.

David Cowie

- Opposed to the 5 metre rule as the path at Albert Park which is currently shared has a 10 kilometre limit whereas there is a bike lane 50 metres away with a 60 kilometre speed limit on Canterbury Road.
- Using the path at Albert Park is safer in the evenings as it is well lit.
- Opposed to closing West Beach to off leash dogs.
- Believes the damage to the vegetation is mostly done by humans rather than dogs and perhaps Council should fence the whole area off so that no one can further destroy the vegetation.

Phillip James

- Alma Park needs stenciling on the ground to make it clear where the cycle path is because as you enter from Dandenong Road the paths are not discernable from each other.
- If the 5 metre rule was introduced in Alma Park it would stop people from using the Elm Avenue as a circuit.

Purpose

This report provides a summary of submissions received in relation to the review of Off Leash Dog Areas.

MOVED Crs Klepner/Thomann

That Council:

1. Notes and receives all submissions received to the Review of Off Leash Dog Areas and the Council Order No 3.

Endorses further investigation of the following issues:

- Options available at West Beach
- Options in relation to the 5m from shared paths
- The viability of a 4 dog on and off leash limit
- Times of access to early morning dog beaches
- Signage improvements
- Further investigation into the process for temporary closures of areas

2. Requests that a report to determine a final position on the Review of Off Leash Dog Areas and the Council Order No 3 be provided to Council on 23 November 2009

Cr Bolitho foreshadowed a motion in the event that the above motion was carried.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Bolitho/Klepner

That Council:

1. Investigates the registration of professional dog walkers.

A vote was taken and the MOTION was CARRIED.

3. 2008/09 ANNUAL REPORT

Purpose:

To give in principle approval of the 2007/08 annual report

MOVED Crs Powning/Middleton

That Council:

- 2.1 Receives the 2008/2009 Annual Report having considered it at this meeting in accordance with the legislative requirements of the Local Government Act 1989.
- 2.2 Makes available to the public copies of the 2008/2009 Annual Report at its three Town Halls, libraries and electronically on the Port Phillip website.

A vote was taken and the MOTION was CARRIED.

**4. RESEARCH PROJECT TO SUPPORT AFFORDABLE HOUSING:
REVIEW OF SOCIAL HOUSING CAR PARKING DEMAND**

Purpose

To adopt the social (public and community) housing car parking rates from the research project, *Review of Social Housing Car Parking Demands* (October 2009); to incorporate the rates into the Planning Scheme through Amendment C61 (Sustainable Car Parking Overlay); and to promote the findings so as to continue to support and facilitate affordable housing in Port Phillip and show national leadership as an advocate and supporter of affordable housing.

MOVED Crs Klepner/Middleton

That Council:

- 2.1 Adopts the following rates from the study by GTA Consultants, *Review of Social Housing Car Parking Demands*, Inner Melbourne (October 2009) to be applied to future statutory planning applications for social housing developments, with discretion for lower rates to be applied if justified on a case by case basis:

| Housing Type | Parking rate (car space to each unit or dwelling) |
|--|---|
| Rooming houses (rooms with shared communal facilities or rooms mixed with bedsits) | 0.09 |
| Older persons' units (1-2 bed) | 0.25 |
| Singles units (1 bed) | 0.19 |
| Family units (2-4 bed) | 0.35 |

- 2.2 Agrees that the rates specified in 2.1 above augment the standard parking rates for residential development identified in the broader Sustainable Transport Policy and Parking Rates Study, 2007 (Ratio Study) and incorporate the rates into the Port Phillip Planning Scheme through proposed Amendment C61 - Sustainable Parking Overlay for application to future social housing developments.
- 2.3 Makes the study publically available.

A vote was taken and the MOTION was CARRIED.

5. PROPOSED TENDER PROCESS – LEASE OF 71A ACLAND STREET, ST KILDA

Purpose:

To propose a short-term extension of the commercial lease agreement for 71A Acland Street, St Kilda, while statutory planning matters related to the outside area are resolved

MOVED Crs Thomann/Powning

That Council:

- 2.1 Approves the tenant occupying the property on a three months over holding basis as provided for in the current lease;
- 2.2 Applies to the Department of Sustainability and Environment seeking approval for a short-term extension of the lease of 71A Acland Street, St Kilda from 30 April 2010 until 28 April 2011;
- 2.3 Authorises the General Manager Corporate Services to execute the lease on behalf of Council;
- 2.4 Resolves to conduct an open, publicly advertised competitive process in order to select the successful tenderer for the site for a lease commencing on or after 29 April 2011;
- 2.5 Resolves to apply for a planning permit for use of that section of O'Donnell Gardens outside the building at 71A Acland St, Kilda for a restaurant and the sale and consumption of liquor all in association with the existing restaurant at 71A Acland St, St Kilda, and a waiver in car parking.

A vote was taken and the MOTION was CARRIED.

7. NOTICES OF MOTION

MOVED Crs Klepner/Powning

1. That Council support the recommendations made by Peter Hanks QC in the *Accident Compensation Act Review – Final Report, 2008*, that:
 - a) Scheme cover under the Accident Compensation Act be extended to municipal councillors by amending the relevant section of the Accident Compensation Act;
 - b) Regulations or guidelines are developed to clarify the circumstances in which councillors would be regarded as acting in the course of their employment; and
 - c) Councillors would only be regarded as employed by the council for the purposes of the Accident Compensation Act and would not be considered employees of the council under other legislation.
2. That Council write to the VLGA, MAV and Minister for Local Government to state their support for these recommendations.

A vote was taken and the MOTION was CARRIED.

7. NOTICES OF MOTION (Cont.)

MOVED Crs O'Connor/Touzeau

That Council:

1. Notes with concern the recommendation from the Planning Committee of the City of Melbourne to adopt a 60 metre height control on St Kilda Road in the section adjacent to the part of St Kilda Road within the City of Port Phillip
2. Writes to the Lord Mayor and Councillors of the City of Melbourne urging them to reinstate the previous planning controls which limited building heights to 36 metres AHD (Australian Height Data) with appropriate set backs and podium requirements.
3. Advise the City of Melbourne that we believe such planning controls will result in the achievement of the appropriate boulevard treatment for St Kilda Road including protecting the vista of the Shrine of Remembrance.

A vote was taken and the MOTION was CARRIED.

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

Nil.

9. URGENT BUSINESS

MOVED Crs Bolitho/Klepner

That the following item be dealt with as a matter of Urgent Business:

UB1. ST KILDA FESTIVAL REVIEW REFERENCE GROUP – YOUTH MEMBERSHIP.

A vote was taken and the MOTION was CARRIED.

UB1. ST KILDA FESTIVAL REVIEW REFERENCE GROUP – YOUTH MEMBERSHIP.

MOVED Crs Thomann/Powning

That Council:

1. Appoints the following applicants who will represent younger people to the St Kilda Festival community reference group:
 - Andrew Picker
 - Bianca White

A vote was taken and the MOTION was CARRIED.

As there was no further business the meeting closed at 8.30pm.

Confirmed: 9 November 2009

Chairperson: _____