



**ORDINARY  
MEETING OF  
COUNCIL**

**MINUTES**

**28 FEBRUARY 2005**

**MINUTES OF THE ORDINARY MEETING OF THE PORT  
PHILLIP CITY COUNCIL HELD ON 28 FEBRUARY 2005  
IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.05pm.

**PRESENT**

Cr Ray (Chairperson), Cr Bolitho, Cr Cribbes, Cr Gross, Cr Klepner, Cr Logan, Cr Sait, David Spokes, Chief Executive Officer, David Graham Executive Director Corporate Management, Geoff Oulton Executive Director City Development, David Yeouart Executive Director Urban Services, Bruce Phillips Manager City Strategy, Simon Gutteridge Senior Planner.

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

**1. APOLOGIES**

Nil.

**2. DECLARATIONS OF INTEREST AND CONFLICTS  
OF INTEREST**

Nil.

**3. CONFIRMATION OF MINUTES**

**MOVED Crs Sait/Bolitho**

1. That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 24 January 2005 be confirmed.
2. It was noted that there were no minutes to confirm for the Statutory Planning Committee held on 14 February 2005 as the meeting was cancelled.

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

## 4. PETITIONS AND JOINT LETTERS

### Item 1

A Petition has been received from 154 residents requesting that Council;

*'Consider designating the southern end of St Kilda Beach, between Brooks Jetty and the St Kilda Marina, as an off-leash area for dogs during the summer months.*

*This area is not favoured by bathers as the combination of the stormwater drain outlet, boats accessing the marina and the presence of jet-skis makes it fairly unpleasant for recreational use; and hence ideal for the exercising of dogs'.*

**\*\* A copy of the Petition has been forwarded to Ian Henderson Health & Enforcement Advisor and Geoff Oulton, Executive Director City Development for information.**

### **MOVED Crs Gross/Cribbes**

That the Petition be received and forwarded to the Director City Development for response.

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

### Item 2

A Joint Letter was received from 13 residents of 166 & 170 Barkly Street, St Kilda in regards to the issuing of a licence (permit for a nightclub) to 175-177 Barkly Street, St Kilda.

### **MOVED Crs Sait/Klepner**

That the Joint Letter be received and referred to the Director City Development for an appropriate response.

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

Note:

Cr Sait to be forwarded a copy of the response.

## 5. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

1. TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and AUCTIONS PROPERTIES PTY LTD, for the sale and closure of a section of right of way at the rear of 72-74 Buckhurst Street, South Melbourne.  
Item previously considered by Council in April 2004.  
**Responsible Manager:** Robert Palmer, Manager Infrastructure and Environment
  
2. DEED FOR PAYMENT between PORT PHILLIP CITY COUNCIL, MIRVAC and STATE GOVERNMENT (DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT) to agree to pay up to \$18,000.00 for the renourishment of the last stage of Sandridge Beach in front of Mirvac Stage 8.  
Item not previously considered by Council.  
Mirvac as part of the Beacon Cove completion have been required to complete the refurbishment of the Sandridge beach with some funding from the State Government and the Council—most of that was complete some 3–4 years ago but the last remaining section will be completed with that of the stage 8 construction. This Agreement provides the final agreement consistent with previous commitments—it requires up to \$ 18,000 from the Council which has been budgeted for and is set aside in the Council reserves. This agreement is for sealing which will commit the Council these payments on receipt of invoices from Mirvac once the works are completed over the next 12–18 months  
**Responsible Manager:** Bruce Phillips, Manager City Strategy

### **MOVED Crs Gross/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.**

## 6. CORRESPONDENCE

### Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors between the month of 21 January 2005 and 22 February 2005 is attached for information.

*\* No formal discussion took place in relation to this Item.*

## 7. PUBLIC QUESTION TIME

### Item 1

Mr Adrian Jackson advised that question number 2 from the Ordinary Meeting of Council held on 24 January 2005 was incorrectly recorded, the question was a follow up question in relation to the mix of gravel and bitumen used for the treatment of footpaths in the shopping centres in the City of Port Phillip. Question 1 from the Ordinary Meeting of Council 24 January 2005 was as follows:

'Is Council aware that the footpath treatment in shopping centres has improved over the last three or four years, to the extent that they are putting more gravel in the mixture rather than a lot of tar, which they were doing sometime in the past which caused the footpath to melt and chairs would sink in, etc.

Mr Jackson further advised that question number 2 from the Ordinary Meeting of Council held on 24 January 2005 should have been in relation to a question that he asked to Council when Cr Gross was Mayor, approximately eight years ago, in regards to his suggestion to Council of putting more blue metal in the mix rather than too much bitumen (which seems to be happening at present). At the time Cr Gross advised that Council knows what it is doing.

Mr Jackson would now like to ask the following question:

'Was he right or was he wrong in relation to his suggestion above?'

*The Chief Executive Officer advised that the appropriate officer will respond in writing as to whether the change has been an improvement or otherwise.*

***\*Executive Director Urban Services to organise a response to Mr Jackson.***

Mr Adrian Jackson gave background information on various topics and asked the following questions in relation to:

### Item 2- Flying of Flags

Could the Council get a second or third flagpole on the St Kilda Town Hall building and put the secondary flag on this flagpole/s, leaving the Australian Flag in place?

*The Mayor, Cr Ray, responded to Mr Jackson advising that the appropriate officer would forward the current Port Phillip Flag Protocol and the Recommendation from the Ordinary Meeting of Council held on 22 November 2004 for his information.*

*Cr Ray advised that he would take on notice the issue of a replacement flagpole/s on the St Kilda Town Hall building and advised Mr Jackson that the appropriate officer would respond accordingly, and further advised that it does not contemplate Council putting up any major event or corporate flag of any nature.*

Mr Jackson further advised that he sent a fax request some weeks ago suggesting Council fly the Grand Prix Flag regards to the 10<sup>th</sup> Anniversary of the Grand Prix coming up and he received an email advising that this request had been refused. Therefore what flags other than the National Australian flag, the State flag and the Council flag can be flown for events?

*Cr Ray replied that the Flag Protocol would clarify what flags can be flown, etc..*

### **Item 3- Councils Name**

Is Council aware that on correspondence they often refer to themselves as the City Of Port Phillip (CoPP), when in fact they are the Port Phillip City Council and is Council going to use the correct terminology (noting the abbreviation should be PPCC and not CoPP)?

*The Chief Executive Officer advised Mr Jackson that the convention has been, when describing the external profile is to talk about 'the City of Port Phillip' and there are other occasions when we use the expression 'Port Phillip City Council'. We have tended to take a fairly relaxed attitude to that distinction and our branding and marketing has promoted the 'City of Port Phillip', essentially promoting a more inclusive and generic concept than perhaps the more old fashioned term.*

### **Item 4- Assist Hold Message (Grand Prix)**

The current months Assist hold message by Tracey Harvey in regards to the Grand Prix is the only event that I have heard in the city where there has been an aspect of negativity (in a humorous way, for example; how it messes up your day, etc) and I don't hear them knocking the St Kilda Festival or the Gay Pride March.

*Cr Ray advised that Council does not censor Tracey Harvey's comedic input in terms of the script, it is checked but not censored deliberately, and in relation to the St Kilda Festival, the recording did refer to the inconvenience to parking for local residents (in a humorous way). Therefore in that and other public events, the recording often acknowledges the pros and cons of these and it is not just the Grand Prix that falls into this category.*

Further Mr Jackson asked 'Is Council going to desist from this practice generally?'

*The Mayor, Cr Ray, advised that the Council will continue to back a comic lighthearted answering service and has no plans to change the script.*

### **Item 5- Push Polling for the St Kilda Festival**

Is Council aware that he got an email from the Coordinator Communications and Marketing and at the bottom of the email it had a message in relation to 'if you support the music at the St Kilda Festival, sms a number...etc'. It appears that if this message is on the bottom of emails coming from the City of Port Phillip, it seems to be push polling as there is no provision to say that you do not like the festival music only if you do like it. If the Council is going to use the email system for push polling, then there should be the option to have a negative or a positive view.

*The Mayor, Cr Ray, advised that the Council has a participative process (for example this Council meeting) that allows members of the public ample opportunities to avail Council of their views.*

**Item 6**

Ms Teresa Warren of South Melbourne made the following suggestion to the Council in relation to more people using public transport to get to St Kilda:

In regards to Council publications for various Council activities, my suggestion is that instead of putting melways references in Council publicity about certain events, is to actually put the tram stop and route numbers (most importantly tram stop numbers).

*The Mayor, Cr Ray, acknowledged that this was a very positive suggestion.*

**Item 7**

Ms Teresa Warren of South Melbourne asked the following question in relation to the storms at the beginning of the month:

‘After the storms I noticed in Ward Street a lot of the trees have more of a lean and one is actually dead, is anybody going to check on these trees?’

***\*Executive Director Urban Services to investigate and advise Ms Warren accordingly.***

## 8. PRESENTATION OF REPORTS AND RECOMMENDATIONS

### 8(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 7 FEBRUARY 2005

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

- A1 AMENDMENT C29 – RESOLUTION TO ADOPT
- A2 BEACON COVE – UPDATE AND PLANNING CONTROLS
- A3 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY NO. R2093 AT THE REAR OF 65 CARTER STREET, MIDDLE PARK
- A4 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY NO. 595 AT THE REAR OF 6 COVENTRY PLACE, SOUTH MELBOURNE
- A5 PROPOSED DISCONTINUANCE OF RIGHT OF WAY AT THE REAR OF 29 TO 33 GLOVER STREET, SOUTH MELBOURNE
- A6 PROPOSED DISCONTINUANCE OF A RIGHT OF WAY AT THE REAR OF 34 KERFERD ROAD, ALBERT PARK
- A7 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY ADJACENT TO 13 ASHWORTH STREET, ALBERT PARK
- A8 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY R2077 AT THE REAR OF 31 WRIGHT STREET, MIDDLE PARK
- A9 GREEN WASTE COLLECTION FEASIBILITY
- A10 BUILDING SOLUTIONS SERVICE REVIEW
- A11 GENERAL VALUATION – YEAR 2006
- A12 MAYORAL & COUNCILLOR ALLOWANCES
- A13 QUARTERLY MANAGEMENT REPORT
- A14 MID YEAR BUDGET 2004/2005

**A1 AMENDMENT C29 – RESOLUTION TO ADOPT**

**Purpose**

To recommend that Council resolve to adopt Amendment C29 as exhibited

**MOVED Crs Logan/Gross**

1. That Council, as the Planning Authority for Amendment C29 to the Port Phillip Planning Scheme;
  - a) In accordance with Section 29 (1) of the *Planning and Environment Act 1987*, adopt Amendment C29 as exhibited.
  - b) In accordance with Section 31 (1) and (2) of the *Planning and Environment Act 1987*, submit Amendment C29 to the Port Phillip Planning Scheme to the Minister for Planning and request that the Minister approve the amendment.

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

**A2 BEACON COVE – UPDATE AND PLANNING CONTROLS**

**Purpose**

To provide an update to Council regarding Beacon Cove matters.

**MOVED Crs Logan/Gross**

**PART A – Port Melbourne Waterfront Revitalisation**

1. That Council, having considered the report and the background reports and information to the November 2004 Council resolution, reaffirm the 22 November, 2004 resolution out of the supplementary report on Port Melbourne Waterfront Revitalisation regarding the precinct approach and various components for consideration by the Precinct Committee and the Department of Sustainability and Environment as follows:
  - 1.1 That Council;
    - Reaffirm its position that the Port Melbourne Waterfront presents an opportunity for revitalisation due to its capital city function in a way that provides improved access and movement and civic spaces along the waterfront to the community and visitors.
    - Reaffirm its position that the solution for Princes pier is best found from a precinct perspective and way of thinking.
    - Note the analysis of landuses in the report that ideally should be provided in the Port Melbourne waterfront precinct and surrounds to support a capital city function and to provide further vibrancy to the port area.
    - Note that piers and jetties have, over the years, been constructed and removed in various arrangements in the Port Melbourne precinct.
    - Note that heritage conservation often involves the retention of buildings and structures that might otherwise routinely have been removed in the ordinary cause of events.
  - 1.2. That in relation to Princes pier Council note;
    - That all options of Princes pier are very expensive and that it accepts in principle that should it be substantially retained in whole or part that some revenue streams would be highly desirable to offset that expense of the State Government.
    - That its previous position, based on the 2 Mirvac proposals of a redevelopment of some 5 - 7 storey apartments or a truncation of the pier, was to support an adaptation / truncation of the pier with heritage recognition.

- That the terms of reference of the Precinct Committee indicate a truncation of Princes pier at a point not more than 100 m past the gatehouse.
  - That the Precinct Committee, whilst being mindful of the terms of reference, has tested other broad commercial options from both an urban design and revenue stream perspective in order to add to the information available for a solid basis for determinations to be made regarding Princes pier.
  - That based on the aspects of heritage recognition of Princes pier (social, cultural and intrinsic heritage fabric) and the view sheds to and from the pier, that the adaptation / truncation of Princes pier at a point 230 m past the gatehouse provides an optimal position for the following reasons.
  - It enables a well defined visual perspective of Princes pier (width to length ratio) to be retained and maintains a twin pier arrangement in this location.
  - It enables the possibility of a public type of building with sufficient space should one be required by the State government in a waterfront setting.
  - It enables the retention of the footprint of the first terminal building as a heritage recognition aspect.
  - It retains the possibility of a new building for commercial purposes of similar shape and dimensions (width and height) to the original initial terminal building for heritage recognition.
  - It enables a marina to be provided that has a viable number of berths (approx 400) having regard to the expense of a wave attenuation facility and the development of the marina berth pens.
  - It provides for carparking on the pier deck to cater for parking for the visitors to the area.
- 1.3 That Council also note that a legitimate alternate option regarding Princes pier, based on the evolution and history of piers in Hobsons bay, is that;
- It could be removed due to the optimal access and movement to the pier having been significantly restricted as a result of the Beacon Cove residential area layout.
  - That from a precinct perspective a form of marine structure be provided at the end of Bay Street that specifically enables the public to access areas over the water for enjoyment such as fishing, walking and access to boats.
- 1.4 That Council acknowledge that the Precinct Committee has analysed the viability of commercial uses on a modified Princes pier, as required by the terms of reference, but resolve that in its opinion a public purpose building, ideally with a maritime, coastal or immigration landuse flavour, would be the preferred use of some of the remaining decked space of a modified Princes pier.

- 1.5 That Council further note that a modified Princes pier should include, or retain the potential to include;
- Areas where small leisure craft can moor for a temporary period.
  - Areas where future improved ferry and water taxi's services can moor.
  - Areas where a future ferry terminal type building space can be provided so that passengers can congregate out of the weather and that this location be part of the overall urban design outcomes for the pier.
  - Areas where people can fish and be close to the water level for enjoyment via some lower landings.
  - Heritage recognition via memory markers, urban art, and displays/interpretations of significant social and cultural events on and near the pier.
- 1.6 That Council reaffirm its considered position that due to the inherent design of the existing pedestrian path between Station pier and Princes pier that in its opinion it does not perform the function of a civic promenade as specified in the 1995 Development Plan approved by the Minister for Planning but rather simply as a pedestrian footpath, and further, that the level changes in its construction do not allow for proper access and movement of disabled persons or people with prams.
- 1.7 That in relation to the promenade Council determine that should a landuse attraction (landuse and / or building) occur on Princes pier that the propensity for increased pedestrian traffic over a period of time in this capital city location will mean that the existing pedestrian path will be inadequate and that for the reasons of functionality and civic performance it should eventually be widened with a civic promenade / boardwalk with no level changes cantilevered over the water on piles for a minimum width of approx 7- 10 metres.
- 1.8 That in relation to Waterfront Place;
- Council reaffirm its opinion that it does not perform as a *civic square* as specified in the 1995 Development Plan approved by the Minister for Planning and support the idea of its refurbishment to provide a civic piazza style *people place* within an urban design framework that provides a vibrant area for major events as well as local contemplative space at off peak times.
  - Reaffirm that for this to occur the TT lines carpark or underneath Waterfront Place (or other space) would need to be seriously considered for alternate parking arrangements.
  - Note that discussions have occurred with the owners of 7 – 11 Waterfront Place regarding options for the buildings and landuses in order to best activate the pedestrian spaces nearby.

- 1.9 That in relation to the Beach Street sub precinct between Princes Street and Bay Street Council note that;
- The space between the property line of lots in Beach Street and the western kerbline presents as a significant opportunity for civic improvements over a period of time due to the generous space allocated presently to the road pavement and the poor median strip.
  - This space could be re-established for improvements for pedestrian spaces / promenades, landscaping, and possible tramway as well as maintaining or increasing parking and also for the necessary access lanes of cars, buses and freight trucks to Station pier.
  - Urban design solutions having regard to these improvement features and means of reducing or better managing the vehicle congestion at Station pier are supported in principle to generate further constructive dialogue.
  - That in relation to the Beach Street and Bay Street intersection Council note that this was the previous location of Town pier being the first pier in Hobsons Bay erected in 1800's and demolished in the mid 1900's.
  - Improved pedestrian movement through this intersection to the beach would be a major improvement that is supported as it is consistent with the Council Sustainable transport framework in providing better pedestrian access, safety and connectivity.
  - Civic improvements and or a civic feature at this location would be a very significant precinct improvement as a community focal point.
  - This location also presents itself as an opportunity for a marine structure as a form of heritage marker of the former *Town pier*, and that in principle, Council consider that this could be, for instance:
    - A small quay, finger pier or the like to provide for ferry service and water taxi access.
    - A marina with breakwater.
    - An urban design form to create a significant *peoples place / space* along the foreshore promenade / Bay trail.
2. That the Precinct Committee, the Department of Sustainability and Environment and Mirvac be advised of this resolution.

**PART B – Planning Controls in Beacon Cove**

1. That Council indicate that it is predisposed to become Planning Authority for the Beacon Cove area once certain matters are considered and resolved (to the satisfaction of the Council) amongst the Council and State Government and Mirvac and that the CEO be authorised to oversee these processes and report back to the Council.
2. That Council indicate that it is predisposed to consider possible means of converting the current covenant provisions into appropriate planning scheme provisions for the Port Phillip Planning Scheme but that the details of those provisions need to be resolved so that they reflect orderly and proper planning based on urban design, landuse and amenity outcomes.
3. That a further report be put to the Council once a considered position has been resolved at officer level.

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

**A3 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY NO. R2093  
AT THE REAR OF 65 CARTER STREET, MIDDLE PARK**

**Purpose**

This report is to present the results to date of an application to discontinue and sell the Right of Way No. R2093 at the rear of 65 Carter Street, Middle Park.

**MOVED Crs Logan/Gross**

1. That statutory procedures to discontinue the Right of Way No. R2093 at the rear of 65 Carter Street, Middle Park, be completed.
2. That the land from the road be sold to the owners of 65 Carter Street, Middle Park, subject to the land being consolidated to the property at 65 Carter Street, Middle Park.

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

**A4 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY NO. 595 AT THE REAR OF 6 COVENTRY PLACE, SOUTH MELBOURNE**

**Purpose**

This report is to present the results to date of an application to discontinue and sell a section of Right of Way No. 595 at the rear of 6 Coventry Place, South Melbourne.

**MOVED Crs Logan/Gross**

1. That statutory procedures to discontinue the Right of Way No. 595 at the rear of 6 Coventry Place, South Melbourne, be completed.
2. That the land from the road be sold to the owners of 6 Coventry Place, South Melbourne, subject to the land being consolidated to the property at 6 Coventry Place, South Melbourne.

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

**A5 PROPOSED DISCONTINUANCE OF RIGHT OF WAY AT THE REAR OF 29 TO 33 GLOVER STREET, SOUTH MELBOURNE**

**Purpose**

This report is to present the results to date of an application to discontinue a right of way at the rear of 29 to 33 Glover Street, South Melbourne and to commence the statutory process for discontinuance and sale.

**MOVED Crs Logan/Gross**

1. It is recommended that:-

- a) Council commences statutory procedures to discontinue the Right of Way at the rear of 29 to 33 Glover Street, South Melbourne, shown hatched on the attached plan in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.

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

**A6 PROPOSED DISCONTINUANCE OF A RIGHT OF WAY AT THE REAR OF 34 KERFERD ROAD, ALBERT PARK**

**Purpose**

This report is to present the results to date of an application to discontinue a right of way at the rear of 34 Kerferd Road, Albert Park and to commence the statutory process for discontinuance and sale.

**MOVED Crs Logan/Gross**

1. It is recommended that:-
  - a) Council commences statutory procedures to discontinue the Right of Way at the rear of 34 Kerferd Road, Albert Park shown hatched on the attached plan in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.
  - b) The current policy guidelines for the sale of laneways be reviewed to consider the best ways of addressing clear and unambiguous instances of adverse possession, to be brought to Council in the next cycle.

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

**A7 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY ADJACENT TO 13 ASHWORTH STREET, ALBERT PARK**

**Purpose**

This report is to present the results to date of an application to discontinue a section of Right of Way adjacent to 13 Ashworth Street, Albert Park and to commence the statutory process for discontinuance and sale

**MOVED Crs Logan/Gross**

1. It is recommended that:-
  - a) Council commences statutory procedures to discontinue a section of the Right of Way adjacent to 13 Ashworth Street, Albert Park shown hatched on the attached plan in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.

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

**A8 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY R2077 AT THE REAR OF 31 WRIGHT STREET, MIDDLE PARK**

**Purpose**

This report is to present the results to date of an application to discontinue and sell a section of Right of Way R2077 at the rear of 31 Wright Street, Middle Park.

**MOVED Crs Logan/Gross**

1. That statutory procedures to discontinue the Right of Way No. R2077 at the rear of 31 Wright Street, Middle Park, be completed.
2. That the land from the road be sold to the owners of 31 Wright St, Middle Park, subject to the land being consolidated to the property at 31 Wright Street, Middle Park.

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

**A9 GREEN WASTE COLLECTION FEASIBILITY**

**Purpose**

This report responds to a question raised by a Councillor regarding the provision of a new regular containerised green waste collection service for residents.

**MOVED Crs Logan/Gross**

1. It is recommended that;
  - a) Council re-affirm its previous decision that a separate regular collection of containerized green garden waste not be introduced.
  - b) Council prepare a standard communication that states its position on the establishment of a separate green waste collection and outlines existing Council and commercial options available to residents for the disposal of green garden waste so that this information is available when inquiries are received.

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

**A10 BUILDING SOLUTIONS SERVICE REVIEW**

**Purpose**

To present the results and implementation plan of actions following the Building review.

**MOVED Crs Logan/Gross**

1. That Council notes the findings of the Sustainable Value Review of Building Solutions Victoria and endorses the management response.
2. Any financial implications of the recommendations be delivered as part of the budget process noting the principle of the service reviews to be implemented being neutral.

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

**A11 GENERAL VALUATION – YEAR 2006**

**Purpose**

It is necessary for Council to adopt a formal resolution to "cause" the General Valuation to be made, appoint Valuers for the purpose of preparing the 2006 General Valuation.

**MOVED Crs Logan/Gross**

1. That the report of the Property Services Coordinator be received and:
  - a) Council resolves, pursuant to Section 6(1) of the Valuation of Land Act 1960 (as amended) to undertake a General Valuation of all rateable properties within the Municipal boundaries of the City of Port Phillip, to be returned no later than 30 June 2006 as at the relevant date prescribed by the Valuer-General's Office that being 1 January 2006.
  - b) Pursuant to Section 13DA of the Valuation of Land Act 1960 (as amended), Council appoints HMPS PTY. LTD. (Trading as Hay Municipal Property Services) of the making and return of the 2006 General Valuation. In particular Council appoints Don Reiter, Frank Carbone, Peter Hay, Alan Stubbings, Angela Passaro, Stacey McCabe, Ray Buckley, Kerrie Owen, and Alexandra Giunta, to serve this purpose.
  - c) Pursuant to Section 6(1) of the Valuation of Land Act 1960 (as amended), the Valuer-General and other relevant rating authorities be advised of the resolution to "cause" such a General Valuation to be undertaken.
  - d) That the Declarations of Impartiality (copies attached) signed by Don Reiter, Peter Hay, Alan Stubbings, Frank Carbone, Angela Passaro, Stacey McCabe, Ray Buckley, Kerrie Owen, and Alexandra Giunta, pursuant to Section 13 DH of the Valuation of Land Act 1960 be received and noted.

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

**A12 MAYORAL & COUNCILLOR ALLOWANCES**

**Purpose**

To commence the process to set the Mayoral and Councillor Allowances for the period ending 30 June 2009.

**MOVED Crs Logan/Gross**

1. The Strategy and Policy Review Committee recommends that Council adopt the following:
  - a) That Council commence the process to determine the Mayoral and Councillor allowances and that Council authorise the Chief Executive Officer and the Manager Governance and External Relations to undertake the administrative procedures to enable the Council to determine the level of the allowances;
  - b) The proposed Mayoral allowance be \$46500 per annum, being the maximum allowed for Category Two councils;
  - c) The proposed Councillor allowance be \$15000 per annum, being the maximum allowed for Category Two councils;
  - d) That Council authorise the calling for public submissions, and that the Strategy and Policy Review Committee to be conducted on Monday 2 May 2005 be the committee to review the public submissions;
  - e) That Council at its Ordinary Meeting on 23 May 2005 determine the outcome of the review process and set the Mayoral and Councillor allowances for the four year period ending 30 June 2009.

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

**A13 QUARTERLY MANAGEMENT REPORT**

**Purpose**

To highlight key financial issues and highlights for Council in the quarter ended 31 December 2004.

**MOVED Crs Logan/Gross**

That the Quarterly Management Report from the CEO detailing Council's financial and operating performance for the three months ending 30 September 2004 be received and noted.

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

**A14 MID YEAR BUDGET 2004/2005**

**Purpose**

Structured review carried out by Council Officers.

**MOVED Crs Logan/Gross**

1. Council adopt the 2004/2005 Mid Year Budget forecast as outlined in the body of this report and Attachments 1 and 2, and approve the favourable and unfavourable variances as outlined in the Attachments.
2. Council adopt the changes recommended to the Capital Works program as outlined in Attachment 3.

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

**8. PRESENTATION OF REPORTS AND RECOMMENDATIONS**

**8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST  
KILDA TOWN HALL ON 14 FEBRUARY 2005**

**MEETING CANCELLED**

## **9. ORDERS OF THE DAY**

Discussion took place in relation to the following items:

- ORDER 1     300 INKERMAN STREET, ST KILDA EAST
- ORDER 2     CECIL STREET, MARKET STREET, YORK STREET, SOUTH MELBOURNE  
- APPLICATION FOR COMBINED PLANING SCHEME AMENDMENT AND  
PLANNING PERMIT
- ORDER 3     FEBRUARY 2005 STORM
- ORDER 4     SECTION 94 APPOINTMENT PROCESS

**ORDER 1      300 INKERMAN STREET , ST KILDA EAST**

**Purpose**

Redevelop the land with 10 x three storey residential apartments.

**MOVED Crs Gross/Cribbes**

That the Council, being the Responsible Authority, having caused the application to be advertised and having received and noted the objections, is of the opinion that the granting of a Planning Permit for the proposed development and use **will not** cause material detriment to any persons other than the applicant.

That the Council, issue a Notice of **Decision** under the provisions of the Port Phillip Planning Scheme to develop the land known as No. 300 Inkerman Street, Balaclava for the redevelopment of the land with a three storey building comprising 10 three storey residential dwellings generally in accordance with the endorsed plans.

That the Council issue a Notice of **Decision** subject to the following conditions.

1. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Details of front fencing compatible with the streetscape and consistent with Clause 55 of the Port Phillip Planning Scheme.
  - (b) At least ten semi-mature trees planted along each of the two side boundaries.
  - (c) The width of at least four living areas shown on the first floor plan reduced by one metre to provide additional articulation and shading on the east elevation.
  - (d) Acoustic treatment to the common boundary fence (interface) where the building at 298 Inkerman Street is closest.
  - (e) Screening designed so as to avoid "enclosing" balconies and to allow rooms outlook but prohibit downward views.
  - (f) The front elevation opened up with glazing.
  - (g) Individuality to the row of units, some artistic or architectural device, which would differentiate the different entrances from one another.
  - (h) The sensitive location of pipes, building services and plant.
  - (i) A schedule of ESD features, including the retention and recycling of water from the buildings.
  - (j) Full detail of design measures designed to break up the gun barrel drive.

- (k) Full details of all materials, colours, textures and finishes.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
  3. The Applicant/Owner shall do the following things to the satisfaction of the Responsible Authority:
    - (a) Pay the costs of all alterations/ reinstatement of Council and Public Authority assets necessary and required by such authorities for development.
    - (b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatements.
    - (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of such alterations/reinstatement.
    - (d) Make good any redundant cross-over.
  4. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site
  5. The colour of external cladding and trim of the proposed building shall be to the satisfaction of the Responsible Authority and all paintwork shall be satisfactorily maintained.
  6. All piping and ducting above the ground floor storey of the building shall be concealed.
  7. No equipment, services and architectural features, solar panels, satellite dishes, air conditioning units & other building equipment other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
  8. Provision shall be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
  9. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
  10. Finished floor levels must be a minimum of 300mm above the applicable flood level.

11. This permit will expire if one of the following circumstances applies:
- a) The development and use is not commenced within two (2) years from the date of issue of this permit,
  - b) The development is not completed within four (4) years from the date of this permit.

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

*Notes:*

*If further information is required in relation to Melbourne Water's permit condition shown above, please contact Kerrie Homan on telephone 9235 2241, quoting Melbourne Water's reference 66758.*

*The applicable flood level of the property is 17.0 metres to Australian Height Datum (AHD).*

*The Best Practice Environmental Management Guidelines for Urban Stormwater (The Stormwater Committee, 1999) may be used as a guide when developing site controls to minimise sediment laden runoff and stormwater pollution during construction. Section 6.3, titled Construction Activity, of these guidelines provides a useful checklist to develop a site management plan.*

**A vote was taken and the MOTION was CARRIED (unanimously).**

**ORDER 2     CECIL STREET , MARKET STREET, YORK STREET, SOUTH  
MELBOURNE - APPLICATION FOR COMBINED PLANNING SCHEME  
AMENDMENT AND PLANNING PERMIT**

**Purpose**

To update Council on the Red Bears Site.

**MOVED Crs Logan/Bolitho**

That the Council resolve to:

- 1.1.     Note the amendments to the plans for the proposal.
- 1.2.     Advise the applicants of design concerns with the amended plans as follows:
  - The sloping roof element would be inconsistent with the architectural character of the area and the remainder of the proposal, and should be minimised, and broken up by the re-introduction of a stepped/terraced design facing to York Street, and revisions to 'soften' the east and west side elevations of this element.
  - The top level should be set back from the floors below so as to be not visible from close to the site;
  - Levels 2 and 2A should be set back more from the northern (Market St) facade; and
  - The verandahs should be extended further over the footpath.
- 1.3.     Make consequential changes to the Section 173 requirements of its resolution of 15<sup>th</sup> June, 2004, and Condition 12 of the draft planning permit as exhibited so that they would read as follows:

That the Council further resolve that it is central to its determination to place the proposal on exhibition that agreements pursuant to Section 173 of the Planning and Environment Act, 1987 must be entered into with the Council, together with Section 181 Covenants, prior to any adoption of the amendment by the Council, for the following:

**Traffic management works**

- (i) The reconstruction and/or alteration of the existing roundabout at the corner of Cecil Street and Market Street, together with the construction of extended kerbs along part of the south side of Market Street, sign posting etc. to facilitate two-way traffic along Market Street;
- (ii) The reconstruction and/or alteration of the existing roundabout at the corners of Cecil Street and York Street, and Cecil Street and Market Street;
- (iii) The construction of raised pedestrian zebra crossings to all four sides of the Cecil Street and York Street intersection;

- (iv) The construction and/or reconstruction and/or alteration of the intersection treatment at the corner of Clarendon Street and Market Street;
- (v) The construction and/or reconstruction and/or alteration of the intersection treatments at the corner of Cecil Street and City Road, including introduction of a city bound turning lane from City Road into Cecil Street
- (vi) The installation of traffic signals at the Clarendon Street and Market Street intersection;
- (vii) The installation of traffic signals, including turn arrow(s) at the Cecil Street and City Road intersection; and
- (viii) The provision of directional and early warning signs advising of the location of the car park entries and the number of available parking spaces along nearby streets to the satisfaction of Council's Manager-Sustainable Transport.
- (ix) The above matters shall be to the satisfaction of the Responsible Authority.

**Streetscape and urban design works**

- (i) Kerb extensions and footpath reconstruction/paving and retention of and/or replacement of street tree planting appurtenant to the subject site. Ground surfaces shall be kept simple (asphalt) for ease of maintenance and continuity with surrounds, rather than patterned surfaces or pavers etc;
- (ii) Install trees with substantial canopy (light canopied eucalypts or deciduous exotics) amongst seating areas and along boundaries to provide scale to the buildings and provide shade and define outdoor spaces. This will require planter frames in early years of growth.
- (iii) Provide planter boxes or other built form (seats etc.) to differentiate spaces and provide partial dividers between different businesses.
- (iv) Provision of lighting to streets and laneway.
- (v) Provision of other street furniture (bins, directional signage, bicycle racks) as required. Guidelines be developed for all associated portable outdoor furniture so as to encourage Traders to install quality awnings/ umbrella's/furniture to help differentiate their outdoor spaces and to further create visual and spatial diversity.
- (v) The applicant to be responsible for tree and shrub etc. maintenance for the first twelve (12) months after planting, including replacement of any tree or shrub etc. removed or destroyed during that period, with a tree or shrub of the same variety and a similar size as the remaining plantings, after which the responsible authority shall assume responsibility for maintenance.
- (vi) The above matters shall be to the satisfaction of the Responsible Authority."

**Sale, closure and re-construction of 'Browns Lane'**

- (i) The applicants shall undertake to purchase from the Council, the existing Browns Lane, and to formally close this lane/road using the procedures of the Local Government Act.
- (ii) The applicants shall set aside land and construct, or cause to be constructed, a new 'Browns Lane' along the eastern alignment of the subject site between York Street and Market Street in accordance with the endorsed plans; The new road shall feature drainage, a bluestone paver carriageway, and pedestrian priority intersection treatments to the York Street and Market Street footpaths/street junctions, all to the satisfaction of the Responsible Authority.
- (iii) The applicants shall create a carriageway easement in favour of the Council over the new 'Browns Lane' on any plan of subdivision for the subject land, and shall further preclude construction (other than minor services and the like) over the airspace of the new 'Browns Lane'.
- (vii) All existing bluestone pavers in the existing Browns Lane shall be stored for reuse in the new 'Browns Lane', and any surplus pavers shall be returned to Council's Depot for reuse elsewhere in the municipality.
- (viii) The above matters shall be to the satisfaction of the Responsible Authority.

**Car Park Management Plan**

- (i) The preparation of a car park management plan providing for:
  - (a) The number of car parking spaces provided on site for the office use shall not exceed 2 car space per 100m<sup>2</sup> of office floor area;
  - (b) The whole of the lower car parking levels, and part of the upper level car parks shall be made available for general public short-term shopper parking at all times, such that the number of car parking spaces provided on site for the supermarket, Spotlight store, and other retail uses shall not be less than 5 car spaces per 100m<sup>2</sup> of retail floor area, and the number of car parking spaces provided on-site for the restaurant uses shall not be less than 0.5 spaces/seat;
  - (c) The upper car parking levels shall be made available (and suitably signed) for use for general access/shopper car parking outside of principle office hours of 7.00am to 7.00pm Monday to Friday (i.e. weekday evenings and weekends);
  - (d) Measures to discourage weekday long-term/commuter parking within the non-office car parking levels/areas, such as time limits, and pricing structures.
  - (e) The above matters shall be to the satisfaction of the Responsible Authority.

**Provision of Environmental Features**

- (i) The office building to achieve a minimum four (4) to five (5) star energy rating;
- (ii) The inclusion of the environmental features in the development such as:
  - Rainwater recycling for toilet flushing etc.;
  - Energy efficient hot water service units;
  - Water efficient shower heads and wash basin outlets;
  - Energy efficient low voltage and fluorescent light fittings and motion detectors for public area lighting to car parks and fire stairs out;
  - Energy efficient electrical appliances;
  - Energy efficient mechanical and lift services; and
  - Waste recycling collection facilities.
- (iii) A management plan to demonstrate how the energy efficiency features of the building would be ongoing.
- (iv) The above matters shall be to the satisfaction of the Responsible Authority.

**Contributions to parking station and sustainable transport improvements in locality**

Monetary contributions, based on the difference between the originally submitted parking rate of 2.7 spaces / 100 m2 office area and the Council car parking limitation rate of 2.0 spaces per 100 m2 office for this locality and the shortfall in retail/café' parking from Council's November, 2003 resolution parking rates for the proposal be made for a proposed car park station behind the South Melbourne market building and also into the sustainable transport fund of Council specifically to enhance the public transport interchange / travel and walkability of the centre, all to the satisfaction of the Responsible Authority

and

**(12) Number of parking spaces;**

The number of car parking spaces for the development must be provided as follows to the satisfaction of the Responsible Authority:

- (a) The number of car parking spaces provided on site for the supermarket, Spotlight store, and other retail uses shall not be less than 5 car spaces per 100m2 of retail floor area;
- (b) The number of car parking spaces provided on-site for the restaurant uses shall not be less than 0.5 spaces/seat;
- (c) The number of car parking spaces provided on site for the office use shall not exceed 2 car space per 100m2 of office floor area; and

(d) Bicycle parking spaces for both the retail and office uses.

That the Council has made this decision having particular regard to Sections 58, 59, 60, 61 and 62 of the Planning & Environment Act 1987.

**A vote was taken and the MOTION was CARRIED (unanimously).**

**ORDER 3      FEBRUARY 2005 STORM**

**Purpose**

To update Council on the storms that occurred in February 2005.

**MOVED Crs Klepner/Sait**

1. That the status report be received and noted.
2. That Council formally thank all staff for the timely and thorough responses to the storm.

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

**MOVED Crs Gross/Logan**

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

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

The meeting closed to members of the public at 6.46pm.

**ORDER 4 CHIEF EXECUTIVE OFFICER APPOINTMENT / REAPPOINTMENT  
PROCESS**

**MOVED Crs Gross/Logan**

That the meeting be re-opened to the members of the gallery.

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

The meeting re-opened at 6.51pm.

**Purpose**

The contract of the current Chief Executive Officer of the City of Port Phillip, Mr David Spokes, expires on 30 June 2005. Legally, Council can either reappoint the current Chief Executive Officer or advertise for applications.

**MOVED Crs Ray/Cribbes**

1. That Council give public notice under section 94(4) of the *Local Government Act 1989* of its intention to reappoint the Chief Executive Officer, Mr David Spokes, at the Ordinary Council Meeting to be held 29 March 2005.
2. That the report and minute of this resolution be publicly available.
3. That Council will follow due process in an open and transparent way as prescribed by the *Local Government Act 1989* (as amended).

**A vote was taken and the MOTION was CARRIED (unanimously).**

## 10. REPORTS BY DELEGATES (COUNCILLOR) APPOINTED TO OTHER BODIES

### Item 1

Cr Gross advised that at the commencement of this Council, he discontinued being Council's representative on the VLGA and did not stand for a position on the Board. The advised that there was an election.

Cr Gross advised that he stood for the Board of the MAV as a central region representative and was elected.

### **MOVED Crs Bolitho/Klepner**

That Council congratulate Cr Gross on his election for a 2 year period to the MAV Board.

**A vote was taken and the MOTION was CARRIED (unanimously).**

### Item 2

Cr Bolitho advised that she attend a meeting of the Association of Bayside Municipalities which was held at the St Kilda Town Hall. Several topics was discussed including the issue of beach re-nourishment.

### Item 3

Cr Logan advised he attended the Community Consultative Committee that the State Government had set up on MSAC. The main issue was 'Learn to Swim' component of the business plan of MSAC and the movable floor which is still a movable item that has not being put back in.

### **MOVED Crs Klepner/Siat**

That the Delegate Reports be received.

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

## 11. URGENT BUSINESS

### UB1 CHILDCARE

#### MOVED Crs Bolitho/Cribbes

##### Part 1

Council resolves to call on the Federal Government to hold a national summit on child care, with representatives from all levels of Government, from all States, as well as peak advisory bodies and parent groups, to provide future direction on the availability of affordable, quality childcare, for all Australian families.

**A vote was taken and the MOTION was CARRIED (unanimously).**

#### MOVED Crs Bolitho/Cribbes

##### Part 2

1. Council resolves to form a Child Care Advisory Group, and to invite representation from:
  - Parents who are on City of Port Phillip Child Care Waiting lists;
  - Existing Child Care users;
  - Peak bodies; and
  - State and Federal Government and the commercial sector.
2. Terms of reference will be developed, which reflect the role of the group to advise and guide Council as it considers a full range of options to build the capacity of the child care sector, to provide quality affordable care.
3. Council will consider Terms of Reference at the meeting of the Strategy and Policy Review Committee in the April 2005 cycle.

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

Note:

On behalf of the Council, Cr Ray formally thanked and acknowledged the Executive Director Community and Cultural Vitality for her role in the rally, and for the skillful and empathic chairing.

**UB2 TASTE FOR LIVING FESTIVAL**

**MOVED Crs Klepner/Gross**

1. That Council notes the success of the 'Taste for Living' Festival held at Gasworks Arts Park on 27 February, 2005.
2. That Council note the efforts made by those participated and that any profits that have arisen from the day are being donated to the South Port Nursing Home.

**A vote was taken and the MOTION was CARRIED (unanimously).**

## 12. COUNCILLORS QUESTION TIME

Nil.

### **13. CONFIDENTIAL MATTERS**

#### **ORDER 4      SECTION 94 APPOINTMENT PROCESS**

**PREVIOUSLY THIS ITEM WAS LISTED AS CONFIDENTIAL ITEM. PLEASE REFER TO THE PUBLIC SECTION OF THE MINUTES FOR THE COUNCIL'S RESOLUTION ON THIS ITEM.**

As there was no further business the meeting closed at 7.04pm.

Confirmed: 28 March 2005

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