



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

28 JULY 2008

**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY
COUNCIL HELD ON 28 JULY, 2008 IN THE COUNCIL CHAMBER,
ST KILDA TOWN HALL**

The meeting opened at 6.01pm.

PRESENT

Cr Cribbes, (Chairperson), Cr Bolitho, Cr Gross (from , Cr Klepner, Cr Logan, Cr Ray, Cr Sait (from 6.05pm), David Spokes Chief Executive Officer, Geoff Oulton Executive Director Community Development & Planning, David Yeouart Executive Director Community Assets and Services, Sally Calder Executive Director Organisation Systems and Support, Paul Smith Manager Environment & Renewal, Jack Crawford Manager Customer Service, Carol Mayell Manager Community Development, Greg Wood Manager Community Services, Mike McIntosh Manager Economic Development, Sam Hewett Manager Asset Services, Ian Hicks Manager Culture and Recreation, David Graffen Property Coordinator, Deidre Pellizzer Coordinator Arts & Festivals, Fiona Blair Coordinator Youth & Recreation.

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

STATEMENT FROM JANET CRIBBES, MAYOR

I confirm that the Councillors support the swift action of the CEO to suspend Council's contract with Mr Nott pending investigations into the alleged corruption of a contractor.

Section 94A(3) of the *Local Government Act 1989* states that the Chief Executive Officer is responsible for appointing, directing, managing and dismissing council staff and for all other issues that relate to council staff.

Nevertheless, we have sought and received confirmation from the CEO that he will keep Councillors fully informed of steps he is taking to ensure the matters are considered seriously and that his full cooperation with the Ombudsman will continue.

The CEO is liaising closely with all Councillors on steps that he will be taking to give us full confidence that such events once investigated are fully acted upon. We await the independent findings of the Ombudsman. We will ensure that the recommendations or improvements are to the fullest extent possible carried out. There are legal impediments to open discussion at this time, but to the extent possible we will keep the community informed.

Finally, the councillors wish to convey to all City of Port Philip staff our appreciation for their high levels of service which they continue to provide our community despite these difficult times.

STATEMENT FROM DAVID SPOKES, CEO

In reference to recent media coverage regarding City of Port Phillip contractor, Mr Ray Nott.

Mr Nott was sourced by an independent recruitment company. The City of Port Phillip had no prior knowledge of his history as recently reported

I am briefing an investigator who will be commissioned by me to investigate the management and conduct of tenders specifically raised in the allegations and other matters deemed relevant. The findings of this investigation will be provided to the police, as appropriate.

We are continuing our full co-operation with the Ombudsman's investigations into a range of procurement matters at the City of Port Phillip.

These allegations are of a serious nature and will be considered in cooperation with the other relevant investigative authorities. I await the findings of these investigations to make any necessary changes and take any further action to address matters raised in such investigations.

Immediate action was taken to reduce any immediate risks to the City of Port Phillip by suspending the City of Port Phillip's contract with Mr. Nott.

The council executive and I are continuing to review all the checks and balances already in place, and our processes, to ensure compliance ahead of the conclusion of the investigations.

Notwithstanding the continuing review of practices, from time to time allegations of poor practice may be leveled at council. These will continue to be investigated appropriately where allegations are made in good faith.

While these investigations and reviews are underway the organisation remains focused on the continuing delivery of services to the community with professionalism and integrity.

Notwithstanding the continuing public interest in the allegations, it is not appropriate for me to make any further public comment on these matters until the investigations are completed in full.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Gross / Klepner

Minutes of the Special Meeting of the Port Phillip City Council held on 23 June 2008 be confirmed.

Minutes of the Ordinary Meeting of the Port Phillip City Council held on 23 June 2008 be confirmed.

Minutes of the Statutory Planning Committee Meeting of the Port Phillip City Council held on 14 July 2008 for noting by Council (previously circulated to Councillors) be noted.

A vote was taken and the MOTION was CARRIED.

3. PETITIONS AND JOINT LETTERS

Item 1

A Petition was received from 29 residents in regards to the replacing of trees along Alma Road.

The Petition states the following:

'We the undersigned understand that the Council intends to replace many existing street trees along Alma Road with Magnolia Grandiflora St Mary.

We request that the Chinese Elm (Ulmus parvifolia) be planted instead of the proposed Magnolia along the street for the following reasons:

- 1. Size: Council's proposed Magnolia grows to about 6m. This is grossly inadequate for the scale of Alma Rd, which used to be a grand avenue with mature plane trees. A grander tree is warranted to reclaim the street's historical presence. The Chinese elm grows to 10-12m (still smaller than the 20m mature plane trees that were removed).*
- 2. Spread/Crown shape: The Magnolia has a busy compact pyramidal form of 3m (a narrow 'blob'). This provides little amenity with its 10m wide dense, rounded crown of spreading branches.*
- 3. Drought Resistance: The Magnolia has only a moderate drought tolerance. The Chinese elm has a high drought tolerance: 'The Chinese elm thrives under drought conditions.*
- 4 Growth Rate: The Magnolia is slow growing; the Chinese elm is medium growing. Since mature trees are being pulled out in the street, a faster growing species should be chosen.*
- 5. Context: Council has successfully planted Chinese elms in residential streets around Alma Rd. This species is ideally situated as street tree; it tolerates compacted, infertile soils and the general environment found in cities and along streets, Not only is the Chinese elm a very attractive tree, but it also requires little maintenance and is very durable'.*

****David Yeouart, Executive Director Community Assets & Services advised that subsequent to the Petition being received by Council, Dwayne Carter Coordinator Parks Services had met with Ms Bonazzi to discuss the issue. Details of the outcome of this meeting are outlined in the attached Supplementary Information paper.***

MOVED Crs Gross / Logan

That Council note the Supplementary Information provided at the meeting.

A vote was taken and the MOTION was CARRIED.

Item 2

Cr Sait left the chamber 6.11pm

Cr Sait returned to the chamber 6.14pm

The following speaker spoke in favour of the Petition:

- David Barrese

A Petition was tabled from 202 residents in regards to a local laws infringement in relation to the balloons on display in the centre nature strip of Canterbury Road, Middle Park – Facing the Penny Farthing Cycle Shops.

The Petition states the following:

'The Council has been harassing the bike shop and has fined it for having the balloons on display in order to force the owner to remove the balloons displayed on the weekend'.

****Geoff Oulton, Executive Director Community Development & Planning advised that a temporary permit has been issued on behalf of the Traders Association rather than individual business to allow for the balloons to be displayed. Mr Oulton noted that the infringement notice that had been issued is currently under review and that Council would expect a more formal application from the Armstrong Street traders (rather than individual business) to display the balloons, and indicated that it is likely that Council will be in support of that.***

4. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

SECTION 173 Agreement between PORT PHILLIP CITY COUNCIL and SARAH JOY HOWSON, to ensure that Condition 3 of planning Permit for land at 367 Danks Street, Middle Park is satisfied.

Planning Permit No. 1124/2007 was issued under delegation on the 16th April 2008.

Condition 3 of the permit required:

'Prior to commencement of the use/development permitted the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The Agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- a) The land shall not be subdivided.*
- b) The two storey structure at the rear shall not be altered to create self-contained accommodation.*
- c) This agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.*

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

Responsible Manager: George Borg, Manager City Development

CONTRACT NO. 0992 between PORT PHILLIP CITY COUNCIL and NATIONWIDE TOWNG SERVICES PTY LTD, to set up a service to remove vehicles via towing. Item not previously considered by Council.

Responsible Manager: Stephen Cooper, Manager Health and Amenity

MOVED Crs Ray / Sait

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 June 2008 and 22 July 2008 is attached for information.

**No formal discussion ensued on this matter.*

6. PUBLIC QUESTION TIME

Item 1

Peter Holland asked the following questions:

1. *Will the Council make available on its website the Memorandum of Understanding between the Council and the General Management Team as adopted in June 2002 and revised in February 2004?*
2. *Will the Council stand down the CEO on full pay until the Ombudsman has reported on his inquiry into tendering practices of the Port Phillip Council and the Council has completed its internal inquiries?*

Cr Cribbes responded to the respective questions as follows:

1. ***The Memorandum of Understanding is actually the Collaborative Governance Framework that we developed as a new Council, it is displayed on the Council website and outside the Council Chamber. Cr Cribbes noted that the Collaborative Governance Framework supersedes the Memorandum of Understanding.***
2. ***The answer is no.***

Item 2

Sue Humphries asked the following question:

What steps will Councillors take to restore the Council's credibility? Firstly with the community that you have the ability and resolution to get on top of this, and secondly to restore credibility with contractors, suppliers and stakeholders that they are participating on a level playing field? What additional processes are in place or being put in place, to prevent future alleged questionable tendering arrangements?

Cr Cribbes responded as follows:

To reiterate the statement that was read out earlier, it is part of the process that we are undertaking. Given that it is under investigation, we are not able to make any comments. As Councillors, we are satisfied with the way that this has been handled by the CEO and the processes that we are following are in accordance with our policies.

Item 3

Ms Lauris Pandolfini asked the following question:

Two months ago, when the Shahbaz affair was revealed, you gave assurance that all of that was in the past, and that the resultant restructure was on track and you asked us to all look to the future. So I just want to know if you can give us a reassurance how we know we are on track and what you have actually done to monitor and review the effectiveness of those steps?

The Chief Executive Officer advised:

There are a number of matters that have already been put in place that Councillors are aware of and it might be useful for me to touch on these briefly as I do think they provide some answers to the two previous questions. Over the last six months:

- ***We have developed a new compliance handbook and training for all managers and coordinators in the organisation.***
- ***Council approved in the budget the establishment of a new corporate Planning and Performance Department specifically focused on strengthening all of our internal processes including strategic procurement.***
- ***We have implemented a new system of Performance Metrics and Key Performance Indicators. A process for monitoring and reviewing expenditure against all of our major vendors has been in place for the past 6months.***

Following the allegations on Friday and in addition to the other measures mentioned, I have suspended all existing tenders pending an overview by an independent probity auditor that they are appropriate to proceed. The preliminary indication of that is that there are no issues there and we expect that to be able to continue. This is a very specific measure designed to assure all of our contractors and suppliers that they can do business with the City of Port Phillip with confidence and I am sure that is the case.

Cr Gross queried how long the probity audit would take.

The Chief Executive Officer advised:

We expect the probity audit to be quite immediate. That is in addition to the more extensive investigation that is being undertaken.

Item 4

Mr Paul Morgan asked the following questions:

1. *The findings of a Tendering Review were reported by the Audit Committee to Council in May 2008. The Internal Auditor advised that there were adequate policies and procedures in place. The question is, why did the Internal Auditor not uncover irregularities concerning the alleged Shahbaz and Nott tendering incidents?*

The Chief Executive Officer advised:

The results of the Internal Audit have been reported to Council previously and I am happy to provide information and circulate to Mr Morgan. This information outlines the scope of that audit, what its findings were and what action has been taken to implement its findings which suggested some minor improvements in some of our processes.

2. *The Internal Auditor also stated that there were a low number of observations coming out of the review; and the majority of observations were of low risk and one of significant risk. What was the observation of significant risk? How has that been dealt with?*

The Chief Executive Officer advised:

I will provide an answer to this question in the information referred to earlier in part 1.

Item 5

Ms Helen Halliday asked the following questions:

In June 2007, The Age quoted Dr Peter Fisher the author of the Council-commissioned report on the impact of climate change on the coastal areas of the City of Port Phillip. In that report he expressed concern about whether proper consideration had been given to the problems of flooding from storm surges as expected as a result of climate change. Has that assessment been done in relation to the proposal for the Triangle Site and if so, what comfort can it provide to the developer and the community on this issue? Who would be of a legal liability for the exposure to risk for the infrastructure on the Triangle Site, is it the Council or is it the developer?

The Chief Executive Officer advised:

As I have previously advised Council, the risks in those situations flow to the developer not to the Council. Secondly, as part of their tender preparation, the developer conducted a review of the flood mitigation arrangements. Thirdly, the report that you refer to was on our website and I personally drew that to the attention of the developer and they are fully aware of all of that information.

Item 6

Mr Shane Dowling asked the following questions:

In relation to the current media in respect to what has been allegedly been happening at the Port Phillip Council, I ask the following questions in relation to the proposed 121 Liardet Street, Port Melbourne development:

1. *Did Council consider a tender process to identify suitable developers of the site rather than singling out the Port Phillip Housing Association for preferred treatment?*
2. *Did Council, before making any preliminary decisions, seek legal advice as to the appropriate manner to select such a developer?*
3. *If legal advice was sought, what was the advice given regarding the issue of tendering?*
4. *Is Gary Spivak a current Director with the Port Phillip Housing Association?*
5. *Does Gary Spivak hold another position within the Port Phillip Housing Association?*
6. *Is Gary Spivak a current employee of the Port Phillip Council?*
7. *If Gary Spivak is so employed by the Port Phillip Council, what is his title and what is his job description?*
8. *Is Council aware of any external positions Gary Spivak holds? For example, Directorships, employment or honorary positions with other organisations?*

Cr Cribbes advised that Council will take these questions on notice and provide a written response to Mr Dowling.

Item 7

Ms Krystyna Kynst asked the following question:

Mayor and Councillors, on a scale of 1 (poor) to 5 (best practice), how would you rate your Council's due diligence process when employing contractors.

The Chief Executive Officer advised:

I would like to make one observation in regards to Krystyna's question and that is that the tendering guidelines and the contract process we have in place are constantly reviewed and they are based on best practice. What we have is an allegation that they weren't adhered to, that needs to be investigated. We do not know the conclusion of that but I can say contrary to what was reported in the paper, the contract was not awarded by one individual – there was a panel of four people including two independent external people (consistent with our guidelines) who had that responsibility. Beyond that, as I said before it is not appropriate for me to say anything else. I am concerned at the imputations people are drawing. I have confidence in the staff of this organisation and I have confidence that we will fully investigate it and we will implement whatever the findings are within our power to do so.

Item 8

Mr Serge Thomann asked the following questions:

1. *Where are we with the St Kilda Triangle development and when we can expect a release?*

Cr Cribbes advised they are under review at the moment and they will be released as soon as they have been reviewed.

2. *Does BBC have committed and guaranteed financing for the proposed Triangle development?*

Cr Cribbes advised Mr Thomann to ask BBC that question.

3. *Is the Council continuing to spend Council resources on the project when finances have not been committed?*

The Chief Executive Officer advised:

That is an incorrect statement. The finance has been committed as a part of the Development Agreement. In order to satisfy all the conditions of the contract, that continues to be a requirement and needs to be in place and nothing has changed subsequently.

4. *When the revised Development Plan has been finally signed off, could the BBC consortium be able to sell on the Development Plan?*

Cr Cribbes advised Mr Thomann that he had asked this question several times and the answer was no.

5. *Can you reassure that the Triangle tender was in no way tainted by the fact that at around the same time two other major incidents point to a tender process that is in stress?*

Cr Cribbes advised yes.

Item 9

Ms Anna Griffiths asked the following question:

In the light of recent reported allegations about actions to do with the awarding of tenders and the contractor who is under investigation, can you say that the CEO has built a resilient culture of respect and integrity in the City of Port Phillip?

Cr Cribbes advised yes and stated that this was on behalf of all Councillors.

Item 10

Mr Paul Coghlan asked the following questions:

My question relates to a statement made by the President of the MAV that there is no corruption in local government in Victoria. Do you stand by that comment, given the allegations at Maribyrnong, Yarra, Brimbank and now, Port Phillip?

Cr Gross advised:

What I said was that the Ombudsman had conducted an inquiry into conflict of interest provisions and had found no evidence. He came up with five anecdotes which were disturbing but there was no evidence of corruption. He said there was evidence of a potential for corruption in some of the structures which need reform, but there was no evidence which he could find in that report.

Have those potentials for corruption been dealt with in the City of Port Phillip?

Cr Cribbes advised they are currently under investigation and we will have a full report once those investigations are completed by the Ombudsman.

Item 11

Ms Teresa Warren asked the following question:

Whenever there is any story regarding parks or open spaces, can the full location of them be mentioned because I can't remember a lot of the different parks just by their names alone?

Cr Cribbes noted that this was a very good suggestion and that Council Officers would take it on board.

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 HELD AT THE ST KILDA TOWN HALL ON 7 JULY 2008

The following items were MOVED in block by Crs Gross/Bolitho:

- A1 GREEN ENERGY SUPPLY FOR PUBLIC LIGHTING AND COUNCIL FACILITIES
- A3 FORESHORE BINS SERVICE STRATEGY
- A5 DRAFT CARLISLE STREET ACTIVITY CENTRE STRUCTURE PLAN AND URBAN DESIGN FRAMEWORK
- A6 AMENDMENT C57 PART 2 – CONSIDERATION OF PANEL REPORT
- A7 CITY OF PORT PHILLIP – EVENT STRATEGY 2008

Discussion took place in relation to the following items:

- A2 EDDINGTON STUDY – INVESTING IN TRANSPORT
- A4 CITY OF PORT PHILLIP BUSINESS SPONSORSHIP GUIDELINES
(SEE SUPPLEMENTARY REPORT)
- A8 USE OF COUNCIL RESERVES BY COMMERCIAL HEALTH AND FITNESS GROUPS AND PERSONAL TRAINERS
(SEE SUPPLEMENTARY INFORMATION)

The following items were MOVED in block by Crs Ray/Gross:

- A9 CITY OF PORT PHILLIP – CREATIVE FUTURES STRATEGY 2008
- A10 YOUTH DEVELOPMENT STRATEGY 2008
- A11 CITY OF PORT PHILLIP DRAFT ALCOHOL ACTION PLAN
- A12 HOMELESSNESS ACTION STRATEGY 2008 - 2013 - DRAFT PLAN
- A13 ST KILDA'S EDGE COMMITTEE UPDATE REPORT
- A14 REVIEW OF LOCAL LAW NO. 3 – CONSIDERATION OF SUBMISSIONS IN RESPONSE TO ADVERTISING
- A15 HINDMARSH PORT PHILLIP FRIENDSHIP AGREEMENT
- A16 PROPOSED DISCONTINUANCE & SALE OF A SECTION OF DRAINAGE RESERVE ABUTTING 73 TENNYSON ST, ELWOOD
- A17 PROPOSED LEASE AGREEMENT TO REGIONAL ARTS VICTORIA LTD - 147A LIARDET STREET, PORT MELBOURNE
- A18 FINAL REPORT - REDEVELOPMENT OF THE ST KILDA TOWN HALL

A1 GREEN ENERGY SUPPLY FOR PUBLIC LIGHTING AND COUNCIL FACILITIES

Purpose

To increase understanding of the renewable energy industry and to outline the optimal role the purchasing of green energy should play in reducing the City of Port Phillip's reliance on coal-fired electricity.

MOVED Crs Gross / Bolitho

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Commence a tender process for 25% renewable energy purchase for its un-metered (public lighting) sites immediately.
2. Maintain its existing 25% renewable energy purchase for its metered (buildings) sites.
3. Review the 25% green power purchase for its metered and un-metered sites, and review this level on an annual basis.
4. Council purchase green power in accordance with the criteria outlined in Attachment 3 of this report.
5. Continue to monitor, and engage as necessary, in the street lighting debate, with a view to understanding the most cost effective and green house gas abatement effective management strategy.

A vote was taken and the MOTION was CARRIED.

A3 FORESHORE BINS SERVICE STRATEGY

Purpose

To outline a service strategy for foreshore bins.

MOVED Crs Gross / Bolitho

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Receive and note the Foreshore Bins Service Strategy.
2. Note the purpose of the Foreshore Bins Service Strategy is to:
 - 1.1 Improve the customer experience by providing greater alignment with community expectations (e.g. provision of recycling bins, consistent bin locations, sufficient supply).
 - 1.2 Strengthen the urban design response for the foreshore.
 - 1.3 Improve Council's operational and maintenance management for this service.
3. Adopt and implement the Foreshore Bins Service Strategy as shown in Attachment 1 to this report.

A vote was taken and the MOTION was CARRIED.

A5 DRAFT CARLISLE STREET ACTIVITY CENTRE STRUCTURE PLAN AND URBAN DESIGN FRAMEWORK

Purpose

To present the draft Carlisle Street Activity Centre Structure Plan and Urban Design Framework to Council for the purpose of public consultation.

MOVED Crs Gross / Bolitho

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Endorse the draft Carlisle Street Activity Centre Structure Plan and Urban Design Framework for the purpose of undertaking public consultation.
2. Undertake public consultation on the draft Carlisle Street Structure Plan and Urban Design Framework for a period of 6 weeks during August and September 2008.
3. Require that the draft Carlisle Street Activity Centre Structure Plan and Urban Design Framework be considered in the assessment of planning applications within the Structure Plan area, and in particular for the key strategic sites identified within these documents.
4. Authorise the Executive Director, Community Development and Planning, to make any minor changes to the draft Structure Plan, necessary to clarify its intent, prior to community consultation.

A vote was taken and the MOTION was CARRIED.

A6 AMENDMENT C57 PART 2 – CONSIDERATION OF PANEL REPORT

Purpose

That Council considers the recommendations of the Panel in relation to Amendment C57 Part 2 and resolves a position on each.

MOVED Crs Gross / Bolitho

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Adopt Amendment C57 Part 2 with changes recommended by the Panel (presented in the re-drafted DDO18 schedule at Attachment 2) by changing the exhibited maximum front wall height for the eastern residential precinct (between Pine Avenue and St Kilda Street) from 10 metres to 10.5 metres.
2. Resolve to prepare an amendment to the Port Phillip Planning Scheme to make the following changes recommended by the Panel:
 - 2.1. Introduce a discretionary provision precluding car parking in the frontage setback in the westernmost residential precinct (between Byrne Avenue and Beach Avenue).
 - 2.2. Introduce the qualification to the balustrading provision in the 'Design Requirements relating to the commercial precincts (Elwood Junction and Elwood Village).
3. Note that the changes referred to in 2. will be incorporated into a proposed 'corrections' amendment (to be known as Amendment C74) which will be presented to Council in the August cycle of meetings together with a recommendation that the Minister grant an exemption from notice under Section 20(2) of the *Planning and Environment Act 1987* for this amendment.
4. Include a foreword to the Ormond Road Urban Design Guidelines which outlines the reasons for the difference in the front wall height from 10 metres (as proposed in the Guidelines) to 10.5 metres (as approved by the Department of Planning and Community Development as part of Amendment C57 Part 1 and recommended for adoption by the Panel).
5. Authorise the Executive Director, Community Development and Planning, to finalise the amendment documentation.

A vote was taken and the MOTION was CARRIED.

A7 CITY OF PORT PHILLIP – EVENT STRATEGY 2008

Purpose

This report presents Council with the proposed *Event Strategy and Commitment Statement*.

MOVED Crs Gross / Bolitho

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Seek public comment on the draft Event Strategy from the end of July 2008, with the final draft to be referred to the Council for consideration in the September 2008 meeting cycle.

A vote was taken and the MOTION was CARRIED.

A2 EDDINGTON STUDY – INVESTING IN TRANSPORT

Purpose

To consider Council's response to the Eddington Study.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Consider the '*Eddington Study – Investing in Transport*':-
 - 1.1 Strongly support the proposals which increase the capacity of the greater Melbourne public transport system
 - 1.2 Not support the East West Road Tunnel
 - 1.3 Strongly support the proposals which increase rail freight mode share
 - 1.4 Strongly support the statement within the '*Eddington Study – Investing in Transport*' document '*Should Webb Dock be developed in the future as an international container port, it must be configured from the outset to provide rail connections that maximise rail efficiency*'
 - 1.5 Note the opportunity of urban renewal for the St.Kilda Junction site as a component of the metro-rail tunnel proposal.
 - 1.6 Strongly support the proposals seeking to increase the efficiency of motor vehicles
 - 1.7 Seek assurances from the State Government that funding for EWLNA projects will be in-addition to funding previously committed to the '*Meeting our Transport Challenges*' strategy
 - 1.8 Support the early implementation of the suggested improvements to the bicycle network, funded by State Government.
 - 1.9 Oppose East-West Link Needs Assessment (EWLNA) recommendation 18 to recoup costs of the road tunnel from beneficiaries via local government rates or levies and amend Attachment 2 appropriately
 - 1.10 Request the Executive Director Community Development and Planning to finalise Council's formal response consistent with the dialogue and recommendations contained in this report and attachments and submit before the 15 July 2008.

A vote was taken and the MOTION was CARRIED.

**A4 CITY OF PORT PHILLIP BUSINESS SPONSORSHIP GUIDELINES
(SEE SUPPLEMENTARY REPORT)**

Purpose

To provide a set of guidelines to frame efforts on developing and managing sponsorship and partnership opportunities across the organisation.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Endorse the amended attached business sponsorship guidelines (version 2.0) to ensure the City of Port Phillip has a uniform approach to considering future sponsorship / partnerships that compliment commitments to the four pillars of sustainability.

A vote was taken and the MOTION was CARRIED.

**A8 USE OF COUNCIL RESERVES BY COMMERCIAL HEALTH AND FITNESS GROUPS AND PERSONAL TRAINERS
(SEE SUPPLEMENTARY INFORMATION)**

Purpose

This report discusses the use of Council reserves, by commercial health and fitness groups and personal trainers, it proposes regionally developed general principles, which will guide Council's management of these activities.

MOVED Crs Bolitho / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Note this report on the use of Council reserves by commercial health and fitness groups and personal trainers.
2. Endorse the proposed general principles for the use of Council reserves by commercial health and fitness groups and personal trainers.
3. Endorse the guidelines for the use by City of Port Phillip in the management and administration of reserves by commercial health and fitness groups and personal trainers.
4. That the Council receive and note this report regarding the feedback received and consider this in the context of the information provided to the strategy and policy review committee on the 7th July 2008.

A vote was taken and the MOTION was CARRIED.

A9 CITY OF PORT PHILLIP – CREATIVE FUTURES STRATEGY 2008

Purpose

This report present council with the Creative futures Strategy and Commitment Statement 2008.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Seek public comment on the draft Creative Futures Strategy, with the final draft to be referred to the Council for consideration in the September 2008 meeting cycle.

A vote was taken and the MOTION was CARRIED.

A10 YOUTH DEVELOPMENT STRATEGY 2008

Purpose

The purpose of this report is for Council to consider for endorsement the Youth Development Strategy 2008 as a model of the City of Port Phillip's continued commitment to young people.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Seek public comment on the draft Youth Development Strategy from the end of July 2008, with the final draft to be referred to the Council for consideration in the September 2008 meeting cycle.
2. That Council thanks the community sector for their extensive work and contribution to the draft Youth Development Strategy.

A vote was taken and the MOTION was CARRIED.

A11 CITY OF PORT PHILLIP DRAFT ALCOHOL ACTION PLAN

Purpose

For Council to endorse the updated 2008 Nightlife Policy principles, the four objectives of the draft City of Port Phillip Alcohol Action Plan and the current strategies that it contains.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. That the Council resolves to endorse the updated 2008 Nightlife Policy principles, the four objectives of the draft City of Port Phillip Alcohol Action Plan and the current strategies that it contains, as contained in the attachment.
2. That Council reviews the feedback from our community consultation, the findings from our exploration into new strategies and receives a final Alcohol Action Plan during the September cycle with a process of review and monitoring over the next 12 months.

A vote was taken and the MOTION was CARRIED.

A12 HOMELESSNESS ACTION STRATEGY 2008 - 2013 - DRAFT PLAN

Purpose

The Report introduces the draft Homelessness Action Strategy 2008 - 2013 which outlines key objectives and associated actions for endorsement by Council for the Strategy to be distributed for public comments during August 2008.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Endorse the Draft Homelessness Action Strategy 2008-2013 to seek further public comment and to receive the final draft for consideration in the September Council meeting cycle.

A vote was taken and the MOTION was CARRIED.

A13 ST KILDA'S EDGE COMMITTEE UPDATE REPORT

Purpose

To update council on progress with implementing the St Kilda Urban Design Framework.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Note the significant progress to date on the implementation of the St Kilda Foreshore Urban Design Framework, including the amended financial information (as attached)
2. Endorse the current membership and proposed new member of the St Kilda's Edge Committee.
3. Receive a further annual report on the business of the St Kilda's Edge Committee in July 2009, and in the mean time, receive reports from the St Kilda's Edge Committee on any matters of significance to the Council.

A vote was taken and the MOTION was CARRIED.

A14 REVIEW OF LOCAL LAW NO. 3 – CONSIDERATION OF SUBMISSIONS IN RESPONSE TO ADVERTISING

Purpose

The Local Law has been reviewed to enable better and more consistent enforcement of amenity issues across the municipality.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. That the Council in accordance with Section 119 of the Local Government Act 1989 (“the Act”), give notice in the Government Gazette and a public notice to advise of the making of a Local Law, the Community Amenity (Amendment) Local Law No 1 of 2008 and of alterations to the Procedures and Protocols Manual.
2. That the notices in 8.1 be in the general form of the attached notice (attachment 4).
3. That pursuant to Section 119 of the Act a letter is sent to the relevant Minister, with a copy of the new Local Law.

A vote was taken and the MOTION was CARRIED.

A15 HINDMARSH PORT PHILLIP FRIENDSHIP AGREEMENT

Purpose

This report outlines the implications of the signing of a formal Friendship Agreement between the City of Port Phillip and the Shire of Hindmarsh.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to endorse the Hindmarsh - Port Phillip Friendship Agreement as follows:

STATEMENT OF PURPOSE AND OBJECTIVES

The Shire of Hindmarsh and the City of Port Phillip in establishing a Friendship Agreement aim to achieve collaboration, connection and understanding, between their respective rural and inner urban communities.

The Friendship Agreement seeks to facilitate exchanges and partnership arrangements to achieve this aim. The Agreement is focused on sharing knowledge and expertise to achieve benefits to both parties – skill development, cultural development, and to connect diverse communities.

The agreement is designed to provide a framework within which the Councils will facilitate the development of a relationship between their respective communities.

AREAS OF COMMON INTEREST

The Shire of Hindmarsh and the City of Port Phillip will explore collaborative projects in some or all of the following areas:

- 1 Environmental sustainability and adapting to climate change*
- 2 Arts, culture, youth and healthy communities*
- 3 Economic development and tourism*
- 4 Governance policies and practices*
- 5 Community connections and participation in civic life*
- 6 Staff development*
- 7 Information technology systems and applications*
- 8 Business processes*

TYPES OF EXCHANGES

The following list of potential activities is a guide to practice:

- Mentoring to assist management and officer skills and technical expertise;*
- Forums to discuss specific technical or planning issues (e.g., Waste Management Forum, Community Consultation Forum)*
- Carbon emission trading programs;*
- Mayor and Executive leadership forums;*
- Shared projects;*
- Site visits;*
- Joint problem solving;*
- Mutual assistance during periods of natural disaster.*

MONITORING OF AGREEMENT

It will be necessary to establish a Steering Committee, with representation by one or two Councillors from each Council, and at least two community members. A Council officer will be identified from each organisation to be the executive support to the Committee.

The role of the Committee will be to:

- Identify specific projects for implementation.*
- Identify community resources to support the successful execution of projects.*
- Suggest solutions to practical matters such as transport, accommodation, materials.*
- Facilitate joint community activities and initiatives.*
- Where necessary, source funds to support the achievement of projects.*

The Steering Committee should also have the role of overseeing the monitoring and effectiveness of the Friendship Agreement, and presenting an annual report to the Councils. The report will identify projects that have been completed, or are currently being developed, and will answer questions such as:

- are the objectives being achieved?*
- can things be improved and if so, how?*
- do the benefits exceed the total costs?*
- should the relationship continue?*

The partnership reports its progress and achievements to both participating Councils and communities.

SOME SPECIFIC PROJECTS TO BE PROGRESSED:

The following projects were identified in a joint planning session of the two Councils as being worthy or further progress:

- Art exchanges*
- A fencing day at Perce White Reserve.*
- Participation in tree planting*
- Country sailing exchanges*
- Museum visit*
- Women in leadership discussion forum*
- Youth exchanges*
- Landcare link*
- Business to business links*

TERM OF AGREEMENT

The current agreement is for a 1 year period to be reviewed in 2009 following the election of new Councils.

A vote was taken and the MOTION was CARRIED.

A16 PROPOSED DISCONTINUANCE & SALE OF A SECTION OF DRAINAGE RESERVE ABUTTING 73 TENNYSON ST, ELWOOD

Purpose

This report is to finalise the discontinuance and sale of a section of Drainage Reserve abutting 73 Tennyson St, Elwood.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. That the statutory procedures to discontinue the section of Drainage Reserve abutting 73 Tennyson St, Elwood, be completed. That the land from the reserve be sold to the owners of 73 Tennyson St, Elwood, subject to the land being consolidated to the property, and noting that a draining easement will be created.

A vote was taken and the MOTION was CARRIED.

**A17 PROPOSED LEASE AGREEMENT TO REGIONAL ARTS VICTORIA LTD -
147A LIARDET STREET, PORT MELBOURNE**

Purpose

To update Council on the proposed lease.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. To commence the statutory procedures under Section 190 of the Local Government Act ("the Act") and publish a notice in local newspapers inviting interested parties to make a submission under Section 223 of the Act for the proposed lease of 147A Liardet Street, Port Melbourne to Regional Arts Victoria Ltd on the following terms:
 - Area: Approximately 220 square metres (Part of the land comprised in Certificate of Title Volume 09830 Folio 297).
 - Permitted use: Offices – but excluding the retail sale or hire of goods or the retail provision of services.
 - Term: One year.
 - Options: Four further terms of one year each.
 - Rental: \$50,000 per annum including GST.
 - Rental Reviews: Annually. Standard 3% adjustment.
2. To appoint its Strategy and Policy Review Committee to hear and consider any submissions made under Section 223 of the Act at its meeting to be held on 1 September 2008.

A vote was taken and the MOTION was CARRIED.

A18 FINAL REPORT - REDEVELOPMENT OF THE ST KILDA TOWN HALL

Purpose

To present to council a final report on the redevelopment of the St Kilda Town Hall.

MOVED Crs Ray / Gross

That Council having considered the recommendation of the Strategy and Policy Review Committee resolve to:

1. Continue with the Accommodation Steering Committee to oversee the redevelopment of the Town Hall - South Melbourne.
2. Note the final report from the project manager Burns Bridge on the redevelopment of the St Kilda Town Hall and the final estimated total project expenditure of \$21,692,492, which represents \$744,222 (4%) over-expenditure to budget.
3. Delegate the Executive Director, Community Assets and Services to transfer savings made, within the current Capital Program, from other capital projects to cover the final shortfall, expected to be in the order of \$744,222 or less.

A vote was taken and the MOTION was CARRIED.

**8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST
KILDA TOWN HALL ON 14 JULY 2008**

Note: Business items B1 and B2 were resolved by the Statutory Planning Committee held on 14 July 2008 in accordance with Section 86 of the Local Government Act 1989.

B3 DELEGATE REPORT

Purpose

To present Council with a summary of all Planning Permits issued under Delegation.

MOVED Crs Gross / Logan

That the Council receive and note the report regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED.

10. ORDERS OF THE DAY

ORDER 1 SERVICE PROMISE

Purpose

The purpose of this report is to seek Council endorsement of the City of Port Phillip's Service Promise for 2008-9 and adoption of the strategy for its publication and ongoing development.

MOVED Crs Ray / Sait

That the Council endorse the Service Promise 2008-09 as outlined in the printed leaflet (Attachment 1).

A vote was taken and the MOTION was CARRIED.

9. CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

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

Nil.

12. URGENT BUSINESS

Nil.

MOVED Crs Bolitho / Sait

That the meeting be closed to members of the gallery 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 the public at 7.09pm.

13. CONFIDENTIAL MATTERS

A19 PROPOSED LEASE AGREEMENT – 147 LIARDET STREET, PORT MELBOURNE

Please refer to the Confidential Section of the Minutes for Council's resolution on this item.

As there was no further business the meeting closed at 7.15pm.

Confirmed: 25 August 2008

Chairperson: _____