



**ORDINARY  
MEETING OF  
COUNCIL**

**MINUTES**

**29 SEPTEMBER 2009**

**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP  
CITY COUNCIL HELD ON 29 SEPTEMBER, 2009 IN THE COUNCIL  
CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.05pm.

**PRESENT**

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

**IN ATTENDANCE**

Kay Rundle Chief Executive Officer, Mark Brady General Manager Corporate Services, Sue Wilkinson General Manager Environment and Planning, Vanda Iaconese General Manager Cultural and Community Development, John Hicks General Manager City Infrastructure Services, Fiona Blair Manager Parks and Open Space, Anita Lange Special Projects Manager, Greg Wood Acting General Manager City Infrastructure Services, Martin Hartigan Coordinator Sustainable Environment, Norm McClelland Governance Advisor, Katrina Terjung Coordinator Strategic Planning, Murray Chick Coordinator Governance.

*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.*

The Mayor welcomed to the meeting John Hicks Council's newly appointed General Manager City Infrastructure Services.

The Mayor acknowledged the many years of service made by Greg Wood to Council and in particular in his role as Manager Community Services.

**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 14 September 2009 be confirmed.

**A vote was taken and the MOTION was CARRIED.**

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.

## 4. PETITIONS AND JOINT LETTERS

### Item 1

*A Joint Letter was received from 3 residents in regards to the Urban Studies Centre (USC) project.*

*The following is the full text of the Joint Letter:*

*'We are members of the Urban Studies Centre Reference Group and are seriously concerned that the City of Port Phillip will not achieve the best possible results from the Urban Studies Centre (USC) project.*

*We agree that the delivery of heritage and library services can be complementary and that such services can deliver a range of successful programs. Certain aspects of the proposed building design are, however, of concern to us. In particular, we are concerned about the inordinate amount of space given over to the semi-circular exhibition space. Whilst we support innovative design, in this case the benefits of such design will be outweighed by the reduction in flexible, usable space and the consequent reduction in the quality of library services provided. We also believe that too much of the remaining space has been dedicated to meeting rooms at the expense of other library functions. We believe that these and other design features will impose limitations on the library and how it is used and that this will not provide the best outcomes for the city or its local residents.*

*The current design of the USC will result in the amount of shelf space estimated to be available for library items at approximately 200 linear metres, where as the current library has 245 metres plus display racks and shelving. As a result, the library collection would be significantly reduced in size. The collection has already been reduced by over 25% over the last eight years. Given that the primary use of a library is to provide access to its collection (primarily books), such a reduction in shelving space is likely to discourage users.*

*The Emerald Hill Library (EHL) serves an area that is continuing to experience significant population growth. This is evident in that area can sustain two large supermarkets as well as the South Melbourne Market, with even further growth planned as per the South Melbourne Central strategic plan. In this context it seems short-sighted to further reduce the size of the collection and to not allow for the subsequent expansion of library services.*

*To give a further example, the area available for children's services has been reduced. This is surprising, given the significant increase in the number of pre-school children in the area over the last ten years, that there are seven childcare and kindergarten facilities within 400m of the library, as well as the inability of other local library branches, such as Albert Park library, to meet current demand for such services. In particular, the proposed area is inadequate for the provision of such children's services as 'Story Time', which requires a relatively large area of open space. Such an open area is still available in the current library layout, but would be lost under the proposed design. The proposed layout is far from ideal in that the children's area has been tacked onto the end of the adult reading area, rather than there being a dedicated space just for children. This is likely to cause problems with adult library users who would be disturbed, by young children.*

*Finally, we are concerned that there has been very little opportunity for input from the wider South Melbourne community into the proposed design. For example, the EHL serves a large number of relatively disadvantaged community members who, to date, have been dedicated visitors to the EHL library. The only plans ever displayed in the library for this project was for the design that had the library remaining in its current position and size. The consultations involving local residents and the EHL users which have taken place, have occurred at a very late stage in the overall design process. We would welcome further opportunities for community input and consultation before the project progresses any further.*

*We would therefore request that these aspects of the design be reconsidered to allow for more appropriate use of library space, particularly in relation to pre-school aged children and to house a library collection for a viable and growing library branch’.*

#### **OFFICER COMMENT**

The matters raised in the Joint Letter have been examined.

The proposed redevelopment of the Urban Studies Centre does not reduce the current area of available shelving of the collection.

The proposed redevelopment will increase the area available for children's activities and collection.

City of Port Phillip has engaged the Urban Studies Centre Reference group, members of the library community, and the Urban History Advisory Committee in the process of public consultation over the design and layout of the building over the past 2 years, following public exhibition and comment on the plans during the planning permit process in 2007.

#### **MOVED Crs Klepner/Touzeau**

1. That Council notes the Joint Letter.
2. That the full text of the Joint Letter be included in the Minutes.

**A vote was taken and the MOTION was CARRIED.**

**Item 2**

A Petition was received from 340 signatories opposing the proposed law that would require dogs to be kept on lead within five metres of a shared pathway.

The Petition states the following:

*'We the undersigned, are totally opposed to any move by Council to restrict the freedom of dogs by the passing of laws that would require dogs to be kept on a lead within 5 metres of shared pathways in Alma Park West purely for cyclists use when there is a perfect adequate track in Alma Park East'.*

**OFFICER COMMENT**

The Review of 'Off Leash Dog Areas' proposes a number of changes to the current arrangements for off leash areas.

The Council has publicly advertised the proposed changes to encourage community feedback. All submissions will be reviewed and considered by Council prior to a final decision being made.

**MOVED Crs Thomann/Klepner**

That the Petition be received and referred to the Manager Health, Parking and Enforcement for consideration as part of the review of the Off Leash Dog Areas.

**A vote was taken and the MOTION was CARRIED.**

**Item 3**

A Petition was received from 404 dog owners of the Langridge Street/West St. Kilda Beach.

The Petition states the following:

*'The Langridge Street/West St Kilda Beach is in danger of being closed to Dusty and all of his friends.*

*Dusty and lots of local friends could lose their favourite beach under proposed changes to Dog Off Leash Beaches.*

*The City of Port Phillip is proposing to close the beach from Langridge Street to the area east of Fraser Street to dogs at all times. Local families and dogs will be denied summer evenings and days during the hottest months of the year and when Albert Park Reserve is closed to us because of the Grand Prix.*

*It will mean exiting the beach at either Langridge Street or near Fraser Street, adding to the congestion on the promenade.*

*There are other changes proposed by the Council that will impact on you and your best friend'.*

**OFFICER COMMENT**

The Review of Off Leash Dog Areas proposes a number of changes to the current arrangements for off leash areas.

The Council has publicly advertised the proposed changes to encourage community feedback. All submissions will be reviewed and considered by Council prior to a final decision being made.

**MOVED Crs Powning/Klepner**

That the Petition be received and referred to the Manager Health, Parking and Enforcement for consideration as part of the review of the Off Leash Dog Areas.

**A vote was taken and the MOTION was CARRIED.**

**Item 4**

A Petition was received from a combination of 85 residents and traders in regards to the Hambleton House residents begging in Albert Park Village.

The Petition states the following:

*'We the undersigned want action taken on the constant busking and begging in Albert Park Village'.*

**OFFICER COMMENT**

**Local Laws:**

The local laws involvement has been on two fronts. The initial information received from the resident was around illegal busking. Council officers attended on numerous occasions to rarely find an offence occurring. When it was noted the person responsible walked away on our approach.

The second phase was being involved with meeting with Community case workers, Council community development officers and the SRS accommodation proprietor in April 2009. At this point alternate strategies were put in place to redirect the behaviours. The writer of the petition has been contacted and informed of our actions on previous occasions. The site has been inspected on a number of occasions since then without noting any antisocial behaviours.

There is an offence under the Local Laws for busking without a permit (section 7.2) and Behaving on Council land in a manner that causes interference to the quiet enjoyment by other persons (section 44). Begging is a summary offence and is dealt with by Police.

The problem is that the people involved are unable to comprehend that they are in breach of the law. As such an enforcement approach would not achieve the desired outcome. Serving fines on these people is also undesirable as the majority of Hambleton House residents are reliant on pensions of which 90-95% is paid for their accommodation and care.

**Community Development:**

Council's Social Support and Recreation Access worker has regular contact with the Hambleton House proprietor, residents and a range of activity providers and case managers from across the community who are involved with these residents.

Residents are offered the opportunity to attend local activities through the week, but for some of the residents due to their disability they are not always keen or suited to attend groups and cannot be forced to attend activities.

Hambleton House has been established at this site as a State registered private SRS-Supported Residential Service for over 30 years. For residents who live there this is their home, it is not a secure facility so people are free to be out and about in their local community and it is difficult for the proprietor or Council to control what residents do when they are away from the building.

Some years ago, Council facilitated a meeting regarding similar concerns in terms of challenging behaviours including begging, stealing food and urinating in public from residents believed to live at Hambleton House. This meeting included 14 traders, two South Melbourne Police officers, a health care worker and several council officers. The meeting explored the reasons for why these behaviours were occurring, and written guidelines provided for managing behaviour in the future.

**MOVED Crs Klepner/Bolitho**

That a meeting of representatives of relevant Agencies be set up to discuss the issues raised in the Petition.

**A vote was taken and the MOTION was CARRIED.**

## 5. SEALING SCHEDULE

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL, PAUL GERARD MCALLISTER and SUE ELAINE MCALLISTER, to ensure that Condition 2 of Planning Permit No. 1388/2007 at 103 Hambleton Street, Middle Park is satisfied.

Item not previously considered by Council.

Condition 2 of the Planning Permit No. 1388/2007 issued by Council on the 29 December 2008 states that:

2. *Prior to the 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 agreement must contain covenants to be registered on the Title of the property 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.*

*The 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

### **MOVED** Crs Thomann/Powning

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

**A vote was taken and the MOTION was CARRIED.**

## 6. PUBLIC QUESTION TIME

### **Item 1:**

Mr Neil Elfick asked the following question:

Could the Council give an update on the planning application in relation to the building on the corner of Nelson and Carlisle Streets, St Kilda?

*The Mayor and Cr Powning advised that this matter is being considered by Council via the normal statutory planning process. The Statutory Planning Officers will consider the application including any objections that have been lodged. If objections exceed a specified number or if a Councillor calls the application in, the matter will be determined by Council as the Responsible Statutory Planning Authority.*

### **Item 2:**

Mr Garry Voges asked the following question:

In relation to Business Item No. 8.3 on tonight's agenda, Marina Reserve Masterplan, Section 4.5, 'Proposed Consultation' who and what are 'certain groups' and whom are they made up of, and how will the individuals be selected for that group?

*The Mayor advised that this item will be taken on notice and a written response will be provided and the response will be made publicly available on Council's website.*

### **Item 3:**

A resident speaking on behalf of Mr Christopher Gendala asked the following question:

*What is the process of amending a planning scheme within the suburb of Elwood to stop ridiculous developments? In order to stop such developments, do we need to form a lobby group?*

The Mayor advised that Planning Scheme amendments entail a complex set of issues and for this reason a meeting with residents will need to be organised so that they can be given a clear explanation of the exact legal process required to be undertaken under the Planning and Environment Act.

## 7. COUNCILLOR QUESTION TIME

### **Item 1**

Cr Touzeau asked if a meeting could be arranged regarding amendments to the Planning Scheme in Elwood.

The Mayor advised that the matter should be pursued with the General Manager Environment and Planning.

## 8. PRESENTATION OF REPORTS

- 1 APPOINTMENT OF INDEPENDENT MEMBER TO SOUTH MELBOURNE MARKET MANAGEMENT COMMITTEE
- 2 CITY OF PORT PHILLIP OPEN SPACE STRATEGY
- 3 MARINA RESERVE MASTERPLAN
- 4 AMENDMENT C70 – PLANNING SCHEME MAINTENANCE (UPDATES AND CORRECTIONS) – CONSIDERATION FOR ADOPTION
- 5 VICTORIAN CLIMATE CHANGE GREEN PAPER
- 6 REVIEW OF DELEGATIONS FROM COUNCIL TO STAFF AND TO SPECIAL COMMITTEES
- 7 AUDIT COMMITTEE ACTIVITIES UPDATE

**1 APPOINTMENT OF INDEPENDENT MEMBER TO SOUTH MELBOURNE MARKET MANAGEMENT COMMITTEE**

**Purpose**

With the resignation of the South Melbourne Market Management Committee's independent chairperson, there is a need to appoint an independent member to the Section 86 Committee so that the Committee can continue to operate in accordance with its Charter.

**MOVED Crs Klepner/Middleton**

That Council:

- 2.1 Records its appreciation for the years of service provided by John Lewisohn to the South Melbourne Market.
- 2.2 Appoints Felicity Giuliani as independent member of the Section 86 South Melbourne Market Management Committee until 31 December 2010.
- 2.3 Appoints the General Manager City Infrastructure Services or delegate as the Senior Officer on the South Melbourne Market Management Committee.
- 2.4 Requests a report of a detailed review of the Market's governance arrangements by June 2010.

**A vote was taken and the MOTION was CARRIED.**

**2 CITY OF PORT PHILLIP OPEN SPACE STRATEGY**

**Purpose**

The purpose of this report is to present the Open Space Implementation Plan Framework and the reviewed Open Space Strategy for endorsement by Council.

**MOVED Crs Powning/Klepner**

That Council:

- 2.1 Endorses and adopts the Open Space Implementation Plan Framework and Open Space Strategy (reviewed 2009).
- 2.2 Considers the Open Space Implementation Plan framework, together with identified Actions for each neighbourhood, as part of the Council's yearly Budget and Capital Works assessment processes and that this process begins within two months.

**A vote was taken and the MOTION was CARRIED.**

### **3 MARINA RESERVE MASTERPLAN**

#### **Purpose**

Report to Council on the progress with securing the St Kilda's skate park at Marina Reserve St Kilda and update the Marina Reserve masterplan to guide the completion of landscaping, pathway and skateable infrastructure that responds to the Reserve's coastal setting, expands the provision of coastal infrastructure along the St Kilda foreshore and addresses community comments raised to date.

#### **MOVED Crs Thomann/Middleton**

That Council:

- 2.1 Approves the change in the scope of the St Kilda Skate Park project to include a new Marina Reserve masterplan to include the completion of landscaping, pathway and skateable infrastructure that responds to the reserve's coastal setting, expands the provision of coastal infrastructure along the St Kilda foreshore and addresses community comments raised to date.
- 2.2 Approves the allocation of funds for the Marina Reserve Masterplan Update from the St Kilda's skate park capital works project.

**A vote was taken and the MOTION was CARRIED.**

**4 AMENDMENT C70 – PLANNING SCHEME MAINTENANCE (UPDATES AND CORRECTIONS) – CONSIDERATION FOR ADOPTION**

**Purpose**

Council needs to determine whether to formally adopt Amendment C70 (with these changes) and to request the Minister for Planning to approve the Amendment.

**MOVED Crs Bolitho/Klepner**

That Council:

- 2.1 Changes the exhibited amendment by altering the Statement of Significance applying to Heritage Overlay 7, which will form a part of the Port Phillip Heritage Review 2009 - Version 14, to include further detail regarding the subdivision of the Brunnings Estate and the pattern of development in Albion Street, St Kilda, in accordance with Attachment 2.
- 2.2 Adopts Amendment C70 to the Port Phillip Planning Scheme, pursuant to section 29 of the Planning and Environment Act 1987, with the changes outlined in section 2.1 of this recommendation, and in the form generally described in the Explanatory Report and List of Changes included as Attachment 1.
- 2.3 Submits the adopted amendment, together with prescribed information to the Minister for Planning for approval, pursuant to Section 31 of the Planning and Environment Act 1987.
- 2.4 Authorises the General Manager - Environment and Planning to finalise the amendment documentation for approval.

**A vote was taken and the MOTION was CARRIED.**

## 5 VICTORIAN CLIMATE CHANGE GREEN PAPER

### **Purpose**

The Draft City of Port Phillip submission provides ten key recommendations about the policy response required to be addressed in the subsequent Victorian Climate Change White Paper.

### **MOVED Crs Middleton/Touzeau**

That Council:

- 2.1 Endorses the submission to the Premier of Victoria pertaining to the Victorian Climate Change Green Paper as detailed in attachment 1 but with recommendation 2 amended to read as follows:

*Recommendation 2: That the White Paper provides a much stronger implementation and resourcing strategy for accelerated renewable energy generation in Victoria in the short-term that is decoupled from any Carbon Capture and Storage strategy.*

- 2.2 Further, that the White Paper focuses on developing a more equitable resourcing strategy for Carbon Capture and Storage that requires demonstrated emissions reductions from the Victorian coal industry and places the responsibility entirely on the Victorian coal industry to fund, develop, commission and verify any CCS technology.
- 2.3 Further, that the White Paper adopts recommendation 7 of the Environment Victoria submission: “Phase out our most polluting coal fired power stations beginning with Hazelwood, and create new clean energy jobs and industries in the Latrobe Valley”.

**A vote was taken and the MOTION was CARRIED.**

**6 REVIEW OF DELEGATIONS FROM COUNCIL TO STAFF AND TO SPECIAL COMMITTEES**

**Purpose**

This report explains the current delegations from Council to Council staff and from Council to Special Committees that are currently in force and recommends amendments or revocations where necessary to take into account organisational structure changes, amendments to legislation and changes to internal processes.

**MOVED Crs Powning/Thomann**

That Council:

- 2.1 Adopts and affixes the Common Seal to Attachments 1, 2 and 4 being:
  - 2.1.1 Attachment 1 – Instrument of Delegation from Council to the Chief Executive Officer.
  - 2.1.2 Attachment 2 – Instrument of Delegation from Council to members of Council staff.
  - 2.1.3 Attachment 4 – Instrument of Delegation from Council to the Statutory Planning Committee
- 2.2 Revokes the Instrument of Delegation from Council to the Chief Executive Officer dated 19 December 2005.
- 2.3 Revokes the Instrument of Delegation from Council to members of Council staff dated 23 April 2007.
- 2.4 Revokes and declares non confidential the delegations from Council to the St Kilda Triangle Project Administrator (Confidential attachment 3 dated 25 February 2008 and 2 June 2008).
- 2.5 Appoints the Chief Executive Officer as the Project Administrator pursuant to clause 3.2 of the St Kilda Triangle Project Development Agreement, to exercise all the powers, duties, discretions and authorities of the Project Administrator.
- 2.6 Revokes the Instrument of Delegation from Council to the Statutory Planning Committee dated 23 July 1997.
- 2.7 Confirms the following Instruments of Delegations from Council to Special Committees:
  - 2.7.1 Port Melbourne Affordable Housing Project Planning Assessment Panel, a section 86 committee established by Council resolution on 25 August 2008 (attachment 5) noting that the Instrument of Delegation to that committee remains in force until 29 April 2010 or an earlier date if Council resolves to vary or revoke it.

- 2.7.2 Council Neighbourhood Programs Committee, refer previous Council resolution dated 25 August 2008 (Attachment 6) – noting that a further report will be presented to Council.
- 2.7.3 Inner Melbourne Action Plan Implementation Committee, refer previous Council resolution dated 27 February 2006 (Attachment 7).
- 2.7.4 Port Melbourne Family and Children’s Hub Committee, refer previous Council resolution dated 23 July 2007 (Attachment 8).
- 2.7.5 South Melbourne Market Management Committee, refer previous Council resolution dated 26 February 2001 (Attachment 9).

**A vote was taken and the MOTION was CARRIED.**

**7 AUDIT COMMITTEE ACTIVITIES UPDATE**

**Purpose**

The purpose of this report is to bring to the attention of Council the matters discussed at the August 2009 meeting of the City of Port Phillip Audit Committee.

**MOVED Crs Klepner/Thomann**

That Council:

- 2.1 Receives and notes the report outlining the matters dealt with at the August 2009 meeting of the City of Port Phillip Audit Committee, including a review of:
  - 2.1.1 The 2008/2009 Financial Statements, Standard Statements and Performance Statement with the External Auditor;
  - 2.1.2 The progress to implement audit recommendations from previous audits;
  - 2.1.3 The Procurement and Supplier Management Audit undertaken by Council's Internal Audit contractor;
  - 2.1.4 The implementation of the recommendations within the Ombudsman's report into City of Port Phillip, August 2009; and
  - 2.1.5 The reprioritisation of the Interim Internal Audit Program.

**A vote was taken and the MOTION was CARRIED.**

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

Nil.

**9. URGENT BUSINESS**

Nil.

As there was no further business the meeting closed at 6.51pm.

Confirmed: 12 October 2009

Chairperson: \_\_\_\_\_