



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

28 MAY 2007

MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD ON 28 MAY 2007 IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL

The meeting opened at 6.06pm.

PRESENT

Cr Bolitho (Chairperson), Cr Cribbes, Cr Klepner, Cr Gross, Cr Logan, Cr Sait, David Spokes Chief Executive Officer, Geoff Oulton Executive Director Community Development and Planning, Greg Wood Acting Executive Director Community Assets and Services, Ian Hicks Manager Culture & Recreation, Mike McIntosh Manager Economic Development, Paul Smith Manager Environment & Renewal, David Harper Coordinator Foreshore, Ann Cremean Coordinator Open Space Planning, Eva Parkin Business & Trader Liaison.

In the spirit of Reconciliation, the Chairperson acknowledged the people and elders of the Eastern Kulin Nation, who have traditional connections and responsibilities of the land on which Council meets.

1. APOLOGIES

MOVED Crs Cribbes/Logan

An apology be received, and leave of absence granted to Cr Ray.

A vote was taken and the MOTION was CARRIED.

2. CONFIRMATION OF MINUTES

MOVED Crs Cribbes/Gross

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 23 April 2007 be confirmed.

That the Minutes of the Special Meeting of the Port Phillip City Council held on 7 May 2007 be confirmed.

That the Minutes of the Special Meeting of the Port Phillip City Council held on 21 May 2007 be confirmed.

That the Minutes of the Statutory Planning Committee Meeting of the Port Phillip City Council held on 14 May 2007 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 has been received from 29 residents requesting changes to parking conditions, Ferrars Street (between Park St and Bank Street) South Melbourne.

The Petition requests the following:

'Alteration of parking restrictions along 286-312 Ferrars Street, South Melbourne (between Park Street and Bank Street), and opposite side of the street, from "4 hours 8.00am-6.00pm Monday-Friday" to the following schedule:

On the 286-312 Ferrars Street side "2 hours 8.00am-Midnight Monday-Thursday, Saturday and Sunday", "2 hours 8.00am-6.00pm and 'Permit only' 6.00pm-Midnight on Friday", and that half of the spaces on the light rail side (commencing from Park Street) be altered from 4 hours to "2hrs 8.00am-Midnight".

****Copy of Petition has been forwarded to Paul Smith Manager Environment & Renewal and Geoff Oulton Executive Director Community Development & Planning for information.***

****The Mayor noted the Petition received from residents of Ferrars Street and precinct and that Council notes that discussions have been ongoing between Council officers, the Ward Councillor and resident representatives and further an implementation plan has been agreed to and is currently being implemented.***

4. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and GOLD'S BOOK & GIFT COMPANY PTY LTD, for the sale of land (right of way) at the rear of 3-13 William Street, Balaclava.

Item previously considered by Council in February 2006.

Responsible Manager: David Elson, Acting Manager Asset Services

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and JOHN RICHARD PETER LEWISOHN and PENELOPE MARGARET ALICE LEWISOHN, for the sale of land (right of way) abutting 95 & 97 Cobden Street, South Melbourne.

Item previously considered by Council in November 2006.

Responsible Manager: David Elson, Acting Manager Asset Services

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and PAITARIDIS INVESTMENTS PTY LTD, for the sale of land (right of way) at the rear 195 Ross Street, Port Melbourne.

Item previously considered by Council in November 2006.

Responsible Manager: David Elson, Acting Manager Asset Services

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and KASMENT PTY LTD, for the sale of land (right of way) at the rear 25-29 Alma Road, St Kilda.

Item previously considered by Council in December 2006.

Responsible Manager: David Elson, Acting Manager Asset Services

PROGRAM FUNDING AGREEMENT between PORT PHILLIP CITY COUNCIL and COMMONWEALTH OF AUSTRALIA REPRESENTED BY THE OFFICE OF INDIGENOUS POLICY COORDINATION, for the granting of money for an Indigenous Interpretation Project at Point Ormond.

Item not previously considered by Council. This funding was sought after by Council's former Indigenous Liaison Officer.

Responsible Manager: Carol Mayell, Manager Community Development

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and ALAN SYNMAN and HELEN SYNMAN, planning permit 1368/2006 requires the applicant/owner to take all responsibility for risk or damage arising from construction of a garage floor level below the 100 year flood level at 178 Richardson Street, Albert Park.

Item not previously considered by Council.

Responsible Manager: Sue Wilkinson, Manager Planning, Building & Community Health

CONTRACT NO. 0974 between PORT PHILLIP CITY COUNCIL and DVR ENGINEERING PTY LTD, for the manufacture and supply of street furniture for a contract period of 7 years, initially 3 years with a option of 2 x 2 years each to align with the Civil Infrastructure Maintenance and Construction Services Contract No. 0920).

Item not previously considered by Council. Contract was approved under Delegation on 2 May 2007 by the Executive Director Community Assets and Services

Responsible Manager: John Enterkin, Acting Manager Infrastructure Services

MOVED Crs Klepner/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 18 April 2007 and 21 May 2007 is attached for information.

****No formal discussion ensued on this matter.***

Item 2

A Joint Letter was received from 16 residents in regards to the closing of the billiard room for an indefinite period at the Betty Day Community Centre, 67 Argyle Street, St Kilda.

****Copy of original letter has been forwarded to Greg Wood Manager Community Services and Geoff Oulton Executive Director Community Development & Planning for information.***

****Executive Director Community Development & Planning to organise a Councillor Briefing to update Councillors in regards to this issue.***

Item 3

Council has received a letter from Julie Johnson (on behalf of SMTH Campaign Group) dated 1 May 2007 in regards to South Melbourne Town Hall. The author has requested that a response be provided to the following questions:

1. *Is ANAM's submission being assessed against the same set of criteria as all other submissions?*
2. *If not, why not?*
3. *Is ANAM's submission dependent on additional funding from the Federal Government in the May budget.*
4. *Has Council considered the appropriateness of ANAM relocating to Melbourne's Arts Precinct?*
5. *Does Council support the relocation of ANAM to Melbourne's Art Precinct?*
6. *Can the Mayor confirm that ANAM pays only \$1 per year rent?*
7. *In her letter to the EHW (25/4) – Can the Mayor explain what she meant when she said:*
 - a. *“community access will be improved by this process”*
 - b. *“the community hub will go ahead in this precinct”*
 - c. *Also, can the Mayor advise who “the senior council sources” were who provided the initial advice to the EHW?*

8. *Has Council had discussions with the State Government re: the implications for the current Lease with ANAM if Council does approve ANAM being given additional space in the SMTH?*
9. *If so what was the outcome?*
10. *Can the Mayor confirm that the annual amount received from ANAM for services and expenses, covers the cost of these services and expenses.*

****Copy of original letter has been forwarded to Carol Mayell Manager Community Development and Geoff Oulton Executive Director Community Development & Planning for information.***

****The Mayor advised that this item has now been responded to.***

6. PUBLIC QUESTION TIME

Item 1

Mr John Webster asked the following question:

'Are any of the staff at the Port Phillip City Council employed by AWA's?'

'The Chief Executive Officer, David Spokes advised that all staff apart from himself are engaged under the Enterprise Agreement 2007. The Agreement also specifies two classes of Officers under which contracts are utilised'.

'The Acting Executive Director Community Assets & Services, Greg Wood further advised that there are specific provisions in the award for a class of officers called 'Senior Executive Officers' and they are allowed to have individual contracts based on some award parameters. Separately there is a provision under the Local Government Act 1989 for Senior Officers which are also SEO's but a higher salary level again the Award recognises this for the purposes of individual agreements but they are not AWA's'.

Mr John Webster asked a further question:

'What is the difference between an individual agreement and AWA?'

'The Acting Executive Director Community Assets & Services, Greg Wood advised that an AWA is a specified type of individual agreement under the Workplace Relations Act 1996 and until legislation that was introduced today, allows a range of conditions and things to be traded off regardless of what the Award says. The types of contracts that we use at the City of Port Phillip are those that have been available for many years and enable conditions that are consistent with the Award and in most cases better than the Award. They only cut in where the salaries are above the maximum Award rate which is Band 8. Any staff member who is above Band 8 is on an individual contract'.

Item 2

Mr John Webster made the following comment:

'The music bands that they have at the St Kilda Eco Centre are fantastic idea and I would encourage Council to propagate more bands playing on the weekend around Sunday mornings'.

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 MAY 2007**

The following items were MOVED in block by Crs Sait/Cribbes

- A4 AMENDMENT C52 – CONSIDERATION OF PANEL REPORT
- A5 PARK STREET TRAM LINK, SOUTH MELBOURNE
- A6 AUSTRALIAN (FORMULA ONE) GRAND PRIX – POLICY STATEMENT
- A7 YOUR STREET, YOUR BEACH, YOUR ELWOOD STREET CLEANING TRIAL
RESULTS
- A8 QUARTERLY MANAGEMENT REPORT
- A9 AUDIT COMMITTEE ACTIVITIES UPDATE
- A10 FOOD PRODUCTION CONTRACT EXTENSION

Discussion took place in relation to the following items:

- A1 CITY OF PORT PHILLIP TOURISM STRATEGY
- A2 INTENTION TO DECLARE A SPECIAL RATE FOR MARKETING, MANAGEMENT
AND BUSINESS DEVELOPMENT OF THE SOUTH MELBOURNE ACTIVITY
CENTRE
- A3 MEMORIALS AND NAMING POLICY

A4 AMENDMENT C52 – CONSIDERATION OF PANEL REPORT

Purpose

To Consider The Report From The Panel Hearing On Amendment C52, The Implementation Of The South Melbourne Central Structure Plan And To Adopt The Amendment And Send To The Minister For Approval.

MOVED Crs Sait/Cribbes

That Council resolve to:

1. Having complied with Part 3, Divisions 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Amendment C52 South Melbourne Central to the Port Phillip Planning Scheme with changes as generally recommended by the Panel and outlined in this report, including:
 - 1.1 Further amendments to the Municipal Strategic Statement to clarify the intent of South Melbourne Central (SMC) generally as recommended by the Panel;
 - 1.2 Adoption of the rezonings as shown at Attachment 4;
 - 1.3 Adoption of Design & Development Overlay (DDO) map generally as shown at Attachment 5 but with further modifications of the boundaries between the Kings Way precinct and Eastern Business precinct to:
 - (1) Delete the properties at 167 Coventry Street, 282 and 284 Sturt Street and 5 Eastern Road from precinct 8-9a and include them in precinct 8-7a;
 - (2) Amend the precinct relating to 11-49 Eastern Road (develop a Precinct 8-7c) to divide the site into a northern and southern sector
 - 1.4 Amendment of the schedule to DDO8 to:
 - (1) Generally include the changes supported by the Panel as presented in the amended DDO schedule at Attachment 6;
 - (2) Generally include additional changes as supported by the Panel in the Panel Report including:
 - Clarifying the overshadowing objective of DDO8-10;
 - Add an objective to DDO8-8 requiring landscaping of key pedestrian routes and acoustic requirements for any residential development.
 - (3) Include additional criteria in the Application Requirements as indicated by the Panel and included in the redrafted DDO8 presented by the Panel;
 - (4) Express absolute height controls as discretionary controls and subsequent amendments to other provisions of the DDO to ensure the built form outcomes of the South Melbourne Central Structure Plan and the Urban Design Framework are achievable;
 - (5) Establish a new precinct on the northern section of 11-49 Eastern Road which will have:

- A height limit of 31 metres or 8 storeys;
 - Appropriate setback controls for the sub-precinct generally reflecting the Panel report;
 - Reduction of the setback to Victoria Street to a minimum of 6 metres and that this be a mandatory control;
- (6) Modification of the precinct controls for DDO8-9b to introduce more performance based standards;
- (7) Modify DDO8-9 to translate the mandatory tower separation to a discretionary one and include performance objectives to guide the use of that discretion.
- (8) The addition of the following Design Objective in DDO8-10:
“For sites within a Heritage Overlay, if there is any conflict between the building, siting and design requirements of the Port Phillip Heritage Policy at Clause 22.04 and the building siting and design requirements and objectives of this Overlay, the requirements and objectives of this Overlay should prevail.”
- (9) The inclusion of an additional statement in the Preferred Character element of DDO8-10:
“While recognising that the preferred character contemplates substantial change to such buildings, every effort must be made to retain the most significant elements of any significant or contributory buildings.”
- (10) The deletion of the following requirement from General Requirements DDO8-10:
“For sites within the Heritage Overlay, the building, siting and design requirements for the Port Phillip Heritage Policy at Clause 22.04 must be met.”
- (11) Include other minor amendments as required to improve the legibility of the DDO;
- 1.5 Review of the heritage citation for 25-29 Cecil Street to incorporate additional information;
- 1.6 Review of the heritage citation for 100 Market Street to incorporate additional evidence produced at panel;
2. Make additional changes to Amendment C52 to correct errors or improve its legibility including:
- (1) Amend the heritage policy status of 127-131 and 10-24 Cecil Street in accordance with the evidence produced at Panel to remove the ‘significant’ grading and show the property as ‘non-contributory’;
- (2) To review the definition and use of the term “Street Wall” in DDO8;
- (3) To amend the Heritage Policy Map to show the railway cutting and road bridges as defined in the heritage Citation (between Dorcas and Bridport Street) as Significant;
- 2.4 To review the Citation to exclude the area of the railway cutting already covered by HO120 / Citation 1149.

- 3 Amend the South Melbourne Central Structure Plan and Implementation Strategy and the Urban Design Framework to reflect the results of the consultation and Panel processes to ensure they support the adopted version of Amendment C52;
4. Note that the MSS and Clause 22 policies are currently under review and that the review will take into consideration the comments of the Panel;
5. Proceed with the rezoning of 100 Market Street to B2Z on the proviso that the owners enter into a Section 173 Agreement with Council to:
 - (1) Limit the total number of retail tenancies on this site to not more than 6;
 - (2) Require all shops to have their primary street frontage to Cecil or Market Streets (no internalisation of the space);
 - (3) Require Market Street and Cecil Street streetscapes to be landscaped to Council's satisfaction to achieve a high quality pedestrian environment and activated public realm;
 - (4) Require the retention of significant heritage elements including the two (2) significant roof forms of the existing heritage building;
 - (5) Prohibit residential use on the Ground Level and Levels 1,2 and 3 (allow on levels 5 and 6 only);
 - (6) Include a lapse clause to provide for the expiry of this agreement at a specified point.and that the owners of 100 Market Street pay all costs associated with the preparation and execution of this Agreement;
6. Authorise the Executive Director Community Development and Planning to finalise the amendment documentation.
7. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Amendment C52 to the Minister for Planning for approval.

A vote was taken and the MOTION was CARRIED.

A5 PARK STREET TRAM LINK, SOUTH MELBOURNE

Purpose

To Update Council On The Status Of This Project.

MOVED Crs Sait/Cribbes

That Council resolve to:

1. Receive and note this status report on the Park Street Tram Link, South Melbourne project.
2. Note that a feasibility study of the Park Street Tram Link, South Melbourne has been conducted which concludes three options would produce positive benefit-cost outcomes.
3. Formally seek the State Government to continue support for this project and progress to the next stage – ie further feasibility studies / analysis or direct to funding consideration stages.
4. Request the State Government to include the Park Street Tram Link (Eastern Road to Kingsway) on the Principal Public Transport Network.
5. Council officers formally brief and seek continued support from relevant representatives from the Cities of Melbourne, Stonington and Glen Eira.

A vote was taken and the MOTION was CARRIED.

A6 AUSTRALIAN (FORMULA ONE) GRAND PRIX – POLICY STATEMENT

Purpose

That Council Note The Report.

MOVED Crs Sait/Cribbes

1. That Council notes the report.
2. That Council notes the suggestions of the night conduct of the Grand Prix and views these suggestions with great alarm.
3. That Council lay the report on the table for two months to enable Council to:
 - a) Undertake consultation with key stakeholders including the City of Melbourne, State Government, Local Member, Sporting Clubs, Save Albert Park, local residents, Traders Associations and Victorian Major Event Corporation.
 - b) Require officers to undertake and complete further detailed investigation and analysis that will assist Council in arriving at a final policy position on this matter.

A vote was taken and the MOTION was CARRIED.

A7 YOUR STREET, YOUR BEACH, YOUR ELWOOD STREET CLEANING TRIAL RESULTS

Purpose

To Report On The Your Street, Your Beach, Your Elwood Mechanical Street Sweeping Trial As Part To Part Of Elwood And Provide Recommendations Regarding The Ongoing Street And Beach Cleaning Of The City, Acknowledging The Aging Workforce And The Reluctance Of Younger People To Be Attracted Into The Manual Cleaning Business.

MOVED Crs Sait/Cribbes

1. Permanent parking restrictions on alternate sides of the street on Mondays and Tuesdays between 9.00am to 10.00am, to enable access to street gutters. Mechanical clean of gutters all year round.
2. Enforcement to apply during the Leaf Fall Season (1 March-30 June) only and voluntary compliance to parking restrictions for the remainder of the year.

A vote was taken and the MOTION was CARRIED.

A8 QUARTERLY MANAGEMENT REPORT

Purpose

To Report To Council On The Financial Performance Of The Organisation For The Nine Months Ended 31 March 2007.

MOVED Crs Sait/Cribbes

That the Quarterly Management report from the CEO detailing Council's financial and operating performance for the nine months ended 31 March 2007 be adopted.

A vote was taken and the MOTION was CARRIED.

A9 AUDIT COMMITTEE ACTIVITIES UPDATE

Purpose

To Bring To The Attention Of Council The Matters Discussed At The March 2007 Meeting Of The Audit Committee.

MOVED Crs Sait/Cribbes

That Council:

1. Receive and note the report outlining the matters considered by the Audit Committee at its March 2007 meeting, including issues such as the annual work plan, the internal audit program, excessive leave accruals, Audit Committee terms of reference, business continuity planning, the Management Letter 2005/2006, the December 2006 CEO Quarterly Management Report to Council and the 2006 Follow-up Review;
2. Request the Audit Committee to address the matters of annual performance review, quorum for meetings and committee membership in its 2007 annual report to Council;
3. Recommend that the Audit Committee include in its annual work plan an annual performance review of the Committee, its members and the Internal Auditor, to take place at the final meeting each year; and
4. Require that all City of Port Phillip advisory committees review their own performance each year prior to providing an annual report to Council.

A vote was taken and the MOTION was CARRIED.

A10 FOOD PRODUCTION CONTRACT EXTENSION

Purpose

This Contract Expires On June 30, 2007 And This Report Seeks To Extend The Contract For A Further Two Year Period Until 30 June 2009.

MOVED Crs Sait/Cribbes

1. That the Council resolve to extend the Food Production Contract # 0767 with Ballarat Health Services (trading as Ballarat Health Services Catering) for a further two (2) years from July 1 2007 until June 30 2009.
2. That council authorise the CEO to negotiate any issues relating to the retention of the service including service improvements for the length of the extension period.
3. That the Common Seal of the Port Phillip City Council be affixed to the Food Production Contract Number 0767 between Ballarat Health Services (trading as Ballarat Health Services Catering) and the City of Port Phillip.

A vote was taken and the MOTION was CARRIED.

A1 CITY OF PORT PHILLIP TOURISM STRATEGY
(SEE SUPPLEMENTRY REPORT)

Purpose

To Review The Draft City Of Port Phillip Tourism Strategy.

MOVED Crs Klepner/Sait

- (1) That the Council receive and note the report regarding the additional detail of the revised draft Tourism Strategy.
- (2) That the Council resolve to endorse the key directions and intent of the draft tourism strategy 2007-2010 as per the attached revised Draft Tourism Strategy.
- (3) That Council recommend its release for public comment for a period of 3 weeks from public notification.
- (4) That a final report be presented to Council following public comment considering all submissions and recommending the endorsement and final adoption of the Tourism Strategy 2007 – 2010.

A vote was taken and the MOTION was CARRIED.

Note

That page 14 of the Draft 'Tourism Strategy Plan 2007-2010, CoPP 'Product Offer'' incorporate the following words 'to actively seek the feedback from Arts Organisations'.

**A2 INTENTION TO DECLARE A SPECIAL RATE FOR MARKETING,
MANAGEMENT AND BUSINESS DEVELOPMENT OF THE SOUTH
MELBOURNE ACTIVITY CENTRE**

Purpose

This Report Enables Council To Proceed With The Statutory Process For The Re-Introduction Of A New Special Rate Which Accommodates The Wider South Melbourne Activity Centre.

MOVED Crs Sait/Logan

1. In accordance with Section 163(1A) and 163B(3) of the Local Government Act 1989 (the Act), Council resolves to give public notice of its intention to declare a special rate at its ordinary meeting on 23 July 2007 for the purpose of defraying marketing, management, business development and other incidental expenses associated with the encouragement and development of commerce, trade and associated employment in the South Melbourne Activity Centre.
2. Council adopts the proposed declaration of the South Melbourne Activity Centre Special Rate, as specified in the public notice in attachment 1, as modified.
3. In accordance with Section 163(1A) and 163 B(3) of the Act, a public notice of the proposed declaration (including the rights of a person to make a submission) is to be given in the Port Phillip Leader. Separate copies of the public notice are to be sent to all property owners and occupiers who are to be made liable for the special rate. A person affected by the special rate may make a written submission to the Council within 28 days of the publication of the public notice. Submissions must be directed to the Coordinator Economic Development. Council will consider submissions in accordance with Sections 163A, 163B and 223 of the Local Government Act 1989 and hear persons who wish to be heard in support of their submission.
4. If the special rate is declared, the Association must enter into a formal agreement with Council prior to the special rate or any part of it being paid to the Association. Amongst other matters, the agreement acknowledges and confirms that:
 - The role of the Association in expending the monies raised by the special rate on behalf of Council is of an administrative nature only and at all times under the direction of and for Council; and
 - Council reserves to itself all discretions relevant to the application of the proceeds of the special rate.

A vote was taken and the MOTION was CARRIED.

A3 MEMORIALS AND NAMING POLICY

Purpose

This Report Presents Council With A Proposed Policy For Naming Memorials And Plaques In Open Spaces Or Buildings In The City Of Port Phillip.

MOVED Crs Logan/Sait

That the Council resolves to adopt the *Memorial and Naming Policy* as amended, which requires the following criteria:

1. Person/persons may be considered for commemorative naming where:
 - The person/s being nominated for commemorative naming must have made a highly significant contribution to the shared history in the City of Port Phillip and potentially at a State and National level;
 - It must be demonstrated that nominees have made a significant contribution over and above paid employment and their voluntary contribution is highly significant to the cultural, environmental, political or social development of the City;
 - Nominees should have left a tangible legacy to the community that has resonance with the broader public.
2. Events may also be considered for commemorative naming where the nominee:
 - Is unique and highly significant to Port Phillip's history and development.
 - It has historical or other highly significant cultural significance to a particular site.
3. Under normal circumstances it is not Council's policy to commemorate a living person. However, in special circumstances Council may consider such requests at their discretion.
4. No new memorial should be considered that commemorates a person, event or occasion already memorialised unless circumstances are truly exceptional.
5. Location and Siting:
 - Memorials should be sympathetic to their context and setting and be consistent with existing masterplan and/or conservation plans;
 - Memorials should not distract from the aesthetic value or public enjoyment of a site;

- Memorials should remain culturally relevant and viable for at least 25 years;
- Cases for memorials address issues of funding of installation, development and maintenance of any memorial.

A vote was taken and the MOTION was CARRIED.

10. ORDERS OF THE DAY

Discussion took place in relation to the following item:

ORDER 1 SUBMISSION TO THE PORT PHILLIP BAY CHANNEL DEEPENING
PROJECT SUPPLEMENTARY ENVIRONMENT EFFECTS STATEMENT

ORDER 1 SUBMISSION TO THE PORT PHILLIP BAY CHANNEL DEEPENING PROJECT SUPPLEMENTARY ENVIRONMENT EFFECTS STATEMENT

Purpose

To update Council on the Port Phillip Bay Channel Deepening Project Supplementary Environment Effects Statement and ratify a City of Port Phillip Submission to the Panel.

MOVED Crs Cribbes/Sait

That Council suspend Standing Orders to allow verbal submissions.

A vote was taken and the MOTION was CARRIED.

The following speakers made a verbal submission in relation to this item:

- Neil Blake
- Andrew McCatcheon
- Patsy Crotty
- Colin Smith
- Ann Callaghan

MOVED Crs Gross/Cribbes

That Standing Orders be resumed.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Gross/Sait

1. That the Council resolves to endorse the Association of Bayside Municipalities Submission to the Port Phillip Bay Channel Deepening Project Supplementary Environmental Effects Statement dated 7 May 2007, which in summary states:

- (1) *Port Phillip Bay is one of Australia's and Victoria's most important assets, ensuring its protection is a core responsibility of the Victorian Government, as custodian of the Bay, for present and future communities.*
- (2) *The maintenance of an efficient and effective Port is understood to be important to the Victorian economy.*

The ABM requires that:

- (3) *The Project should only proceed if the Independent Panel and the Independent Experts Group, can confidently conclude that there are no irreversible adverse impacts to the health of Port Phillip Bay and its ecosystems.*
- (4) *Critical environmental intervention standards are identified and agreed prior to project commencement, to ensure that performance can be measured and stoppage points identified, and to facilitate effective employment of adaptive management practices.*
- (5) *Public accountability, transparency, and independent environmental auditing /monitoring during the works are critical components through all stages of the project, including well into the future, and that it applies to:*

Base line;

Real time;

Communication.

- (6) *An auditor with statutory powers verify monitoring and reporting outcomes of the project to inform the public and increase public confidence.*
 - (7) *The Panel gives detailed scrutiny to those aspects of the Project that were not subject to the Trial Dredge or are new to the Project brief including: the river entrance, dispersal of contaminants, and spoil grounds.*
 - (8) *All short and long term impacts associated with the Project be immediately identified and appropriate rectification works undertaken in a timely manner and compensation made to relevant parties by the proponent.*
 - (9) *The Panel gives due consideration to a significant environmental bond being provided by the proponent to cover unforeseen restoration costs given that this project is a major infrastructure project.*
 - (10) *Beach renourishment be an integrated component of the Project.*
2. That Council ratify the City of Port Phillip Submission to the Port Phillip Bay Channel Deepening Project Supplementary Environmental Effects Statement dated 7 May 2007 (attached), which:
- (1) Maintains its previous position on this Project.
 - (2) Supports the submission of the Association of Bayside Municipalities as a member Council.
 - (3) Seeks the content of the independent review by Dr Graham Harris (attached) to be given due consideration by the Independent Panel.
 - (4) Is concerned about the top end of the Bay and particularly the dredging of the mouth of the Yarra River. We would like the Panel to undertake detailed scrutiny of this area given the potential for toxicity and its potential impacts on ecosystems, and potential risks to human health through the resuspending of toxic sediments. This is also due to the fact that new information has emerged on this area through the SEES process which we consider requires detailed review.
 - (5) The City of Port Phillip considers the St Kilda Breakwater penguin colony both unique to our City and adding special local value to St Kilda's environment. This project could impact on the St Kilda Breakwater penguin colony. As such we support the serious consideration by independent experts and the Independent Panel of any information that St Kilda Earthcare provides that could benefit the proper assessment of this project and any detrimental impacts on the penguins.

- (6) Seeks that the submissions made to the Project by both St Kilda Earthcare and the Friends of Port Melbourne Foreshore are given due consideration by the Independent Panel given their special interest in Port Phillip Bay.

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 MAY 2007

Note: Business items B1 and B2 were resolved by the Statutory Planning Committee held on 14 May 2007 in accordance with Section 86 of the Local Government Act 1989. Items were considered in the following order:

The following items were MOVED in block by Crs Sait/Gross

- B1 12 PARK STREET, ST KILDA WEST & 12A PARK STREET, ST KILDA WEST
- B2 1 QUAT QUATTA AVENUE, RIPPONLEA

The following items were MOVED in block by Crs Sait/Gross

- B3 DELEGATE REPORT – MARCH 2007
- B4 DELEGATE REPORT – APRIL 2007

B1 12 PARK STREET, ST KILDA WEST & 12A PARK STREET, ST KILDA WEST

Purpose

To consider two residential planning applications at 12 & 12A Park Street, St Kilda West.

MOVED Crs Sait/Gross

That Council install a "no standing" sign at the rear of the site in Park Lane.

A vote was taken and the MOTION was CARRIED.

NOTE: PART A TO THIS RECOMMENDATION DEALING WITH THE PLANNING APPLICATION WAS DEALT WITH AT THE STATUTORY PLANNING COMMITTEE MEETING HELD ON MONDAY, 14 MAY 2007

B2 1 QUAT QUATTA AVENUE, RIPPONLEA

Purpose

To consider the proposal for a kindergarten on the site and have regard to the issues raised by objectors of car parking, traffic congestion and non-residential use in a Residential 1 Zone.

MOVED Crs Sait/Gross

That officers, in consultation with residents, explore options for reducing traffic in Quat Quatta Avenue. The outcomes of this consultation process and any recommendations for change must be reported to Council by November 2007.

A vote was taken and the MOTION was CARRIED.

NOTE: PART A TO THIS RECOMMENDATION DEALING WITH THE PLANNING APPLICATION WAS DEALT WITH AT THE STATUTORY PLANNING COMMITTEE MEETING HELD ON MONDAY, 14 MAY 2007

B3 DELEGATE REPORT – MARCH 2007

Purpose

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

MOVED Crs Gross/Cribbes

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.

B4 DELEGATE REPORT – APRIL 2007

Purpose

This report presents Council with a summary of all Planning Permits 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.

MOVED Crs Gross/Cribbes

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.

9. CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

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

Nil.

12. URGENT BUSINESS

Nil.

13. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 7.30pm.

Confirmed: 25 June 2007

Chairperson: _____