



**STRATEGY AND POLICY
REVIEW COMMITTEE**

AGENDA

1 JULY 2002

PORT PHILLIP CITY COUNCIL

STRATEGY AND POLICY REVIEW COMMITTEE

To Councillors

Notice is hereby given that a Meeting of the **Strategy and Policy Review Committee** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Monday 1 July 2002, commencing at 6.00pm.**

AGENDA

- 1. APOLOGIES**

- 2. CONFIDENTIAL MATTERS**

- 3. DECLARATIONS OF PECUNIARY INTEREST**

- 4. CONFIRMATION OF MINUTES**

Minutes of the Strategy and Policy Review Committee held on 3 June 2002.

- 5. QUESTION TIME (INCLUDING COUNCILLOR QUESTIONS)**

- 6. PRESENTATION OF REPORTS**

(See Report Index)

- 7. REPORTS BY DELEGATES (COUNCILLOR) APPOINTED TO OTHER BODIES**

Cr Hill to make a Verbal Presentation to the Committee on 'Shed Your Car For Melbourne' – Short Report On, And Recommendations Arising From Regional Practicum For Mayors On Car Free Days.
(relevant documentation is attached for information).

David Spokes
Chief Executive Officer
26 JUNE 2002

STRATEGY AND POLICY REVIEW COMMITTEE

REPORT INDEX

2. CONFIDENTIAL ITEMS - FOR CONSIDERATION BY COUNCILLORS AND SENIOR OFFICERS.

A13 Evaluation Of Tenders - 0606 – Air Conditioning Services/0609 – Electrical Services/0610 – Plumbing, Gasfitting And Fountain Maintenance Services/0613 – Bricklaying Services/0614 – Painting Services.

Responsible Manager: David Yeouart, Director Environment and Infrastructure
(Note: This is a Confidential Item in accordance with Section 89 (d) of the Local Government)

6. PRESENTATION OF REPORTS

A1 Naming The Section Of Beach And Reserve Adjacent To The Boulevard, Between Todd Road And Barak Road, Port Melbourne 7

Responsible Manager: David Graham – Director Governance And Council Services

Purpose: To Consider Submissions Received In The Naming Of Beach Off The Boulevard, Opposite The Bend And Barack Road, Port Melbourne.

Recommendation: Refer To The Recommendation In The Report.

Do Not Delete This Line, Reserved For Minutes

A2 Audit Committee Activities Update 14

Responsible Manager: David Graham - Director Governance & Council Services

Purpose: To Bring To The Attention Of Council The Matters Discussed At The May 2002 Meeting Of The City Of Port Phillip Audit Committee.

Recommendation: Council Receive And Note The Report Outlining The Matters Considered By The City Of Port Phillip Audit Committee At Its May 2002 Meeting.

6. PRESENTATION OF REPORTS (CONT)

A3 Naming Of Grassed Courtyard Area At The Front Of The St Kilda Town Hall 19

Responsible Manager: David Graham – Director Governance And Council Services

Purpose: To Consider A Proposal To Name The Grassed Courtyard Area At The Front Of The St Kilda Town Hall 'Raoul Wallenberg Garden' And To Erect A New Plaque.

Recommendation: That Council, After Considering All Submissions Received And In Accordance With The Geographic Names Act 1998, Agree To The Naming Of The Grassed Courtyard Area At The Front Of The St Kilda Town Hall 'Raoul Wallenberg Garden' And To Erect A Plaque Relating To The Naming.

A4 Monthly Management Report From The Chief Executive Officer 23

Responsible Manager: David Spokes - Chief Executive Officer

Purpose: This Report Aims To Provide Councillors With A Summary Of The Major Aras Of Activity And Operational Performance As At 24 Masy 2002 And Compares Actual Performance Against Forecast.

Recommendation: That The Monthly Management Report From The Ceo Detailing Council's Year To Date Financial And Operating Performance To Be Received And Noted.

A5 Sustainable Design Policy 26

Responsible Manager: Geoff Oulton - Director City Development

Purpose: To Provide An Update To Council On The Sustainable Design Policy.

Recommendation: Council To Endorse The Sustainable Design Policy As A Basis To Implement The Sustainability Scorecard For Residential Building Applications During A 3-Month Trial Period.

Do Not Delete This Line, Reserved For Minutes

A6 Urban Art Strategy 37

Responsible Manager: Geoff Oulton - Director City Development

Purpose: To Update Council On The Urban Arts Strategy.

Recommendation: That Council Adopt An Urban Art Strategy, As Described In The Document Prepared By Torque Consultants (June 2002).

Do Not Delete This Line, Reserved For Minutes

6. PRESENTATION OF REPORTS (CONT)

- A7 Attorney General's Street Prostitution Advisory Group Final Report 44**
- Responsible Manager:** Geoff Oulton – Director City Development
- Purpose:** To Advise On The Implications For Council Of The Recommendations Arising From The Attorney General's Street Prostitution Advisory Group Report Released On 19th June 02.
- Recommendation:** That Council Endorse All Recommendations Of The Attorney General's Street Prostitution Advisory Committee Final Report-June 2002.
- Do Not Delete This Line, Reserved For Minutes
- A8 Amendment C35 - St Kilda Station Advertising Controls 60**
- Responsible Manager:** Geoff Oulton – Director City Development
- Purpose:** This Report Advises Council Of The Strategic Work In Preparing An Amendment To Introduce Height Controls To Protect The Shrine Vista.
- Recommendation:** Council Exhibit An Amendment To Introduce Height Controls To Protect The Shrine Vista.
- A9 Submissions Received To Proposed Intention To Declare A South Melbourne Business Precinct Special Rate, For The Provision Of Marketing, Management And Development. 80**
- Responsible Manager:** Geoff Oulton – Director City Development
- Purpose:** To Enable Council To Consider Submissions Received Regarding The Proposed Intention To Declare A South Melbourne Business Precinct Special Rate, For The Provision Of Marketing, Management And Development.
- Recommendation:** That Council Receive And Accept All Submissions And Proceed To Declare A South Melbourne Business Precinct Special Rate As Detailed In The Intention To Declare South Melbourne Business Precinct Special Rate Report.
- A10 Fixed Screen Trial For Kerbside Trading 89**
- Responsible Manager:** Geoff Oulton – Director City Development
- Purpose:** To Investigate And Report On The Merits Of A Fixed Screen Trial For Kerbside Trading Within Fitzroy Street, St Kilda.
- Recommendation:** To Trial Fixed Screens For Kerbside Trading In Fitzroy Street, St Kilda
- A11 Community Amenity (Amendment) Local Law No. 2 96**
- Responsible Manager:** Stephen Cooper
- Purpose:** To Consider The Report Of Submissions Received Following The Statutory Advertising Of Proposal To Make Community Amenity (Amendment) Local Law No 2 Of 2002.
- Recommendation:** That Council Adopts Community Amenity (Amendment) No 2 Local Law Of 2002 And Agrees To Incorporate Its Provisions Into The Community Amenity Local Law No 1 With Effect From 15 August, 2002.
-

6. PRESENTATION OF REPORTS (CONT)

A12 2002 Cultural Development Fund Evaluation Outcomes

103

Responsible Manager: Sally Calder – Director Social And Cultural Development

Purpose: This Report Provides Council With An Overview Of The Outcomes Of The Cultural Programs Board's Evaluation Of The 2002 Cultural Development Fund And A Comparative Analysis Of The Funding Applications Received.

Recommendation: Council Receive And Note The Report And The Cultural Programs Board's Recommendations For The Allocation Of Funds For The 2002 Cultural Development Fund Program. Council Formally Acknowledge The Work Undertaken By The Members Of The Evaluation Panel.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A1	NAMING THE SECTION OF BEACH AND RESERVE ADJACENT TO THE BOULEVARD, BETWEEN TODD ROAD AND BARAK ROAD, PORT MELBOURNE
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	FORESHORE BETWEEN TODD ROAD AND BARAK ROAD, PORT MELBOURNE
RESPONSIBLE MANAGER:	DAVID GRAHAM – DIRECTOR GOVERNANCE AND COUNCIL SERVICES
AUTHOR:	DINA MICHELIS - STATUTORY FUNCTIONS SUPPORT OFFICER
FILE NO.:	78/01/62
ATTACHMENTS:	PLAN OF THE AREA

1. KEY ISSUES

- 1.1. The purpose of this report is to advise the response to a proposal to name a section of foreshore reserve adjacent to The Boulevard, between Todd Road and Barak Road, Port Melbourne as well as the adjacent beach.
- 1.2. An alternative course of action is proposed, namely placing of a plaque in the foreshore wall at the end of Kerferd Rd.

2. BACKGROUND

- 2.1. It is considered that the area of foreshore reserve adjacent to The Boulevard, between Todd Road and Barak Road, Port Melbourne, now has significant local interest and it is appropriate that it has a name that would enable it to be recognised by the local community.
- 2.2. The Geographic Place Names Registrar, which is responsible for registering geographic place names has indicated that the section of Beach between Todd Road and Barak Road has not been formally named and registered as 'Sandridge Beach', however the name has been adopted and is shown on the place names register.
- 2.3. The section of reserve does not seem to be known by any name generally within the Community. The section of reserve has not been named although it has been known as Westport reserve in the past. It was proposed that it would be appropriate to name the area after a Community or Council staff member who has some special relationship with the area.
- 2.4. Mr Peter Fussell a former staff member has had much involvement with the beach area, reserve and with the Webb Dock extension which is located

nearby. Mr. Fussell was instrumental in the revitalization of the foreshore area between South Melbourne and Port Melbourne.

- 2.5. Peter commenced employment with the former City of South Melbourne. In his years with the City of South Melbourne, he distinguished himself and was appointed to the position of Deputy City Engineer. After amalgamation Mr Fussell held several senior appointments with Port Phillip Council. Mr Fussell was also an active member of many committees within Port Phillip and held senior appointments with professional organisations.
- 2.6. Peter was one person who recognised the need to improve the area between Todd Road and Barak Road particularly the beach and had the drive to and vision to engage Council, the State Government and Mirvac in the project. He was instrumental in bringing the beach improvement project to fruition through his sponsorship of it and through extensive negotiations with the previous Council, the State Government and Mirvac.
- 2.7. The proposal to name a section of the foreshore reserve (adjacent to Sandridge Beach) off the Boulevard, opposite the Bend and Barak Road, Port Melbourne, was advertised in the Port Phillip Leader and the Emerald Hill Times, asking for comments from the public. Eight written responses were received expressing varying degrees of support. However a number of verbal submissions have been received that expressed disquiet about the lower profile of Mr Fussell in the Port Melbourne area and replacement of a generic name with a personalized name.
- 2.8. A summary of the submissions received are as follows:

2.8.1. Julie Johnson (Middle Park)

"Would like to see the section off The Boulevard and a section of foreshore reserve adjacent to Sandridge Beach named "Fussell's Beach" and "Fussell's Park".

Using his correct name would have much more significance to both Peter and the Community, who new and loved him so well.

Peter Fussell was a tireless Council Officer, known and loved throughout South Melbourne and later by the whole of the Port Phillip Community.

Peter's tireless work on the foreshore both before and after amalgamation is well known in the community – so it would be an appropriate gesture of appreciation".

2.8.2. Kevin Johnson (Middle Park)

"I support the naming of a section of Beach and Reserve, "Fussells Beach/Park".

It is a very appropriate gesture for the untireless work that he has given to the City and its Community.

The suggestion of using Fussy's Park whilst quaint – means nothing to anybody in the community and would miss the point entirely.

Peter has given many years of his life to the community and I would like to see him given this small tribute of appreciation.

2.8.3. Michael Sabada (South Melbourne)

"I would like to express my support for naming this piece of land in honour of Peter Fussell. I do not think it is suitable for a nick name, if the purpose is to honour or commemorate someone Therefore I object to the use of 'Fussy'".

The type of place it clearly cannot be a beach if there is a beach directly in front of it (the are proposed to be named "Sandridge Beach", as it would cause confusion.

I suggest the portion of reserve be called Fussell Park rather than Fussy's Beach, as it would commemorate Mr Fussell and his efforts on behalf of the City of Port Phillip.

That physical scope for this reserve should be all that land on the landward side of the proposed Sandridge Beach and that its northern and southern boundaries be in line with The Bend and Barak Road".

2.8.4. Elizabeth and Hartmut Grieb (South Melbourne)

"We understand that the naming is in recognition of the – in our opinion - an outstanding Council Officer Peter Fussell. Peter is pleased but appalled that his name is distorted to a nickname apparently given by a Councillor. Perhaps Peter was fussy – good on him to do a job properly – a bit old fashioned.

We suggest "Fussell's Beach" or "Fussell's Park".

2.8.5. Pat Brown OAM, J.P. (Albert Park)

"I was a Councillor when Peter Fussell was appointed Deputy City Engineer for the South Melbourne Council in 1984 and subsequently in the amalgamated Council of Port Phillip where Peter under various titles was called upon to serve Council and the community in numerous projects of which I shall only mention two – Beacon Cove and Webb Dock.

Beacon Cove – Peter Fussell recognised the opportunity to enhance the beach and so negotiated and succeeded in achieving the agreement between the three parties DNRE, Mirvac and Council.

Webb Dock – As Council's representative on the Environmental Impact Study I witnessed the intense diligence and the conscientious skill of a Municipal Engineer fighting for the protection of his environment – be it traffic, pollution, retention of the saltmarsh and wetlands and the impact of Webb Dock expanding into Port Phillip Bay.

I strongly support the naming of the foreshore reserve adjacent to Sandridge Beach – Peter I. Fussell".

2.8.6. Jane Bolitho (Friends of Port Melbourne Foreshore) (Port Melbourne)

"The Friends of Port Melbourne enjoyed an excellent relationship with Peter Fussell. He always made himself available to attend Friends Meetings. Consultation and sharing information was fundamental to his way of operating. His commitment was immense.

Peter Fussell made a particular contribution to the Webb Dock EIS, taking every care to keep us in the information loop. Recently at the Beacon Cove Stage 2 Advisory Hearings, Mirvac received repeated acknowledgement for the renourishment of Sandridge Beach. Pat Brown reminded us that this Beach is very much a legacy of Peter Fussell's commitment to create the three-way partnership of Mirvac, DNRE and Council.

We deeply support the recognition of an excellent Council Officer, we would prefer to him acknowledged by his full name. We never knew him by a nick name and feel this diminishes his stature.

We understand that a master plan for Sandridge Beach and foreshore is under consideration, and wonder whether this naming proposal would more appropriately fit within the execution of that Plan.

We commend the recognition of Peter Fussell through this naming proposal".

2.8.7. Frank O'Connor (Albert Park)

"Whilst I fully support the proposed recognition of Peter Fussell for his work at the former City of South Melbourne and at the City of Port Phillip, it would be extremely unfortunate and inappropriate that the recognition be diminished by use of a nickname that was never previously used and which was only given to him by one Port Phillip Councillor in recent years.

Peter made an outstanding contribution over many years to this local area and his was never fussy, only ever of the highest professional standard. Recognition of his contribution should be done in an equally professional manner.

I have no particular views on the scope of the area to be named but I insist that if it is to be named in recognition of Peter Fussell's work that the name be "Fussell Beach" or "Fussell Park".

2.8.8. Port Melbourne Historical Society (Port Melbourne)

"Most of our members know nothing of Peter Fussell. Despite having worked on a South Melbourne Committee with him for years, I never heard that nickname.

The consensus was that if we are paying tribute to Peter (and that's something of which I am personally much in favour), he should be treated with more respect. That is "Fussell's" not "Fussy's".

Of course, "Sandridge Beach" has been in use for some time so no problem).

3. PROPOSAL

- 3.1. There is a broad consensus that Peter Fussell's contribution is over and above the ordinary at a time of immense difficulty for local government generally. His contribution was more widely known in South Melbourne than Port Melbourne. His vision led to the co-operation between the former Councils of South Melbourne and Port Melbourne to complete the foreshore wall linking the 2 cities. It now stands as a strong symbol uniting the entire Port Phillip municipality.
- 3.2. Past practice has been to not formally recognize municipal officers. Many officers make excellent contributions but this is regarded to be a part of the responsibilities of local government service. Given the poor status of Peter's health there is a strong sentiment towards recognizing his contribution at this time, not withstanding past practice.
- 3.3. On the basis if submissions received and past practice, it is proposed that Council does not endorse the naming of the section of foreshore reserve between Todd Road and Barack Road 'Fussell Reserve' nor any other section of foreshore.
- 3.4. It is proposed to formally name and register the section of Beach between the extension of Todd Road and the extension of Barak Road 'Sandridge Beach'.
- 3.5. It is further proposed to erect a small plaque to be affixed to the bluestone wall at the end of Kerferd Rd acknowledging Peter's contribution. The wording of the plaque to read:

This plaque recognizes the contribution of Peter Fussell, former senior Engineer with the cities of South Melbourne and Port Phillip, whose vision contributed to the revitalization of the South Melbourne and Port Melbourne foreshores to be enjoyed by future generations.

4. OPTIONS

- 4.1. Council could decide not to name any or some of the areas above the area.
- 4.2. Council could determine to name the area as outlined below:

- 4.2.1. To formally name and register the section of Beach adjacent to 142 Beach Street and to the City's boundary (opposite Perc White Reserve) 'Sandridge Beach'.
- 4.2.2. To name the section of foreshore reserve adjacent to The Boulevard, between the Bend and Barak Road, Port Melbourne 'Fussell Reserve'.
- 4.2.3. To formally name and register another section of Beach following a further advertising process.
- 4.3. Council may select an alternative name for the areas.
- 4.4. In response to the unique circumstances recognise the contributions of Mr Peter Fussell would be erecting a plaque on the seawall adjacent to Kerferd Road.

5. POLICY CONTEXT

- 5.1. In order to name a geographic location Council is required to follow the procedure under the Geographic Place Names Act 1998.
- 5.2. To arrive at the determination Council is required to consult relevant stakeholders and consider any objections, be satisfied with the life achievements of the person being honoured and finally minute the Council's determination.

6. RESOURCE IMPLICATIONS

- 6.1. If Council resolves to erect two plaques/or signage, there will be costs associated with this work.

7. INTERNAL CONSULTATION

- 7.1. The Director of Environment and Infrastructure has been consulted.

8. EXTERNAL CONSULTATION

- 8.1. The Geographical Place Names Registrar who advised the procedures to be undertaken has been consulted.
- 8.2. The Community has been consulted via the procedures outlined by the Geographic Place Names Register.
- 8.3. There is community support for the alternative proposal. It is also supported by Peter's family.

9. IMPLEMENTATION

- 9.1. Should Council resolve to formally name the Beach "Sandridge Beach" and the surrounding foreshore reserve, details will be forwarded to the Geographical Names Places Registrar for inclusion on the register.

10. CONCLUSION

- 10.1. Mr Fussell's involvement to the Port Melbourne area clearly demonstrates his commitment and contribution to this specific area.
- 10.2. Advertising of the proposed naming generated a range of support and some objections.
- 10.3. A form of recognition can be achieved without creating future precedents.

11. COMMUNICATION

- 11.1. Carry out an official launch, around the unveiling of the plaque on the Beach and the foreshore reserve.

12. RECOMMENDATION

- 12.1. It is therefore proposed to erect a small plaque to be affixed to the bluestone wall at the end of Kerferd Rd acknowledging Peter's contribution. The wording of the plaque to read:

In recognition of Peter Fussell's dedication and service to the citizens of South Melbourne and Port Phillip and for his outstanding contribution, as City Engineer, in the winning of the 1997 Engineering Award for Excellence – Environment Prize – FORESHORE DEVELOPMENT

- 12.2. That Council resolve to select the name and register "Sandridge Beach" for the section of Beach adjacent to 142 Beach Street and to the City's boundary (opposite Perc White Reserve) with the Geographic Places Names Registrar.
- 12.3. That Council resolve to take no further action on naming other reserves or foreshore locations.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A2	AUDIT COMMITTEE ACTIVITIES UPDATE
KEY RESULT AREA:	ENSURING A SUSTAINABLE ORGANISATION
LOCATION/ADDRESS:	N/A
RESPONSIBLE MANAGER:	DAVID GRAHAM - DIRECTOR GOVERNANCE & COUNCIL SERVICES
AUTHOR:	NORM MCCLELLAND - GOVERNANCE ADMINISTRATOR
FILE NO.:	34/04/07
ATTACHMENTS:	NIL.

1. KEY ISSUES

- 1.1. To bring to the attention of Council the matters discussed at the May 2002 meeting of the City of Port Phillip Audit Committee.
- 1.2. The minutes of the May 2002 meeting have been circulated to all Councillors.

2. BACKGROUND

- 2.1. Council resolved on 18 December 1996 that it be advised of all matters considered by the Audit Committee. This report advises Council of all matters discussed at the meeting held on Thursday 16 May 2002.
- 2.2. *The Best Practice Guidelines for Local Government Entity Audit Committees and Internal Audit, November 1999*, recommend:
 - 2.2.1. that minutes and a report explaining specific recommendations and key outcomes should be forwarded to the next Council meeting after each Audit Committee meeting; and
 - 2.2.2. that Audit Committees should report annually to their Councils summarizing their activities.

3. PROPOSAL

- 3.1. Council receive and note the report outlining the matters considered by the Audit Committee at its May 2002 meeting.

4. CONTEXT

4.1. The Committee requested that the minutes formally record its congratulations to Cr Darren Ray on his election as Mayor and extend a welcome to him to attend future meetings as a member of the Committee.

4.2. Matters considered by the Audit Committee at its May 2002 meeting were:

4.2.1. **Audit Program** - The Audit Committee was advised that the Risk Management project was progressing. The objective is to get each Council department to be aware of their risks and to work with Council's risk officer to develop individual risk management plans.

The Audit Committee was also advised that:

- the South Melbourne Market audit report was complete; and
- the scoping of the joint venture audit was not yet completed.

4.2.2. **Leave Accruals** - The Audit Committee determined that the level of accrued annual leave and rostered days off was satisfactory and recommended that management continue to monitor leave accruals and report to the Committee on a periodic basis.

4.2.3. **Long Service Leave** - The Audit Committee was advised that a Long Service Leave Policy is still being developed by the Human Resources Department and will be forwarded to the Audit Committee when a draft is available. The Committee requested that a progress report be available for the next meeting.

4.2.4. **Purchasing** - The Audit Committee reviewed the table containing the updated management comments. The Committee was advised that a training provider has been engaged to deliver a customised purchasing training program scheduled for July 2002. The Committee requested that for the last meeting of 2002, the issue of raising purchase orders after invoices are received be put on the agenda to see if there is any improvement.

4.2.5. **GST Implementation** – The Audit Committee was advised all audit recommendations have now been addressed. Management acknowledged the good work undertaken by Council staff with respect to the implementation of the GST.

4.2.6. **Maintenance of Public Toilets** - All audit recommendations have now been addressed. The Audit Committee was advised that the current cleaning contract for public toilets and barbeques was recently tested in the market (since the conduct of the audit) and GJ&K, the current provider, retained the contract.

4.2.7. **Rates Outstanding** - The Audit Committee received and discussed a summary of outstanding rates for the period ended 30 April 2002. The Committee asked how Council checks that properties designated as non-rateable, legitimately retain that status. The Committee recommended that a formal process be developed to undertake such a check, e.g. contacting public authorities on a periodic basis. The Rates Manager is to provide a response.

- 4.2.8. **Compliance** – The Audit Committee was advised that a review of Council’s legislative delegations is to be undertaken during 2002/2003 and this would strengthen Council’s legislative compliance procedures.
- 4.2.9. **Financial Statements 2000/2001** - The Audit Committee reviewed the status of actions undertaken to meet the audit recommendations. The Committee sought an explanation about ‘Contributed Assets’ and was advised that developers constructed assets, such as footpaths, drains, gardens, etc., which they then handed over to Council for ongoing maintenance. Council would then bring these Contributed Assets to account. In some instances there has been a delay in recording these assets, therefore the Committee recommended there be a trigger or procedure put in place to capture these assets and bring them to account in a timely manner. Staff will develop such a trigger.
- 4.2.10. **CEO’s Issues** – The CEO provided a summary of the outcome of the March 2002 Council election and an overview of the forthcoming governance service review.
- 4.2.11. **Racial & Religious Tolerance Act 2001** - The Audit Committee was given an outline of the requirements of the legislation and was advised that funds have been allocated in the 2002/2003 Council Budget for staff training with respect to this legislation.
- 4.2.12. **Investment Policy** - The Audit Committee reviewed the City of Port Phillip Investment Policy, endorsed the Policy and recommended that a conservative approach be adopted by sacrificing margin to safeguard the investment principal.
- 4.2.13. **South Melbourne Market Audit** – The Audit Committee reviewed the audit undertaken at the South Melbourne Market in March 2002. The Audit Committee requested that the audit report be forwarded to the South Melbourne Market Management Committee and that it be involved in implementing the follow-up action. The Committee recommended that the internal auditor be engaged to revisit the Market once the Market management have had an opportunity to address the audit recommendations.
- 4.2.14. **Other Business** - The Audit Committee requested to be advised about the actual performance of the Council against the 2001/2002 Budget. The CEO gave a brief summary of performance to date and a copy of the CEO’s Monthly Management Report for March 2002 containing a report of actual performance against budget forecasts was tabled at the meeting.

5. ENVIRONMENTAL ASSESSMENT

- 5.1. N/A.

6. TRIPLE BOTTOM LINE ASSESSMENT

- 6.1. N/A.

7. RESOURCE IMPLICATIONS

- 7.1. The matters considered by the Audit Committee at its May 2002 meeting have no immediate resource implications.

8. INTERNAL CONSULTATION

- 8.1. Council staff are invited to attend Audit Committee meetings or submit reports to address specific issues on the agenda.
- 8.2. The Mayor and the Director Governance & Council Services are the Council representatives on the Audit Committee. The CEO is invited to attend as a guest.

9. EXTERNAL CONSULTATION

- 9.1. Where appropriate the Audit Committee will invite representatives from external organizations, namely auditors, insurers, etc., to seek information and/or clarification on various matters.
- 9.2. There are two external members on the Audit Committee, one being the Chairperson.
- 9.3. Council's Internal Auditor attends the meetings of the Audit Committee and provides information as requested.

10. IMPLEMENTATION

- 10.1. Any suggestions or recommendations made by the Audit Committee that require the development of policy are referred to GMT and/or Council for approval.

11. CONCLUSION

- 11.1. The Audit Committee will continue to review all matters that it considers to be within its Responsibilities and Terms of Reference, and will report to Council annually, as well as, on its activities after each meeting.

12. COMMUNICATION

- 12.1. N/A.

13. RECOMMENDATION

- 13.1. Council receive and note the report outlining the matters considered by the Audit Committee at its May 2002 meeting.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A3	NAMING OF GRASSED COURTYARD AREA AT THE FRONT OF THE ST KILDA TOWN HALL
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	ST KILDA TOWN HALL
RESPONSIBLE MANAGER:	DAVID GRAHAM – DIRECTOR GOVERNANCE AND COUNCIL SERVICES
AUTHOR:	MURRAY CHICK
FILE NO.:	78/01/61
ATTACHMENTS:	NIL

1. KEY ISSUES

- 1.1. A public consultation process has been undertaken, with five submissions being received, regarding a proposal to name the grassed courtyard at the front of the St Kilda Town Hall 'Raoul Wallenberg Garden'. Council is now required to either resolve to proceed with the proposal or reject it.

2. BACKGROUND

- 2.1. Council received the initial report on this proposal at its Ordinary Meeting held on 25 February 2002.
- 2.2. At that meeting Council resolved to commence the process to name the area 'Raoul Wallenberg Garden' in accordance with the Geographic Names Act 1998.
- 2.3. As required by legislation, the proposed name was lodged with the Registrar of Geographic Names.
- 2.4. Advertisements advising of the naming proposal and seeking community input were placed in the following local newspapers, Emerald Hill Times (March 6) and the Port Phillip Leader (March 11). Five submissions were received up to close of business March 25 2002.

3. PROPOSAL

- 3.1. Of the five submissions received, two submissions were supportive, two objected and one stated that proper consideration could not be given due to a lack of information about Mr. Wallenberg.
- 3.2. The grounds of objection were that Raoul Wallenberg: has no relevance to Australian History; was not an Australian citizen but Swedish born; has not contributed to the advancement of Australia; is adequately commemorated elsewhere, e.g. in Kew; has no connection with the City of Port Phillip area and it would be inappropriate to use his or any other overseas name for a local garden.
- 3.3. It is refuted that Raoul Wallenberg, through not being an Australian citizen, means that his achievements are not relevant to Australia or that he has no connection to the City of Port Phillip. There are residents within the City of Port Phillip who owe their lives to him and they and their descendants hold Wallenberg in the highest honour. In fact the City of Port Phillip has one of the highest number of World War 2 holocaust survivors in Australia.
- 3.4. Council is committed to policies and practices that celebrate cultural diversity and the 2001/02 Corporate Plan provides the context for this in its Key Result Area 1, which is about "Building Stronger Communities" through valuing diversity. The community also fully supports council's commitment in this matter. In the annual community satisfaction survey conducted by Council in January 2002, 67% of people surveyed felt that Council's role in promoting diversity in the community is important. In all its activities, Council looks beyond the promotion of tolerance to a commitment to the celebration of difference as a major contribution to vitality and social sustainability.
- 3.5. This proposal involves Council undertaking minor landscaping works and erecting a new plaque related to the naming and explaining the contribution made by Raoul Wallenberg. It is proposed that previous discussions, as instigated by the Mayor and held with Lars-Erik Wingren the Swedish Ambassador and representatives of the Raoul Wallenberg Unit of B'Nai b'Rith should continue regarding potential funding of the works.

4. OPTIONS

- 4.1. The Council can recommend to the Registrar of Geographic Names to name the area and dedicate a plaque and subsequently forward all necessary documentation and background information to support the proposal, or it can reject the proposal and determine not to proceed any further.

5. POLICY CONTEXT

- 5.1. When naming a place of local significance, the Council is required to follow the procedure outlined in the Geographic Place Names Act 1998 and corresponding guidelines.

6. ENVIRONMENTAL ASSESSMENT

- 6.1. No negative impacts on the physical environment are envisaged. A new plaque would be erected related to the naming and explaining the contribution made by Raoul Wallenberg together with minor landscaping works.

7. TRIPLE BOTTOM LINE ASSESSMENT

- 7.1. The actions proposed in this report are in accordance with Council's commitment to diversity.

8. RESOURCE IMPLICATIONS

- 8.1. Council has paid for the advertisements in the local newspapers (public consultation component) and will be required to pay for the plaque and minor landscaping works. The total cost is estimated to be around \$700.

9. INTERNAL CONSULTATION

- 9.1. Discussions have been held with the ward councilor, who is supportive of the proposal.

10. EXTERNAL CONSULTATION

- 10.1. A public consultation process has been undertaken via advertisements placed in local newspapers requesting community comment. The Mayor has also had discussions with the Swedish Ambassador and representatives of the Raoul Wallenberg Unit of B'Nai b'Rith.

11. IMPLEMENTATION

- 11.1. The proposal once agreed to by Council is referred to the Registrar along with all necessary supporting documentation. The Registrar undertakes a policy and procedures compliance audit and then if approved authorises the name for inclusion on the Register. A further advertisement / public consultation process is undertaken prior to the Registrar formally determining the matter.

12. CONCLUSION

- 12.1. A community consultation process has been conducted with five submissions being received basically evenly divided between supporting and objecting to the proposal. After taking into account the points raised by the objectors it is recommended that council proceed with the proposal and advise the Registrar of Geographic Names accordingly.

13. COMMUNICATION

- 13.1. Council's decision will be communicated to the public via the media (newspaper advertisement / media release) and all submitters will be advised in writing of Council's decision.

14. RECOMMENDATION

- 14.1. That Council, after considering all submissions received and in accordance with the Geographic Names Act 1998, agree to the naming of the grassed area at the front of the St Kilda Town Hall 'Raoul Wallenberg Garden' and to erect a plaque relating to the naming.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A4	MONTHLY MANAGEMENT REPORT FROM THE CHIEF EXECUTIVE OFFICER
KEY RESULT AREA:	ENSURING A SUSTAINABLE ORGANISATION
LOCATION/ADDRESS:	N/A
RESPONSIBLE MANAGER:	DAVID SPOKES - CHIEF EXECUTIVE OFFICER
AUTHOR:	DAVID SPOKES
FILE NO.:	
ATTACHMENTS:	MONTHLY REPORT FROM THE CEO

1. KEY ISSUES

- 1.1. This report aims to provide Council with a summary of the major areas of activity and operational performance as at 24 May 2002 and compares actual performance against forecast.
- 1.2. To present Council with details of forecast changes made to the original budget as a result of the ongoing review by officers of their year to date financial performance.

2. BACKGROUND

- 2.1. Council has been receiving a comprehensive monthly management report from the CEO since August 2001.
- 2.2. The use of forecasts reflects an emphasis on ensuring that financial projections are updated regularly without altering the original budget.
- 2.3. Officers have reviewed their financial performance and budget forecast changes have been made where necessary, details of which are contained in the body of the report.

3. CHIEF EXECUTIVE OVERVIEW

- 3.1. Financial Results Year to Date
Council's net operating surplus is \$3.78M after capital works against a year to date forecast of (418K). This will be recouped in the final period as the capital works budget is expended. A number of offsetting variances have contributed to this position, most notably.
 - Capital works expenditure \$4.67M less than forecast due to timing details against the phased budget, as set out in the body of the report.

- Capital grant funding is \$1.23M less than the forecast of \$1.99M due to delays in commencing and completing specific capital works projects.
- Capital expenditure \$446K less than budget due to a delay in building renovation and plant and equipment expenditure.
- Net parking revenue is \$1.725M less than the forecast of \$15.402M. It is expected that the final position will be approximately \$1M. This is primarily due to an unfavourable doubtful debts expense.

3.2. Budget Projections

- In the lead up to the end of year close, Council officers have carried out a final review of their financial position and updated the rolling forecasts.
- Council's full year net surplus is now projected to be \$1.139M. This is in line with the predicted carry over surplus of \$1.188M that has been used in the draft budget that has been released to the public. In calculating this surplus, full allowance has been made for funding the projected capital carry over of \$4.034M.

3.3. Profit and Loss Statement

- Council's income from grants is projected to be \$937K more than budget due to the receipt of a number of unbudgeted grants. VicRoads (\$110K), South Melbourne Town Hall clock face (\$350K) and Isepich (\$336K). These grants will require offsetting expenditure that has been taken up in the expenditure forecast.
- Council's Open Space Contributions (Report & Recreation Fund) are now projected to be \$2.74M for the year, \$300K more than the original budget. This is mainly due to additional development contributions from the South Melbourne Tramway site and 60/64 Fitzroy Street.

4. POLICY CONTEXT

4.1. N/A

5. ENVIRONMENTAL ASSESSMENT

5.1. N/A

6. TRIPLE BOTTOM LINE ASSESSMENT

6.1. N/A

7. INTERNAL CONSULTATION

7.1. This report has been reviewed by Council's General Management Team.

8. RECOMMENDATION

That the monthly management report from the CEO detailing Council's year to date financial and operating performance to be received and noted.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A5	SUSTAINABLE DESIGN POLICY
KEY RESULT AREA:	BUILDING A SUSTAINABLE ENVIRONMENT
LOCATION/ADDRESS:	N/A
RESPONSIBLE MANAGER:	GEOFF OULTON - DIRECTOR CITY DEVELOPMENT
AUTHOR:	JIM HOLDSWORTH AND LOUISE BARBON-ELLIOTT
FILE NO.:	66/04/43
ATTACHMENTS:	NIL.

1. KEY ISSUES

- 1.1. Council's Corporate Plan is centred on a philosophy of sustainability, whether in terms of financial prudence, community satisfaction or respect for our local environment within the global perspective.
- 1.2. In 2000, Council appointed a Sustainable Design Officer (SDO) whose role, within the wider scope of enhancing the environmental sustainability of Port Phillip, is to improve the level of sustainable performance of buildings that are the subject of a Planning Permit application.
- 1.3. Key aspects of the SDO's task are to provide information and advice to developers and property owners and to ensure that buildings are designed and function with less reliance on non-renewable resources.

To be effective, this advice and information needs to be backed by statutory controls and a policy which is acceptable to the community.
- 1.4. The rising level of community awareness and involvement in environmentally responsible behavior provides an ideal environment to enshrine a policy to guide and monitor the sustainable performance of buildings.

2. BACKGROUND

- 2.1. This Report proposes that Council adopt a **Sustainable Design Policy**, the cornerstone of which is a **Sustainability Scorecard**. The Policy is defined by the statement: *"Any building that is the subject of a Planning Permit is required to achieve a nominated minimum level of Sustainable Design as a criterion for the issue of a Planning Permit, this minimum standard being determined by the application of the Sustainability Scorecard"*.

- 2.2. As an initial step, the Sustainable Design Policy is proposed for adoption in draft form for a trial period of three months, and to apply to residential buildings only. During this time, residential applications will be assessed against a Sustainability Scorecard and those that fail to meet the required minimum score will be invited to modify the design or its component features as part of the permit assessment process.
- 2.3. Prior to the commencement of the 3-month trial, a comprehensive program of information and education will occur to advise prospective applicants of the Policy and its objectives, the Scorecard and the methodology to calculate the sustainable design performance of the proposed building against nominated benchmarks.
- 2.4. This program of information is proposed to extend over a 4-6 week period and would include:
- Printed and online material, including:
- A description of purpose and objectives of the Policy
 - The methodology to calculate the sustainability performance of the proposed building
 - The pro-forma for preparing the Sustainability Scorecard
- Advertisements and announcements in the local press
- Posters and displays at Town Halls
- Community contact via an advice hotline, information sessions, etc.
- 2.5. Concurrently with the 4-6 week promotional period, training for urban planners will occur. However, it is important to note that the Scorecard methodology is designed to be completed by the Applicant, thereby reducing the workload for the council's planners to the straightforward task of checking the Scorecard. This is expected to take a few minutes only. Complex applications would be assessed by the Sustainable Design Officer or, if necessary, by independent external assessors. It is likely that the SDO will have already had pre-Application discussions with the Applicant.
- 2.6. During the 3-month trial period, the statutory process leading to the inclusion of a new local Planning Policy into the Planning Scheme and the inclusion of a Design Policy as an Incorporated Document will commence. The exhibition of a planning scheme amendment would not commence until the trial period has been completed, reviewed and the Sustainable Design Policy and Scorecard finalized.

3. PROPOSAL

- 3.1. The primary objective of the 3-month trial period is to assess the degree of change that will occur to the sustainability of individual applications compared with current performance. Should the trial indicate a low level of change, the performance measures contained within the Scorecard can be altered, in extent and relativity, so that the Policy achieves tangible benefits in terms of environmental performance of buildings in the municipality.
- 3.2. Over recent months considerable in-house research led to the development of a list of sustainable design features that could be incorporated into residential buildings and a point score was assigned to each with the objective that an application would be required to achieve a minimum of 100 points.
- 3.3. This "Matrix" of features, for different dwelling types and point scores, was then the subject of a consultancy project to review its applicability and effectiveness. A consortium of experienced consultants was engaged to work co-operatively on this review and revision task. This consortium comprised Ark Resources, Sustainable Built Environments and Greenway Building Design Consultants.
- 3.4. Early in the consultancy the consortium concluded that an approach that was simpler than the one developed in-house would be advantageous; one that was based on a defensible, technically rigorous and easily comprehended methodology. The sustainability Scorecard methodology was then developed, with the objectives that it:
- Be short format
 - Be suitable for self assessment by applicants
 - Be simple to understand and apply
 - Be easy to verify by City of Port Phillip urban planning staff
 - Have indicators that are answerable at the planning application stage, and capable of being verified later in the building cycle
 - Have indicators based on lifecycle performance wherever possible
 - Be suitable for all residential developments and be adaptable to other building types in the future.
- 3.5. The Scorecard adopts five key elements with relative weightings based on experience in achieving sustainable design outcomes in the Melbourne environment (climate, rainfall, energy cost, etc). The five key elements are:
- | | |
|---|-----------|
| 1. Operating energy: | 50 points |
| 2. Water: | 20 points |
| 3. Stormwater: | 20 points |
| 4. Building materials and solid waste: | 10 points |
| 5. Excellence in environmentally sustainable design (ESD):
(bonus) | 15 points |

3.6. The methodology is capable of being administered manually on a paper-based system. However, a software-based system has been designed and can readily be introduced at a later stage, making it possible to provide the impacts of ESD features to applicants as a graphical output and to enable Council to analyse and aggregate cumulative performance data for all applications, thereby identifying the overall impact of the Policy in operation over time.

3.7. The Five Key Elements of the Sustainability Scorecard

1. Operating Energy

A 'budget' of Carbon Dioxide (CO₂) emissions for households of between 1 and 4 persons has been identified at 1,666 kg of CO₂ per person per annum. Not all end uses of energy within a house can be influenced by the designer or builder. For instance the designer can influence the type of water heating, space heating and cooking appliance but not the type of refrigerator or other appliances.

In developing the Energy element of the Scorecard, several factors were considered and incorporated into the methodology. These were:

- The energy source (electricity or gas)
- House size (floor area)
- First Rate star rating
- Type of space heating (gas, electric, reverse cycle)
- Type of space cooling (star rating)
- Type of cool-top and oven (gas or electric)
- Type of lighting (incandescent, fluorescent, movement sensors)
- Type of clothes drying (clothes line, dryer)
- Collection of solar power

These were all assessed for their greenhouse gas (CO₂) emissions and related back to the energy 'budget'.

One 'point' is allocated for each 200 kg of CO₂ saved per year compared to the 'budget', commencing with a base of 25 points (of the 50 allotted to Energy Use).

2. Water Use

A 'budget' of 235 litres per household of 3 persons per day has been calculated as an average, with a starting score of 10 points. For fixtures and fittings that reduce this average, points are attained for every 20 litres of water saved per day compared with the 'budget' case.

Again, aspects of the building's design and 'plumbed-in' fittings are given emphasis over devices or appliances that require responsible user behavior in order to be environmentally beneficial.

3. Stormwater

The use of stormwater for garden irrigation and/or toilet flushing provides the basis for this calculation, with points also available if stormwater is detained on-site for a short period of time in order to reduce the volume of run-off during a rain event. This is particularly relevant in low-lying areas of the Municipality.

Up to 10 points are available for on-site use of stormwater and 10 for short-term detention of water. Based on roof catchment area and estimated population of the building, a point is attained for each 10 percent of incident rainfall that is collected, stored and used for toilet flushing and/or garden irrigation, up to 10 points. A similar scale applies to rainwater detained during rainfall.

A maximum of 20 points can be achieved.

4. Building Materials and Solid Waste

One of the greatest contributors to land-fill is the wastage of building materials and packaging on building sites. Large skip-bins at construction projects attest to this.

The Sustainability Scorecard allocates 10 per cent of the overall score to construction waste.

Because approximately half the embodied energy in a building is trapped in its structure, recycling or refurbishment of existing buildings, rather than demolition, is a desirable objective in reducing building material wastage.

Preparation and implementation of a Waste Minimisation Plan by the building contractor prior to construction; for instance to sort waste materials into streams for recycling, is also supported by the Scorecard. Based on floor area of new and retained structures size of new structure to number of bedrooms, and adoption of a Waste Minimisation Plan, a score of up to 10 points can be attained.

5. Excellence in ESD

The above four areas cover the basic elements of sustainable design. However, it is evident that some designers seek higher levels of performance and this section of the Scorecard recognizes this.

Should an applicant seek to incorporate additional measures, points can be awarded at the discretion of council officers for such features as:

- Use of renewable energy (photo-voltaics, wind, etc) or 'green' power
- Use of buildings materials from approved 'waste' or sustainable resources
- On-site grey-water treatment and use

- Design for standard sizes of building materials.

A total of 15 points can be achieved in these ways.

- 3.8. The use of the Sustainability Scorecard allows the designer to adopt any of a range of features that are suitable to the particular type of dwelling and to calculate the total number of points achieved. Prior to commencement of the trial, a minimum score for each type of dwelling will be identified and will be included in the information available to applicants.

4. OPTIONS

- 4.1. Council can
- Adopt the Policy and Sustainability Scorecard for a 3-month trial as recommended
- Or
- Request a different process to adopt the Sustainable Design Policy
- Or
- Decline to formalise a Policy within the Planning Scheme, and retain the current informal practice of officer-based advice and encouragement, and rely on the willingness of developers and owners to incorporate sustainable design features into new residential buildings.

5. POLICY CONEXT

- 5.1. The Sustainable Design Policy is consistent with the second goal of the council's new Corporate Plan, in particular the first objective of that goal, namely:
- "To encourage a community which reduces the impact of its activities on the environment and actively participates in achieving improved environmental outcomes for Port Phillip."*

6. ENVIRONMENTAL ASSESSMENT

- 6.1. The Sustainable Design Policy is a key feature of the Corporate Plan and its implementation will directly impact the energy and water efficiency of new buildings.
- 6.2. When operational, the Scorecard system and a computer-based method of recording the impacts of the Policy will enable these impacts to be aggregated. The overall cumulative benefit of the Policy across the municipality can thus be identified over time.

7. TRIPLE BOTTOM LINE

7.1. Social Impacts

These are hard to quantify, but it is considered that the principles of the Policy are inherently socially responsible, and its implementation will engender a positive sense of contribution to the welfare of the community by designers and occupiers of sustainably-designed buildings.

7.2. Economic Impacts

7.2.1. Compliance with the provisions of the Policy will place some financial burden on the cost of development. Where the minimum requirements of the Policy are achieved through the design, orientation and selection of materials of a building, this financial burden can be minimal.

7.2.2. From the wider perspective, sustainably-designed buildings reduce the demand on mains water, reticulated electricity, drains, sewers, materials for buildings, and construction waste.

7.2.3. Implementation of the Policy will require financial commitment of the council for staff time, promotional material and related overheads. These are regarded as justifiable in terms of the net community benefit.

8. RESOURCE IMPLICATIONS

8.1. As discussed in Section 12 below, it is proposed that the Sustainability Scorecard be trailed for three months. Prior to this period, resources will be devoted to publicity of the Policy, the Scorecard and the trial. This publicity program is outlined in Section 13. During the trial (and upon later formal adoption) the Scorecards, submitted as part of each planning application, will be assessed by Urban Planning staff. The Scorecard will be designed for ease of use, and the assessment of an application is expected to take less than 10 minutes.

For complex projects, the Sustainable Design Officer will undertake the assessment and, where necessary, engage external expertise. This is expected to be only an occasional requirement. The budget provides the required financial resources for these activities.

9. INTERNAL CONSULTATION

9.1. Urban Planning staff have been briefed on the Policy and their future role. (Further training will occur in the lead-up to the trial period.)

9.2. Councillors were briefed on 2 May and various officers have been involved in the process of developing the Policy, the Scorecard and the pre-trial publicity program as well as the process leading to amendment of the Planning Scheme.

10. EXTERNAL CONSULTATION

10.1. The Scorecard methodology was developed by the consortium of consultants described in Section 3.3 above. In its draft form, the consultant report has been circulated to several experts in academia and business. In general, exceedingly favorable feedback has been received, including:

Alan Pears (Sustainable Solutions P/L),
Professor Michael Buxton (RMIT),
Dominique Hes (Centre for Design, RMIT),
Caroline Pidcock (President NSW chapter, RAIA), and
Adam Briscomb (Sustainable Design Officer, City of Melbourne).

11. IMPLEMENTATION

11.1. The proposed program for implementation of the Policy by the application of the Sustainable Design Scorecard to all Planning Permits for residential buildings, is:

1. mid July – mid August: multi-faceted program of notification, education and advice regarding the Policy and the Scorecard.
2. mid August – mid November: all residential buildings that are the subject of an application for a Planning Permit will be required to submit, as part of the application, a completed Sustainability Scorecard, demonstrating that the proposed building meets minimum requirements. Sustainability Scorecards and advice on the design requirements of a building to achieve the minimum requirements will be made available at the Planning counter and on Council's website.
3. mid November: the effectiveness of the process and the environmental impact of the Policy on building design will be assessed and the Scorecard and the minimum provisions will be revised if necessary.
4. December: report to council describing the results of the trial period and recommending adoption of the (revised) Scorecard as a mandatory requirement for all residential applications. Parallel to this will be a recommendation that the council proceed to amend the Port Phillip Planning Scheme to include the Sustainable Design Policy as an Incorporated Document.

12. CONCLUSION

Adoption of the Sustainable Design Policy is consistent with the Corporate Plan.

Implementing the Policy and the Sustainability Scorecard, initially for a trial period of three months, will achieve a beneficial impact on the demand for energy and the use of mains water in new residential buildings.

The background research that has occurred over recent months has led to a methodology that can achieve this beneficial impact and which has received very favorable reaction from experts and practitioners.

Implementing this Policy will place Port Phillip in a position of practical leadership in the area of sustainable design at local government level.

13. COMMUNICATION

The council's Corporate Communications unit supports the proposal that an information and education program be conducted over a 4-week period prior to the commencement of the 3-month trial phase. Information and education will continue, though less rigorously, during the trial phase itself.

A communications plan has been prepared to guide the strategic delivery of the information and education program.

The communication plan proposes actions to:

- Raise awareness of the trial and anticipated amendment to the Port Phillip Planning Scheme.
- Encourage compliance with sustainable design provisions as part of the council's residential planning process.
- Attract positive media attention during the trial phase.

The two primary target audiences are industry (architects, developers, town planning consultants) and residents / property owners. Proposals in the plan also provide for general awareness-raising throughout the Port Phillip community.

The following key messages will be used to communicate information about the scorecard and sustainable design policy to the target audiences:

- The scorecard is being trialled with the expectation that sustainable design provisions will be incorporated into the Port Phillip Planning Scheme.
- Compliancy with the provisions of the scorecard will be expected from all residential planning permit applications from the beginning of the trial phase.
- Assistance and advice is readily available from the council.
- Sustainability makes good sense. The City of Port Phillip is leading the way in encouraging sustainability and good design.
- Improving the energy efficiency of our homes is one of the most cost-effective ways of reducing greenhouse gas emissions.
- Renovating or extending your home? Simple design features, combined with energy-saving fixtures, appliances and

lighting, will keep your home warm in winter and cool in summer.

Communicating these key messages will involve various communications pathways including printed and online material. Tools and pathways are identified in the table below.

A **factsheet** containing the key messages will be prepared. There are various applications of this factsheet, which will also provide a description of the purpose and objectives of the Policy and the methodology used to calculate the sustainability performance of the proposed building.

Target audience	Pathway
Industry: architects, developers, town planning consultants	Direct letter accompanied by the factsheet
	Industry information session
	PPOL – policy information; methodology to calculate sustainability performance; pro-forma for preparing the scorecard
	Specialist media, including industry newsletters and publications
	General media
Residents and property owners	Diversity newsletter – to include reference to PPOL
	Diversity weekly column – to include reference to PPOL
	PPOL online update – weekly e-newsletter to 250 external subscribers
	Factsheet to accompanying planning permit process material
	Advice hotline
General	Media release
	Local media – editorial and advertising
	Metropolitan media – editorial
	Posters, factsheets and displays in town halls & libraries
	Information session (could combine industry audience with resident/property owner)

14. RECOMMENDATION

It is recommended that the Port Phillip Council:

- 14.1. Endorse the Sustainable Design Policy as a basis to implement the Sustainability Scorecard for residential building applications during a 3-month trial period.
- 14.2. Endorse a program of advice, publicity and information to prospective applicants and frequent applicants and their representatives, to ensure that the Policy and the trial period is well known prior to commencement of the trial.
- 14.3. Endorse a parallel process which will lead to the incorporation of the Sustainable Design Policy and the Sustainability Scorecard into the Port Phillip Planning Scheme.
- 14.4. Call for a report at the December cycle on the outcomes of the 3-month trial and any proposed modifications to the context and operation of the Policy.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A6	URBAN ART STRATEGY
KEY RESULT AREA:	IMPROVING OUR BUILT ENVIRONMENT
LOCATION/ADDRESS:	N/A
RESPONSIBLE MANAGER:	GEOFF OULTON - DIRECTOR CITY DEVELOPMENT
AUTHOR:	JIM HOLDSWORTH AND ANGELA WALLACE
FILE NO.:	06/01/43
ATTACHMENTS:	NIL.

1. KEY ISSUES

- 1.1. Council's previous Corporate Plan (KRA2; 3.5.1) states:
"Complete and implement Municipal Urban Art Strategy and in particular focus on:
- Potential for developer contributions
 - Incorporation of urban art into building design and layout
 - Council expenditure on urban art in public realm
 - Community development aspect."
- 1.2. The draft Urban Art Strategy was endorsed by Council in February for public exhibition and response. Comments from interested parties have been received and incorporate into a revised document. It is now appropriated that Council adopt the updated Strategy as the basis to achieve this element of the Corporate Plan.

2. BACKGROUND

- 2.1. At its meeting on 25 February 2002, Council considered the draft Urban Art Strategy (prepared by Torque Consultants and overseen by a Reference Group with officer and Councillor representation). The Council recommendation in February was
1. *That Council notes the policy direction, policy frameworks, objectives and implementation process of the Draft Urban Art Strategy and approves the draft document's circulation for public and 'industry' comment, prior to its review and finalisation.*

2. *That a further report be prepared for presentation of the finalised Urban Art Strategy for Council's consideration at its May 2002 meeting cycle, outlining the implications for Council's budget (including existing expenditure) and current Council policy and programs.*

2.2. This Report is supplementary to the February report and highlights:

- The process of public and 'industry' comment that was undertaken since February
- The comments received and the amendments to the Draft Strategy as a result of these comments
- The budget implications of adopting the Strategy in its final form
- The program of implementation for the 2002-03 financial year, representing an "establishment" year
- And recommends that Council adopts an Urban Art Policy.

2.3. The draft Strategy was advertised in local newspapers and on Council's website. Copies were placed in libraries and at town hall reception areas. Numerous arts practitioners, academics, industry leaders, artists and local government representatives were sent copies or advised of the website.

Comments were received in various forms, from a total of 15 individuals, and these were forwarded to Torque Consultants. Where appropriate, these comments have been incorporated into the final Strategy document. (The majority of comments will be useful to the administration of the Strategy in the future).

The final Strategy was received on 17 June 2002. Judging by comments made by reviewers, this Strategy and its approach to initiating and managing a program of Urban Art at municipal level is both innovative and practical, and provides Council with a sound basis on which to progressively build a culture of locally-relevant urban art practice, custodianship and implementation, with the potential of making Council a leading catalyst for urban art in Australia.

By accepting the approach proposed by Torque Consultants, Council is placed in a powerful position to establish and implement a program of patron, encouragement and commissioning that will enhance the cultural vitality of the municipality, provide outlets for skills of local and other artists, enhance and reinforce the identity of Port Phillip as a committed and responsible community leader and set a new benchmark for institutionalising Urban Art as an integral part of our urban fabric.

3. PROPOSAL

- 3.1. This report proposes that Council adopts the Urban Art Strategy and commences its implementation consistent with the Corporate Plan 2001-02.

4. OPTIONS

4.1. Council can either:

- Agree to adopt the Urban Art Strategy and commence its implementation on a limited basis, and
- Initiate only the Private and Community Streams of Urban Art (Section 2.4.2 and 2.4.3), and
- Establish an Urban Art Advisory Committee and an Ideas Trust (Section 3.2)

This is the Recommendation of this Report and is a reduced scope for budget and staging reasons,

OR

- Adopt the Urban Art Strategy and commence implementation of its three Streams, with a year one financial cost equivalent to 2 percent of the current Financial year's Capital Works budget,

OR

- Instruct the Urban Art Reference Group to undertake further research or refinement of the Strategy, as may be determined by Council.

5. POLICY CONTEXT

5.1. The Urban Art Strategy meets KRA2; 3.5.1 of the 2001-02 Corporate Plan

6. ENVIRONMENTAL ASSESSMENT

6.1. The Strategy is not expected to have any adverse impacts on the physical environment.

7. TRIPLE BOTTOM LINE ASSESSMENT

7.1. Social Impacts

The Strategy's rationale (as described in its Introduction) is to encourage the interaction of "people, place and local culture" by using urban art to express the culture and experience of "place", thereby "facilitating interaction, attachment, engagement and cultural belonging".

7.2. Economic Impacts

The Urban Art Strategy (Section 2.4) proposes three parallel 'Streams' by which Urban Art will occur. They are:

Private Stream

The Private Stream requires that all applications for a Planning Permit where the Total Project Cost (as shown on the Planning Permit Application Form) exceeds \$2million, will be required to include Urban Art to the value of 0.5 percent of the Total Project Cost as described by the Applicant on the Planning Application Form. Where staged Permits are issued, the aggregated value of all Permits relating to one building project would be determining value.

Once adopted as part of the Strategy the Private Stream can be implemented as Council policy, however to have statutory weight, an amendment to the Planning Scheme will be required.

Community Stream

The funding for this area of Urban Art development will be provided by strategic funding arrangements from Federal, State and private philanthropic funding programs.

Examples of such a strategic arrangement is the current Margins, Memories and Markers community art project, which combines a VicHealth grant with funding from Council, and the "Bay Totem" project in West St Kilda funded jointly by the Centenary of Federation Fund, community funds and City of Port Phillip.

The Private and Community Streams require predominantly officer time, with no specific financial components.

Civic Stream

The Civic Stream has financial as well as administrative implications for Council.

Implementation of the overall Strategy relies upon an annual budget allocation to fund the following:

- a) appointment of an Urban Art Officer on a part-time (0.6 EFT) basis
- b) establishing and servicing an Urban Art Advisory Committee and an Ideas Trust
- c) maintaining existing and new Urban Art works
- d) maintaining a database of such works, for promotional and educative purposes. (This task can extend to other structures in the public domain such as statues, memorials, markers, plaques, etc)
- e) commissioning of new Urban Art consistent with the Principles outlined in the Strategy.

The Strategy proposes a figure equivalent to 2 percent of Council's capital works budget, currently about \$14 million, resulting in a figure of about \$340,000. As discussed in the February report to Council, 2 percent is typical of the Urban Art budgets of other Local Governments who have Urban Art or Public Art programs.

However, for the 2002-03 year, it is recommended that actions be limited to items b) and d), with the Strategy becoming fully operational in July 2003, under the guidance of the newly-appointed Urban Art Advisory Committee.

Staff to undertake these tasks, and to administer the Private and Community Streams of the Strategy, can be made available within current resources.

The Strategy proposes that the Urban Art Advisory Committee comprises:

- Independent Chairperson
- 4 Community representatives with expertise in:
 - Urban Design
 - Urban Art practice and project management
 - Landscape design
 - Architecture
- City of Port Phillip KRA Councillor
- Manager – Urban Design and Architecture
- Urban Art Officer – as executive officer
- Coordinator Arts and Heritage
- Other Council and artistic expertise on a needs basis.

There are synergies between the role of this Committee and the existing Cultural Programs Board and the Art Acquisition Committee, and these will be determined by the Urban Art Reference Group.

7.3. Environmental Impacts

In terms of environment and its sustainability the Strategy will have limited impact, and no perceived dis-benefits.

8. RESOURCE IMPLICATIONS

8.1. These are outlined at section 7.2 above.

9. INTERNAL CONSULTATION

9.1. The draft report has been reviewed by members of the Reference Group and several other staff. Comments have been passed on to the consultant for consideration. Most comments relate to the operation of the Strategy following its adoption by Council.

10. EXTERNAL CONSULTATION

10.1. The draft Strategy was distributed widely, including via Council's website. Many constructive comments were received and these were passed to the consultant. They mainly relate to the operation and administration of the Strategy. The key features of the Strategy, including the Three Streams and their financial implications, received significant support.

11. IMPLEMENTATION

- 11.1. The implementation of the Strategy, particularly in the 2002-03 year, is set out in section 14.2 below.
- 11.2. The position of Urban Art Officer can be within the Culture and Recreation department of Social and Cultural Development Division or the Urban Design and Architecture section of City Development Division.

12. CONCLUSION

- 12.1. The Urban Art Strategy has been prepared over an 18-month period of research, discussion, review and community input. In its draft form its approach and methodology for implementation received widespread support. Given modest staff resources in the 2002-03 year, its implementation can be commenced, with full operation being achieved in year two.

13. COMMUNICATION

- 13.1. The first stage of implementation of the Strategy will be the appointment of an Urban Art Officer, whose role will be to advise applicants for planning permits of the "Private Stream" of the Strategy, and to generally promote the Strategy within affected groups.
- 13.2. Prior to this appointment, officers currently involved with Urban Art projects will continue to deal with such projects as they arise. No specific promotional activity is currently undertaken except the encouragement of major developers to include Urban Art in new projects. Despite this lack of a formal Urban Art policy, significant commissions have been achieved.

14. RECOMMENDATION

It is recommended

- 14.1. That Council adopt the Urban Art Strategy, as described in the document prepared by Torque Consultants (June 2002).
- 14.2. That the initial stage of implementation of the Strategy be limited to:
 - implementing the Private and Community Streams of the Strategy,
 - establishing and servicing an Urban Art Advisory Committee and an Ideas Trust and
 - maintaining a database of existing works, for promotional and educative purposes. (This task can extend to other structures in the public domain such as statues, memorials, markers, plaques, etc).
- 14.3. That the existing Urban Art Reference Group, in conjunction with the Director City Development and the Director Social & Cultural Development, undertake the process of determining the appropriate staff resources necessary to achieve the initial stage of implementation.
- 14.4. That Torque Consultants be congratulated on the depth and innovativeness of the Strategy and its principles and be thanked for undertaking this significant task.
- 14.5. That a further report be prepared no later than November 2002 regarding the adoption by Council of the budget allocation to fund the Civic Stream of the Strategy.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A7	ATTORNEY GENERAL'S STREET PROSTITUTION ADVISORY GROUP FINAL REPORT
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	
RESPONSIBLE MANAGER:	GEOFF OULTON – DIRECTOR CITY DEVELOPMENT
AUTHOR:	MANDY PRESS
FILE NO.:	80/02/06
ATTACHMENTS:	TWO

1. KEY ISSUES

To advise on the implications for Council of the recommendations arising from the Attorney General's Street Prostitution Advisory Group Report released on 19th June 2002. In particular to identify

- Process for establishing trial tolerance areas and street worker center.
- Amenity and support services
- Addressing offensive behaviour by sex tourists
- Education and communication
- Monitoring and evaluation of the trial

2. BACKGROUND

In March 2001, the Attorney-General's Street Prostitution Advisory Group (AGSPAG) was established by the Attorney-General, The Hon. Rob Hulls MP, to examine the issue of street prostitution in the City of Port Phillip. The Advisory Group has brought together diverse local interests including residents, traders, street sex workers, welfare agencies and the City of Port Phillip, in addition to key stakeholder groups such as the State Government and Victoria Police.

The Advisory Group has developed and reviewed a range of options to address street prostitution issues in the St Kilda area.

In September 2001, it released an Interim Report that outlined a package of measures designed to address the serious social harm caused by street sex work. Since that time, the Advisory Group has consulted extensively with the local community and stakeholder organisations. This report is the culmination of that process. It elaborates on the proposals contained in the Interim Report, and addresses issues raised during consultation.

3. PROPOSAL

Listed below are those recommendations made by the Advisory Group as they effect Council. A series of more detailed explanatory recommendations can be found in chapters 6 to 10 of the full report. The Advisory Group's key objectives were to increase the safety of the community (including street sex workers) and to facilitate community management of the issue. The question of the location of street sex activity is fundamental to achieving increased community safety.

3.1 Establishment of tolerance areas

The AGSPAG Report recommends that geographic areas (tolerance areas) be established in the City of Port Phillip in which police resources would not be targeted at persons loitering and soliciting for the purposes of prostitution (as defined under sections 12 and 13 of the *Prostitution Control Act 1994*). Instead, police resources and strategies should target loitering and soliciting offences in locations outside tolerance areas.

Tolerance areas should be established for a trial period of two years, during which an ongoing independent evaluation should take place.

- Mechanism for establishing and monitoring tolerance areas

For tolerance areas to be trialled in the City of Port Phillip, an administrative solution must be developed under which police, residents, traders, street sex workers and welfare support agencies share a common understanding of what behaviour is acceptable and where.

After consultation with Victoria Police, the Advisory Group believes its objectives can be best achieved by establishing tolerance areas as a Local Priority Policing initiative through a City of Port Phillip Street Prostitution Accord¹. The overriding objective of Local Priority Policing is to 'deliver effective policing services that satisfy community needs and expectations'. In other words, Local Priority Policing encourages local communities to help determine policing priorities so resources are most efficiently used.

The City of Port Phillip already features a Local Safety Committee, known as the Healthy and Safer Cities Alliance. The City of Port Phillip Healthy and Safer Cities Alliance is a partnership of key agencies and individuals across the city, including the council, the Department of Human Services, Victoria Police, Metropolitan Fire Brigade, St Kilda Primary School, Salvation Army, Inner South Community Health Service and the Alfred Hospital. A local businessperson and residents are also members of the Alliance. The Alliance was established in 1999 to oversee the implementation of the City of Port Phillip's health and safety plan. In late 2001, the District Inspector and Local Safety Committee members initiated a merger with the Healthy and Safer Cities Alliance.

It is proposed that a Street Prostitution Monitoring Committee be established as a committee reporting to the City of Port Phillip Healthy and Safer Cities Alliance. The Monitoring Committee, comprising key local stakeholders, would be empowered to deal with day-to-day issues in relation to tolerance areas. For instance, issues such as the operation of street sex workers outside tolerance areas would be quickly addressed through the Monitoring Committee, by liaison between resident representatives and Victoria Police representatives. This would ensure that nuisance issues could be quickly addressed by a small and responsive committee.

- Criteria for selecting tolerance areas

When identifying potential locations for tolerance areas, the Report recommends that the City of Port Phillip should consider the overall impact of street prostitution on the environment, amenity and the community. Possible tolerance areas should therefore be assessed against all of the criteria outlined below.

Proximity to:

- Residential zones
- Daytime convenience retailing
- Primary and secondary schools
- Kindergartens
- Childcare centres
- Places of worship
- Hospitals
- Places where children congregate for recreation or cultural activities.

Capacity to accommodate:

- Street worker centre
- Driving circuit for clients with a high volume of traffic and kerb-side parking
- Access to mobile outreach and resource facilities
- Safety patrols
- Servicing areas
- Public transport nearby
- Amenities (lighting, toilets, bins, needle and syringe disposals units).

The Principles of Crime Prevention through Environmental Design should be applied when considering the above criteria.

- Public consultation on proposed tolerance areas

Public consultation on proposed tolerance areas should be subject to the five-step process outlined below.

- (1) Call for Public submissions on proposed sites for the location of a tolerance zone – July 1st to July 17th 2002.
- (2) A report would be made to council by officers on the sites identified through this process as a supplementary report to this report at the Council meeting on July 22nd 2002. This report would assess the merits of proposed tolerance areas against the criteria established by the Advisory Group in its Final Report. The council would determine the locations of proposed tolerance areas on which the local community and other affected persons and groups would then be formally consulted.
- (3) Public notice of the proposed tolerance areas would be prepared for July 29th and will be accompanied by an explanatory report to be made available for public inspection. The report should identify matters including:
 - What options have been considered.
 - How they have been assessed.
 - An analysis of the social, economic and environmental effects of those options proposed.
 - Any other comment, necessary or proposed actions to make the proposals work most effectively.

The council must inform the Port Phillip community of the proposed tolerance areas to facilitate and generate public comment. This should include:

- Notice published in local and metropolitan newspapers.
- Notice to owners and occupiers of land abutting the proposed areas.
- Notice to those with special interests in the proposal (for example, RhED).
- Information letterbox drop.
- Public hearings.

People should have a minimum of one month in which to lodge submissions in response to the notice. At the outset, the council should explain the process through which submissions will be considered. Submissions will therefore close on 26th August 2002.

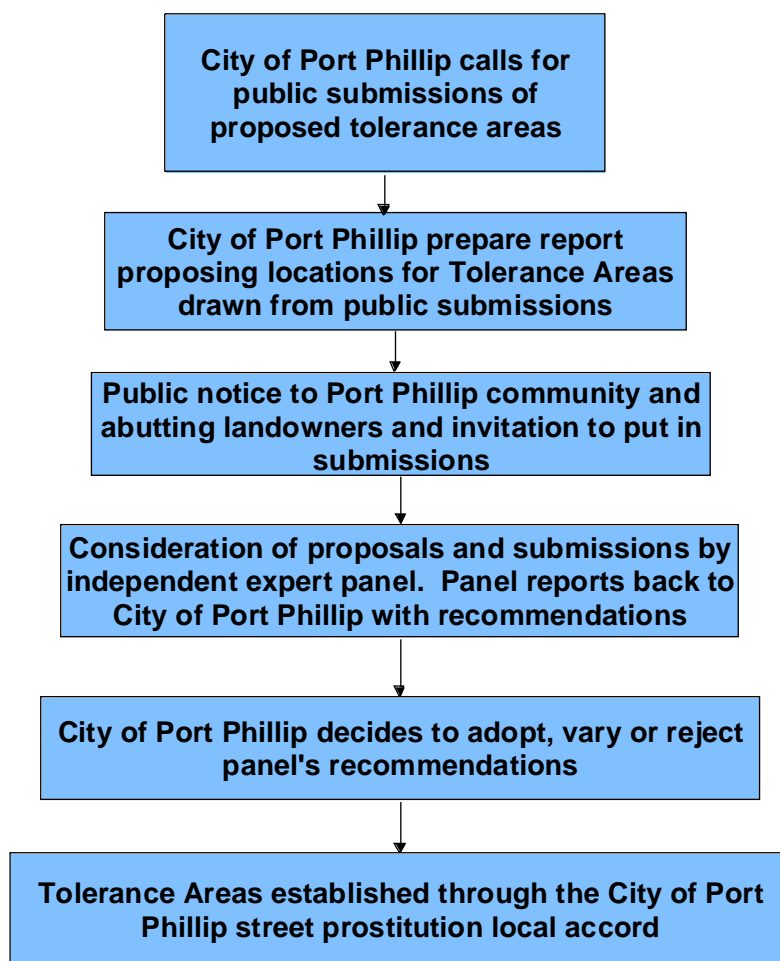
- (4) Consideration of submissions would be undertaken by an independent expert panel. Whilst the panel would be appointed and managed by the City of Port Phillip, its deliberations should be free and independent from council. The panel should consist of three members drawn from a list provided by Panels Victoria. It should include personnel with skills and experience in planning law, social policy and traffic engineering.

The panel would consider submissions and report back to the council with recommendations and advice. It would be expected that while this is an administrative process, this independent panel may follow processes, working and reporting methods similar to those undertaken by advisory committees or planning panels. In particular, the panel would be required to give an opportunity for submitters to be heard in public hearings.

The panel's report should be made to the council and, in due course, be available for public inspection. The council may adopt, vary or reject a panel's recommendations.

- (5) The council should consider the panel's report in an open and thorough way. When the council finalises the location of tolerance areas, they should be implemented through the City of Port Phillip Street Prostitution Accord.

Consultation Process



3.2 Establishment of street worker centres

The Report proposes that safe and secure venues be established in the City of Port Phillip for street sex workers to service clients. These facilities, to be known as street worker centres, should be established under a new definition in the *Prostitution Control Act 1994*.

The establishment of tolerance areas only addresses some of the issues confronting residents, traders and street sex workers. Servicing activity is more widespread through residential areas of Port Phillip than collection activity, and is significantly more dangerous for street sex workers.

The establishment of street worker centres would provide an appropriate harm minimisation response to a serious social issue. Street worker centres would provide:

- Improved amenity for residents and traders in the City of Port Phillip.
- A reduced likelihood of street sex workers servicing clients in residential streets and lanes.
- A reduced likelihood of street sex workers and clients leaving condoms and syringes in public places.
- A safer work environment for street sex workers, who would not be required to service clients in cars and other dangerous locations.
- A facility that focuses on the health and welfare needs of street sex workers.

Similar facilities exist in Australia and around the world. Germany has Eros centres, the Netherlands has peeshotels and New South Wales has safe houses. Such facilities have helped to reduce the incidence of servicing in public, and minimise the impact of street sex work on the community.

Street worker centres would still be subject to the broader planning regulatory framework set out under the Planning and Environment Act. Section 60 of the Planning and Environment Act includes a range of matters that must be considered by the responsible authority (the City of Port Phillip in this case). In deciding on an application for street worker centre permit, the council must consider:

- All objections and other submissions it has received.
- Any significant effects that the use or development may have on the environment.

Further, the council may also consider:

- Any significant social and economic effects of the use or development.
- Any relevant policy statement or guidelines adopted by a Minister or the council, or any other relevant matters.

Street worker centres would not be permitted to be established in zones listed under the City of Port Phillip Planning Scheme as primarily for residential use. In addition, street worker centres should be established as close as possible to tolerance areas.

3.3 Educative and communications strategy

The AGSPAG Report recommends that a comprehensive educative and communications strategy be implemented. This would entail the appointment of a police liaison officer, a peer education program for street sex workers, the establishment of a support services coordination group, and the creation of a mechanism through which the community can provide feedback on local street sex issues.

It is proposed that Council's ASSIST staff register resident complaints and concerns for referral to the street sex work monitoring committee.

3.4 Improved amenity and support services

The Report proposes that amenity, resource and welfare support services be expanded and enhanced for residents, traders and street sex workers. A comprehensive package of services should offer targeted street cleaning, improved access to public toilets, and a full range of support services (including access to exit and retraining programs) for street sex workers.

The City will be expected to increase street cleaning services and provide other amenities in the tolerance zone such as toilets, bins and seating.

3.5 A transparent process

The Report recommends that in order to ensure transparency and continued public confidence, the implementation and operation of the Advisory Group's proposals be subject to ongoing monitoring and community consultation, in addition to an independent evaluation.

It is proposed that the consultation process will be undertaken by council.

4. OPTIONS

Council can endorse all, some or none of the Report's recommendations. Given that a broad stakeholder group, including Council, have provided input to the process and the recommendations are in accord with existing Council policy on street sex work and that the entire package has been proposed in order to more effectively address the issue, it is recommended that Council endorse all the recommendations in the Report.

5. POLICY CONTEXT

The City of Port Phillip developed its initial policy position on street sex work in 1997 in consultation with affected residents and the local safety committee (known as the Police Community Consultative Committee).

This policy drew on the work undertaken by the previous St. Kilda Council and proposed a range of measures including decriminalisation, licensing of workers to operate in safe designated areas, and a collaborative health focussed approach. The policy was based on harm reduction principles consistent with Council's Health Plan.

Council Policy on street sex work was reaffirmed in March 2000, following a study tour to NSW to look at the operation of designated areas and safe houses. In particular the policy supports the establishment of designated or tolerance areas and the provision of street worker centres along with a collaborative, whole of government and community approach to addressing the health and amenity issues associated with street sex work.

Council's Corporate Plan KRA 1 requires that we review "Council policy on street sex work in the context of the recommendations of AGSPAG and in particular identify how Council can more effectively address amenity issues for residents and strengthen its advocacy role with other levels of government in order to promote community safety" (KRA 1 .3.1.10)

6. ENVIRONMENTAL ASSESSMENT

Amenity concerns of residents, specifically sex work related litter, will be more effectively addressed through the establishment of street worker centers and tolerance zones. More appropriate disposal of litter will occur within the centre, and an effective street cleaning regime will be in place within the tolerance zones. The provision of a public toilet within the tolerance zones will minimize the health impact of public urination/defecation.

More effective control of traffic, and its reduction through residential streets will occur as a result of the tolerance zone.

7. RESOURCE IMPLICATIONS

The cost to council to implement the AGSPAG reports recommendations will include:

- 7.1. consultation processes to establish tolerance zones/street worker centers (in the 02/03 Budget Estimate)
- 7.2. Improved street cleaning regimes and demand responsive services in hot spot areas (in the 02/03 Budget estimate)
- 8.3 Amenity provision within the tolerance zones (actual costs still to be determined depending on the outcome of the process to determine tolerance zones. The provision of toilet facilities alone is expected to cost \$180K, with other costs associated with street lighting, seating, waste disposal bins etc. This will be included as part of future budgets or reviewed at the time when the works are required)

8. INTERNAL CONSULTATION

The AGSPAG report has been discussed with GMT, Council, and staff from Infrastructure, Planning, Neighbourhood Development and Health and Enforcement.

9. EXTERNAL CONSULTATION

There has been extensive consultation to obtain feedback on the Interim report of AGSPAG.

Indeed AGSPAG itself represents a form of consultation with the 20+ members representing the full range of interests across the community. Appendix 2 provides details of AGSPAG membership.

The Group met on 19 occasions, including a workshop and three subcommittee meetings. The report's recommendations are unanimously supported by members of AGSPAG.

Calls for submissions on the report resulted in 19 submissions from organisations and 24 submissions from individuals.

Feedback was received from around 160 individuals who attended a public consultation at the St Kilda Town Hall in October '01, and from 20 street sex workers who attended a consultation on the issue.

There was general support for harm minimisation approach, although several of the organizations submissions argued that this was a moral issue and should not be condoned.

The proposal to designate areas for sex work received a mixed response from both organisations and individuals.

The criteria for establishing tolerance zones received a mixed response with many requiring greater clarity or those concerned that a location could not be found in St Kilda.

The proposal to establish 'Safe Houses' now referred to as street worker Centres received wide support from organisations, and more qualified support from the individual submitters. These facilities also received strong support at the public forum and at the sex workers consultation session.

The sections in the report addressing 'behaviours' and recommendations for increased law enforcement, infringement notices and diversion programs received a positive overall response.

The majority of submissions supported increased street cleaning and provision of toilets and other amenity improvements.

A very high level of support was received for increased support services with a harm minimisation perspective.

10. IMPLEMENTATION

A Council implementation group will be established with staff from the following areas

Planning - tolerance zones and street worker centres

Neighbourhood Development - establishment of street sex work monitoring group
- ongoing consultations

Infrastructure and Environment - amenity improvements

Public Health & Enforcement - Review of local law to incorporate penalties for nuisance behaviours

Communications - development of procedures for ASSIST, staff and general community communications.

11. CONCLUSION

The recommendations contained within the AGSPAG report will assist to address the seemingly intractable problems associated with street sex work in the City of Port Phillip.

The recommendations are in keeping with Council's current policy on street sex work, have the unanimous support of AGSPAG members, and a relatively high level of community and key stakeholder support.

It is essential that all the recommendations are implemented as a package as it is the only way to achieve sustainable solutions to a long term problem.

12. COMMUNICATION

The following communication processes will occur:

- 13.1** Information to the community via Press Release, and information on the City of Port Phillip website
- 13.2** Public notice calling for submissions on proposed tolerance zones – July 1st 2002..
- 13.3** Individual notifications to all households in or abutting proposed tolerance zones- Week beginning July 29th 2002.
- 13.4** Public notice identifying recommended tolerance zones seeking feedback to Council 29th July 2002

Key communications messages are:

- This is a local issue which requires a local solution
- Existing practices, including law enforcement are not addressing the issue
- The combined package recommended by AGSPAG will be effective in addressing the negative impacts and promote a safer environment for everyone.
- We will continue to consult the community on this issue

13. RECOMMENDATIONS

- 13.1. That Council endorse all recommendations of the Attorney General's Street Prostitution Advisory Committee Final Report-June 2002 and commits to facilitating the implementation of the entire Report.
- 13.2. That the Strategy and Policy Review Committee authorize a Public Notice to be prepared inviting submissions from the community on preferred sites for a tolerance zone.
- 13.3. That a further report be prepared for the August 25th Council meeting identifying the preferred sites for a tolerance zone based on community feedback and consideration of the criteria for the establishment of such zones, seeking further community feedback on these preferred sites and establishing the panel to consider submissions from the community in response to these proposals.

Attachments:

APPENDIX 1

OUTLINE OF THE REPORT

This report presents an analysis of issues in relation to street prostitution in Victoria, and a package of recommendations to improve community safety in the City of Port Phillip.

Chapter 1 outlines the background of the Attorney-General's Street Prostitution Advisory Group, its composition, and the processes through which it has developed its recommendations.

Chapter 2 explores the range of government responses to street prostitution adopted in other jurisdictions, both in Australia and overseas. It discusses the different law enforcement and social strategies employed, and their relative success in addressing street prostitution issues.

Chapter 3 gives a brief history of street prostitution in Victoria and, in particular, St Kilda. It describes government attempts to address the issue, and features an outline of prostitution law today in Victoria.

Chapter 4 provides the social context for understanding street prostitution issues. In particular, it examines research on the key players in street prostitution – workers, clients and pimps – and presents an analysis of the behavioural aspects of the practice.

Chapter 5 draws together the threads of available knowledge about, and strategies addressing, street prostitution. It explains what the Advisory Group has learned about the issues, and the philosophical assumptions it has adopted in developing its recommendations. The group's objectives are also explained in detail.

Chapter 6 explores issues regarding the location of street sex work in the City of Port Phillip. It presents a set of recommendations that aim to remove street prostitution from residential areas and provide alternative locations for collection and servicing to take place.

Chapter 7 outlines current issues in relation to the behaviour of street sex workers, clients, sex tourists and pimps. Its recommendations contain a number of strategies to address the nuisance behaviours that impact on the safety and amenity of the neighbourhood.

Chapter 8 discusses existing problems in communications between key stakeholder groups and proposes a series of measures to ensure better coordination and information exchange.

Chapter 9 describes the current amenity and provision of support services in the City of Port Phillip. It features a series of recommendations to improve community facilities and services, for residents, traders and street sex workers.

Chapter 10 outlines the way forward. It explains the need for transparency, ongoing community consultation and the conduct of an independent evaluation to assess the effectiveness of the Advisory Group's reforms.

APPENDIX 1 cont

KEY RECOMMENDATIONS

Listed below are the key recommendations made by the Attorney-General's Street Prostitution Advisory Group Final Report. A series of more detailed explanatory recommendations can be found in chapters 6 to 10.

Key recommendation 1: Establishment of tolerance areas

That geographic areas (tolerance areas) be established in the City of Port Phillip in which police resources would not be targeted at persons loitering and soliciting for the purposes of prostitution (as defined under sections 12 and 13 of the *Prostitution Control Act 1994*). Instead, police resources and strategies should target loitering and soliciting offences in locations outside tolerance areas.

Tolerance areas should be established for a trial period of two years, during which an ongoing independent evaluation should take place.

For further details, please see p. 48.

Key recommendation 2: Establishment of street worker centres

That safe and secure venues be established in the City of Port Phillip for street sex workers to service clients. These facilities, to be known as street worker centres, should be established under a new definition in the *Prostitution Control Act 1994*.

For further details, please see p. 57.

Key recommendation 3: Additional resources for enforcement

That the need for an appropriate level of resources – to be assigned to address street prostitution issues and ensure a greater presence in the City of Port Phillip – be brought to the attention of Victoria Police command.

For further details, please see p. 63.

Key recommendation 4: Sanctions for clients and sex tourists who commit affronting, and/or nuisance behaviours

That the Department of Justice consult with Victoria Police and the City of Port Phillip to further develop:

- An offence that prohibits affronting language and/or behaviour in a public place; and
- An expansion of existing nuisance-type offences that regulate traffic-related behaviour (eg. hooting, noise, cruising, littering from a motor vehicle).
- The offences will be punishable by infringement notices, issued by members of Victoria Police.

KEY RECOMMENDATION 5: CHILD PROSTITUTION UNACCEPTABLE

That child street sex work is unacceptable and should not be permitted in any circumstances. Child street sex workers would therefore not be allowed to operate in tolerance areas or street worker centres. If this occurs, police should follow established protocols and notify the Department of Human Services Child Protection and Care Unit.

For further details, please see p. 67.

Key recommendation 6: Diversion options for street sex workers

That the Collaboration Care and Innovation diversion model successfully operating in the City of Yarra be expanded to the City of Port Phillip and adapted to meet the specific needs of street sex workers.

For further details, please see p. 72.

Key recommendation 7: Educative and communications strategy

That a comprehensive educative and communications strategy be implemented. This should entail the appointment of a police liaison officer, a peer education program for street sex workers, the establishment of a support services coordination group, and the creation of a mechanism through which the community can provide feedback on local street sex issues.

For further details, please see p. 73.

Key recommendation 8: Improved amenity and support services

That amenity, resource and welfare support services be expanded and enhanced for residents, traders and street sex workers. A comprehensive package of services should offer targeted street cleaning, improved access to public toilets, and a full range of support services (including access to exit and retraining programs) for street sex workers.

For further details, please see p. 78.

Key recommendation 9: A transparent process

That, in order to ensure transparency and continued public confidence, the implementation and operation of the Advisory Group's proposals be subject to ongoing monitoring and community consultation, in addition to an independent evaluation.

For further details, please see p. 84.

APPENDIX 2:

Attorney-General's Street Prostitution Advisory Group Membership

The Hon. Richard Wynne MP (Chair)
Parliamentary Secretary, Justice

The Hon. Andrea Coote MLC
Member for Monash

The Hon. Bill Baxter MLC
Member for North Eastern

Ms Anne Peterson
Convenor, Port Phillip Action Group

Mr Gerry Tickell
President, Fitzroy & Acland Street
Residents' Association

Ms Jeannette Davison
Port Phillip Action Group

Ms Karen McNamee
Sacred Heart Mission

Ms Gendrie Klein-Bretler
Good Shepherd Youth & Family Services

Dr Craig Bird
Greeves Street Residents

Mr Jeff Lyons
Port Phillip Alliance/St Kilda Rooming
Houses Issues Group

Cr Dick Gross
City of Port Phillip

Inspector Chris Duthie
St Kilda police

Ms Mandy Press
City of Port Phillip

Senior Sergeant John Hauer
St Kilda police

Ms Karen Sait
Inner South Community Health Service
RhED Program

Michelle
Street sex representative

Mr Greg Byrne
Department of Justice

Ms Jenny Plant
Salvation Army Crisis Services

Ms Elena Campbell
Office of the Attorney-General,
The Hon. Rob Hulls MP

Ms Jacki Willox
Office of the Deputy-Premier,
The Hon. John Thwaites MP

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A8	AMENDMENT C35 - ST KILDA STATION ADVERTISING CONTROLS
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	60 & 64 FITZROY STREET ST KILDA
RESPONSIBLE MANAGER:	GEOFF OULTON – DIRECTOR CITY DEVELOPMENT
AUTHOR:	ROB BALL
FILE NO.:	66/02/122
ATTACHMENTS:	ATTACHMENT 1 – SCHEDULE 2 TO COMPREHENSIVE DEVELOPMENT ZONE. ATTACHMENT 2 - CLAUSE 52.05 ADVERTISING CONTROL CATEGORY TABLES ATTACHMENT 3 – PHOTOGRAPHS OF EXISTING

1. KEY ISSUES

- 1.1. David Jones (Foodchain) and Metropol (the developer of the site) believe advertising controls affecting the St Kilda Station development site are currently too restrictive relative to the size of the Foodchain supermarket and other retail uses on site.
- 1.2. SJB Planning on behalf of David Jones and Metropol have requested an amendment to the Port Phillip Planning Scheme to modify the existing advertising controls for part of the subject site from category 4 to category 1.
- 1.3. This amendment would have the affect of allowing the display of business identification signs, up to a maximum of to 8 square metres per premises, without a planning permit. (Note: a planning permit from Heritage Victoria would still be required for that part of the site covered by Heritage Overlay 123). No signs are prohibited under the proposed advertising control category.

2. BACKGROUND

- The subject site was rezoned to Comprehensive Development Zone 2 as a part of Amendments C9 & C10 to allow a mixed use development (Metropol Development) at 60 and 64 Fitzroy Street St Kilda, known as the former St Kilda Station site.
- As a part of Schedule 2 to the Comprehensive Development Zone an advertising sign category was specified. Advertising sign category 4 applies to all of the land at 60 & 64 Fitzroy Street. This category is the most restrictive of

the advertising categories listed at Clause 52.05 of the scheme. (Refer to Attachment 1).

Under the category 4 advertising control only a bed & breakfast sign, home occupation sign or direction sign do not require a planning permit. Subject to a planning permit a premises may have a business identification sign with a maximum advertisement area of 3 square metres. All other signs are prohibited within category 4. (Refer to Attachment 2)

- The Metropol development includes 120 dwellings, a 315-space car park, 1180 square metres of shops and restaurants and a 1550 square metre supermarket.
- The approved supermarket (Foodchain) has recently opened. The supermarket has a frontage along both Fitzroy Street and the St Kilda Light Rail line.
- On the 27 December 2001 a planning permit (1189/2001) was issued for 4 floodlit business identification signs measuring 0.70m² each on the Foodchain building. These 4 signs have been erected with the addition of a below verandah sign along the Fitzroy Street elevation. The below verandah sign does not appear to currently have a planning permit. Similarly it appears the business sign along the west elevation is not positioned in the location approved on the endorsed set of plans.
- A number of retail/commercial premises (Station 1857, Villa & Hut, and STA Travel) within the St Kilda Station development have business identification signs displayed. There appears to be no planning permits currently issued for any of these signs. (Refer to Attachment 3)

3. PROPOSAL

- 3.1. The applicant has requested Council to consider an amendment to the Port Phillip Planning Scheme that would change the advertising controls specified in Schedule 2 to the Comprehensive Development Zone.

Point 5.0 of the Schedule 2 to the Comprehensive Development Zone stipulates that advertising controls are within category 4 of the table to Clause 52.05.

The applicant is proposing that the advertising controls for the site be changed so that part of the site (incorporating the retail component of the development) is within the category 1 advertising controls instead of category 4. The balance of the site would continue to be affected by category 4 advertising sign controls.

The applicant has indicated the proposed changes are to facilitate an opportunity for the retail/commercial businesses to increase their level of advertising signs as well as to allow the developer to install a series of direction, identification and promotion signs within site.

- 3.2. This amendment would result in point 5.0 to Schedule 2 to the Comprehensive Development Zone to read as follows:

5.0 Advertising Signs

Advertising controls can be found at Clause 52.05. Part A (Refer MAP 1) of the site is in Category 1 and Part B in Category 4 of the table to Clause 52.05.

- 3.3. The affect of the proposed change would be to significantly reduce the controls over advertising signs for the retail/commercial part of the site (Part A). Currently business identifications signs are subject to a planning permit and restricted to a maximum of 3 square metres of advertisement area per premises. All other signs except bed and breakfast, direction and home occupation signs are prohibited.

Under the proposed amendment each shop/restaurant would be entitled to business identification signs up to 8 square metres without a planning permit. No advertising signs would be prohibited. It must be noted that those shops contained within the former St Kilda Station building are contained within Heritage Overlay 123. Heritage Overlay 123 requires a planning permit, from Heritage Victoria, for any external changes including advertising signs regardless of what advertising controls are placed on the building.

4. OPTIONS

- 4.1. Support the exhibition of the proposed amendment without any changes.

- 4.1.1. The applicant in support of the amendment has provided the following:

“The existing provisions of the Port Phillip Planning Scheme unreasonably limit the consideration of a planning permit application for advertising signage on the subject land, in association with approved commercial uses such as shops and restaurants. The changing of the advertising signage category of the land will enable Council to consider planning permit applications for signage that is consistent with the reasonable expectations of commercial land uses and which is consistent with existing business advertising requirements of the wider area.”

(Please note: The above statement is somewhat misleading. Under the proposed amendment Council would only be able to consider applications for business identification signs that exceeded 8 square metres because signs less than 8 square metres would not be subject to a planning permit. The Heritage Overlay that affects part of the site only results in a planning permit being required for a sign from Heritage Victoria and not Council).

Although it is acknowledged that the current advertising controls are restrictive relative to those typically applied to commercial/retail precincts it would not in this case be desirable to completely reverse the current situation and have minimal controls over advertising signs.

Although the site includes retail/commercial components at ground level it is predominantly a residential development. The site is also located on a very prominent corner and the developments design was the subject of extensive negotiation between the developer, Council and the public before it was approved.

Subsequently it is argued that the site would not necessarily benefit positively from minimal advertising controls. Some level of Council control over advertising signs would appear to be desirable to ensure that an excessive level or inappropriate type of advertising is permitted to the detriment of the development or surrounding area.

It is therefore argued that the amendment in its current form should not be supported.

4.2. Support the exhibition of the amendment subject to changes.

4.2.1. Although it is considered inappropriate that minimal advertising controls are introduced to the site there is an argument that the current controls are a little too restrictive relative to the size and nature of the retail/commercial components on the site and in particular for the supermarket.

The supermarket consists of 1550 square metres of floor area and has two substantial frontages to Fitzroy Street and the light rail line, part of its northeastern elevation is also visible from Fitzroy Street. A supermarket would normally have a level of advertising signs commensurate with its size. In this case a maximum of 3 square metres of advertising signs would appear to be too restrictive for a retail use of this size. Currently the Foodchain store has 5 advertising signs displayed. Although it may not necessarily be desirable to dramatically increase the level of advertising signage currently on this building it would seem reasonable that the opportunity to apply for a planning permit to do so should be entertained.

In terms of the rest of the retail/commercial premises on the site it is argued that a maximum of 3 square metres per shop is a reasonable level of advertising signs when considering their relatively small size and their relationship to the historically important St Kilda Station building.

Based on the above it would be reasonable to simply restrict this amendment to changing the advertising controls that apply to the Foodchain store. However the applicant is arguing that the developer Metropol wishes to install a series of signs that serve the purpose of providing direction, promotion and identification within and around the site. The types of signs proposed by Metropol are not inconsistent with what one would find with developments of this nature. As a result it would seem reasonable to allow the developer the opportunity to apply for a planning permit for these signs. The only way to facilitate this is for the amendment to change the advertising controls for that part of the site indicated as Part A on Map 1 as provided by the applicant.

- 4.2.2. It is argued that the advertising category does not need to be changed to category 1, as proposed by the applicant. It would be more acceptable to change it from category 4 to category 3. This would ensure that all advertising signs would be subject to a planning permit, that there would be no restriction on the size of business identification signs that could be applied for but there would still be considerable restrictions in terms of the type of signs that would be permitted. For example category 3 prohibits major promotion, sky and animated signs whereas under category 1 all of these could be applied for.

The above would result in an outcome where the Metropol and Foodchain could apply for a planning permit for the additional signage they desire while still providing Council with a satisfactory level of control.

- 4.2.3. Subsequently it is argued that the amendment could be supported if the advertising controls are changed from category 4 to category 3 for that part of the site indicated as part A on Map 1 to the schedule as produced by the applicant. Schedule 2 to the Comprehensive Development Zone would therefore be changed to read as follows:

5.0 Advertising signs

Advertising controls for land shown within Part A – Retail on Map 1 to the Schedule to Clause 37.02 are in Category 3 of the table to Clause 52.05.

Advertising controls for land shown within Part B – Residential on Map 1 to the Schedule to Clause 37.02 are in Category 4 of the table to Clause 52.05.

- 4.2.4. All of the submitted amendment documentation would need to be changed to reflect the above.
- 4.2.5. Council officers have previously discussed with the applicant that this option would be the one preferred and supported by officers. Written advice was given to the applicant indicating that officers would be recommending the above changes, therefore the applicant has been fully briefed about this option.

- 4.3. To not support the exhibition of the amendment.
- 4.3.1. If Council decides that the existing level of advertising signage available is adequate to meet the needs of the shops and restaurants on site then the exhibition of the amendment in any form should not be supported.

5. POLICY CONTEXT

- 5.1. Clause 22.08 'Outdoor Advertising' is a key local policy in regards to the proposed amendment.
- 5.2. Clause 22.08-2 specifies the following objectives:
- To ensure that commercial businesses are able to display sufficient signage to adequately identify their premises and promote the business, the goods they sell or the services they offer.
 - To ensure that signs achieve maximum effectiveness without being excessive in their size, number or appearance.
 - To ensure that the architectural qualities and features of buildings are not obscured by signage.
 - To ensure that the size, position and amount of signage adds to the vitality and interest of the urban environment.
 - To protect the visual amenity of the locality by avoiding visual disorder and clutter.
 - To ensure that outdoor advertising does not cause loss of amenity or have a detrimental effect on the natural or built environment or the safety, appearance or efficiency of any public place.
- 5.3. These objectives have been taken into consideration in reviewing the amendment proposal.

6. RESOURCE IMPLICATIONS

- 6.1. The applicant will be responsible for all amendment fees and panel costs.
- 6.2. Officer time will be involved in the editing of the amendment documentation and the preparation and issuing of the public notices.
- 6.3. It is proposed to charge the applicant for advertising costs associated with the exhibition of the amendment.

7. INTERNAL CONSULTATION

- 7.1. Limited internal consultation would be required prior to the exhibition of the amendment. None the less the following areas would be consulted:
- Statutory Planning
 - Business Development
 - Planning and Amenity Enforcement

8. EXTERNAL CONSULTATION

- 8.1. If it is decided to support the exhibition of this amendment (either proposed or modified) then the Department of Infrastructure will need to be consulted in regard to the amendment documentation prior to exhibition.
- 8.2. The exhibition of the amendment would involve letters to owners and occupiers of properties and businesses who may be affected by the proposed amendment and via public notices in the Emerald Hill Times, Port Phillip Leader and the Government Gazette.

9. IMPLEMENTATION

- 9.1. The amendment documentation has been prepared by SJB Planning however the actual exhibition process of the amendment would be conducted by officers.

10. CONCLUSION

- 10.1. The applicant is requesting an amendment to the Port Phillip Planning Scheme to change the current advertising controls from category 4 to category 1. The amendment is requested because both Metropol and David Jones wish to incorporate advertising signs in excess of the 3 square metres currently permitted (subject to a planning permit) under the current controls.
- 10.2. It is acknowledged that the current advertising controls are somewhat more restrictive than normally associated with retail uses. However in the consideration of this amendment request it is important to realise that this is a landmark site, which is predominantly residential in nature. As a result it is considered appropriate that some control over advertising signs should be maintained in regard to this site.
- 10.3. Therefore it is argued the requested amendment in its current form should not be supported. However if the amendment request resulted in a change from category 4 to category 3 instead of from category 4 to category 1 then support for the exhibition of the amendment could be given.

11. RECOMMENDATION

That Council:

- 11.1. Note and receive this report.
- 11.2. Having considered the amendment request, not support the exhibition of the amendment as proposed.
- 11.3. Notify the applicant that Council does not support the exhibition of the amendment as requested.
- 11.4. Notify the applicant that Council would support the exhibition of an amendment request that proposed to change Point 5.0 of Schedule 2 to the Comprehensive Development Zone to read as follows:

'5.0 Advertising signs

Advertising controls for land shown within Part A – Retail on Map 1 to the Schedule to Clause 37.02 are in Category 3 of the table to Clause 52.05.

Advertising controls for land shown within Part B – Residential on Map 1 to the Schedule to Clause 37.02 are in Category 4 of the table to Clause 52.05.'

Attachment 1 – Current Schedule 2 to the Comprehensive Development Zone

SCHEDULE 2 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ2**.

ST KILDA STATION REDEVELOPMENT

Land

Land shown on Map 2 to the Schedule to Clause 37.02 (St Kilda Station Concept Plan) known as the former St Kilda Station and Caltex sites.

Purpose

- To encourage a range of residential, cultural and commercial uses which are complementary to the mixed use role and function of the locality.
- To encourage a diversity of public housing for low income households within the Residential Precinct.
- To encourage the establishment of a Museum Precinct based on the retention and restoration of the historic St Kilda Railway Station buildings and elements and the re-use of the buildings and the precinct generally with emphasis on a museum, cultural activities and other compatible uses.
- To ensure that the Museum Precinct is used and developed in such a manner so as to promote public access and enjoyment of the precinct.
- To encourage the development of a Commercial Precinct which complements the other precincts in the zone and the dual community and tourist role of the Fitzroy Street Neighbourhood Shopping centre.
- To provide appropriate uses at the street frontage of buildings in order to create a vibrant and lively pedestrian environment
- To provide effective and safe pedestrian linkages between the various activities in the zone and surrounding parkland, residential and commercial areas.
- To encourage the use of the light rail and nearby tram services and ensure the unimpeded movement of the light rail.
- To ensure safe and effective vehicular access, maximise opportunities for the provision of off street car parking and provide adequate loading bay facilities.
- To retain and enhance key view lines within, into and from the zone having regard to its elevated position and gateway location to the wider St Kilda foreshore and environs tourist area.
- To encourage a high standard of architecture and urban design having regard to the scale, appearance and character of historic buildings in the zone.

- To ensure that a high level of amenity is achieved having regard to the types of land uses that are encouraged to locate within each precinct, the nature of adjacent land uses, the historic significance of the existing buildings in the zone and the urban conservation significance of the area generally.

1.0 Table of uses

Section 1 - Permit not required

USE	CONDITION
11.5. Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Art gallery	In the Commercial precinct and/or Museum precinct
Dwelling	In the Residential Precinct
Residential Building	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2
Museum	In the Museum Precinct
11.6. Office	Above ground floor level in the Commercial Precinct and the total floor area must not exceed 1,500 square metres.
Shop (other than Adult sex bookshop)	In the Commercial precinct. Other than a convenience shop which exceeds 100 square metres.
Railway	
Search for stone	Must not be costeaning or bulk sampling

Section 2 - Permit required

USE	CONDITION
Car park	All precincts
Convenience Restaurant	In the Commercial Precinct and/or Museum Precinct
Mineral, stone or soil extraction (other than Extractive industry, Mineral exploration, Mining and Search for stone)	
Minor utility installation	
Place of Assembly	
Restaurant	
Take Away Food Premises	
Trash and Treasure market	In the Museum Precinct
Any use not in Section 3	

Section 3 - Prohibited

USE

Adult sex bookshop
Amusement Parlour
Art gallery - if the Section 1 condition is not met
Brothel
Camping and caravan park
Hospital
Industry
Manufacturing Sales
Motor vehicle, boat or caravan sales
Timber Yard
Transport terminal
Warehouse

2.0 ***Use of land***

The use of land must be generally in accordance with the St Kilda Station Concept Plan and/or the Comprehensive Development Plan.

2.1 ***Application requirements***

An application that is not in accordance with the St Kilda Station Concept Plan or the Comprehensive Development Plan to use land must be accompanied by a Precinct Plan prepared to the satisfaction of the responsible authority. This Plan must show, as appropriate:

- The proposed layout and floor area for each use.
- The location of all vehicular, pedestrian and bicycle ingress and egress locations and accessways.
- The location and layout of all car parking spaces.
- The location of all open space, including areas available to the public and private open space.
- The location of landscaped areas associated with the use of the land.

The responsible authority may consider part of a Precinct Plan independently of the balance of the land within that precinct and the responsible authority may amend an approved Precinct Plan.

2.2 ***Exemption from notice and appeal***

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

2.3 *Decision Guidelines*

Before deciding on an application to use land, or whether a Precinct Plan or part of a Precinct Plan is satisfactory, the responsible authority must consider:

- The extent to which the proposal furthers the objectives as set out in the purpose of the zone.
- The proposal's consistency with the St Kilda Station Concept Plan and the Comprehensive Development Plan.
- The land use and development potential of adjacent precincts and the inter-relationship between precincts.
- The location, adequacy and safety of the network of vehicle, pedestrian and bicycle access points and accessways.
- The location and layout of car parking spaces including access lanes.
- The adopted St Kilda Foreshore and Environs Urban Design Guidelines (1991) and any amendments thereto and any other relevant planning, conservation or urban design guidelines or policies adopted by the Port Phillip City Council.
- The views, if any, of Heritage Victoria, Public Transport Corporation, Department of Natural Resources and Environment or any relevant referral authority.
- The effect of the proposal on the amenity of the area.

3.0 *Buildings & works*

The development of each precinct must be generally in accordance with the St Kilda Station Concept Plan and/or the Comprehensive Development Plan.

3.1 *Height requirements*

A maximum building height of RL (Reduced Level) 18 metres applies to the construction of a building on the land except where development is in accordance with the Comprehensive Development Plan.

3.2 *Setback requirements*

No setback is required from the Fitzroy Street frontage east of the light railway reserve or from the Canterbury Road frontage at grade with Canterbury Road.

Except with a permit, all buildings and works must be setback from other boundaries as follows:

- 3 metres from the nearest rail of the light railway tracks.
- 6 metres from the boundary with Albert Park, except for three units near the western boundary of the site where a minimum setback of 3 metres is required.
- 6 metres is required from the Canterbury Road frontage at grade with Fitzroy Street.
- 3 metres from any other boundary not specified above.

Setback areas must be landscaped where appropriate to be in keeping with the character and appearance of the area to the satisfaction of the responsible authority.

3.3 *Application requirements*

An application to construct a building or construct or carry out works must be accompanied by a Precinct Plan prepared to the satisfaction of the responsible authority. This plan must show:

- Any proposed changes to ground surface levels.
- The location, site coverage, floor areas and height of all buildings and works.
- The proposed use or uses of each building.
- The location of all vehicular, pedestrian and bicycle ingress and egress locations and accessways.
- The location and layout of all car parking spaces.
- The location of all open space, including areas available to the public and private open space.
- The location of landscaped areas associated with the development of the land.
- The visual impact of development in relation to the historic railway station buildings and other elements when viewed from Fitzroy Street, Canterbury Road, Grey Street and adjacent parkland (where appropriate). This could be demonstrated by perspectives and elevations.
- The stages, if any, in which the land is to be developed, with starting and completion dates for each stage.

The responsible authority may consider part of a Precinct Plan independently of the balance of the land within that precinct and the responsible authority may amend an approved Precinct Plan.

3.4 *Decision Guidelines*

Before deciding on an application, the responsible authority must consider, as appropriate:

- The extent to which the proposal furthers the objectives as set out in the purpose of the zone.
- The proposal's consistency with the St Kilda Station Concept Plan and the Comprehensive Development Plan.
- The land use and development potential of adjacent precincts and the inter-relationship between precincts.

- The location, adequacy and safety of the network of vehicle, pedestrian and bicycle access points and accessways.
- The location and layout of car parking spaces, access lanes and the access thereto.
- The adopted St Kilda Foreshore and Environs Urban Design Guidelines (1991) and any amendments thereto and any other relevant planning, conservation or urban design guidelines or policies adopted by the Port Phillip City Council.
- The views, if any, of Heritage Victoria, Public Transport Corporation, Department of Natural Resources and Environment or any relevant referral authority.
- The effect of the proposal on the amenity of the area.

4.0 Agreement

Before any buildings, works or uses are commenced, the owner and/or applicant is required to enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987:

- To require any shortfall of car spaces to be provided to the satisfaction of the responsible authority if the required number of on-site car parking spaces cannot be provided pursuant to Clause 52.06.
- To ensure that the land to be used and developed is free of any contamination to the satisfaction of the Environment Protection Authority and the responsible authority.
- To provide for the necessary site contamination assessments and any required clean up to be undertaken by suitably qualified professionals at the applicant's and/or owner's expense.
- For any other reasons deemed as relevant.

5.0 Advertising signs

Advertising controls are in Category 4 of the table to Clause 52.05

Attachment 2 – Clause 52.05 Advertising Control Category Tables

52.05-7 Category 1 - Business areas

Minimum limitation

Purpose

To provide for identification and promotion signs and signs that add vitality and colour to business areas.

Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign Business identification sign Home occupation sign Promotion sign	The total advertisement area of all signs to each premises must not exceed 8 sq m. This does not include a sign with an advertisement area not exceeding 1.5 sq m that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.
Direction sign	
Internally-illuminated sign	The total advertisement area to each premises must not exceed 1.5 sq m. No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.

Section 2 - Permit required

Sign	CONDITION
Any sign not in Section 1	

Section 3 - Prohibited

Sign	CONDITION
Nil	

52.05-8 Category 2 - Office and industrial

Low limitation

Purpose

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

Section 1 - Permit not required

SIGN	CONDITION
Bed and breakfast sign Business identification sign Home occupation sign Pole sign	The total advertisement area of all signs to each premises must not exceed 8 sq m. This does not include a direction sign.
Direction sign	Only one to each premises.
Internally-illuminated sign	The advertisement area must not exceed 1.5 sq m. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.

Section 2 - Permit required

Sign	CONDITION
Any sign not in Section 1	

Section 3 - Prohibited

Sign	Condition
Nil	

52.05-9 Category 3 - High amenity areas

Medium limitation

Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Section 1 - Permit not required

Sign	CONDITION
Bed and breakfast sign	Only one to each premises.
Home occupation sign	The advertisement area must not exceed 0.2 sq m.
<hr/>	
Direction sign	

Section 2 - Permit required

SIGN	CONDITION
Above-verandah sign	
Business identification sign	
Floodlit sign	
<hr/>	
High-wall sign	Must be a business logo or street number.
<hr/>	
Internally-illuminated sign	
Pole sign	
<hr/>	
Promotion sign	The advertisement area must not exceed 2 sq m.
<hr/>	
Reflective sign	

Section 3 - Prohibited

Sign	Condition
Any sign not in Sections 1 or 2	

52.05-10 Category 4 - Sensitive areas

Maximum limitation

Purpose

To provide for unobtrusive signs in areas requiring strong amenity control.

Section 1 - Permit not required

Sign	CONDITION
Bed and breakfast sign	Only one to each premises.
Home occupation sign	The advertisement area must not exceed 0.2 sq m.
Direction sign	.

Section 2 - Permit required

Sign	CONDITION
Business identification sign	The total advertisement area to each premises must not exceed 3 sq m.
Floodlit sign	

Section 3 - Prohibited

Sign	CONDITION
Any sign not in Sections 1 or 2	

Attachment 3 – Photographs of existing signs on the subject site.



Photograph 1 – Former St Kilda Station building – Fitzroy St and St Kilda Light Rail line elevations.



Photograph 2 – Northeast corner of Foodchain Store – Two of the 4 signs that are located on the main facades of the Foodchain store.



Photograph 3 – Northeast elevation of St Kilda Station building (facing Light Rail Line) – typical signage installed by the Villa & Hut store – signs are repeated on all windows of this store.



Photograph 4 – Metropool sign installed on the Southeast elevation of the building adjacent to Canterbury Road.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A9	SUBMISSIONS RECEIVED TO PROPOSED INTENTION TO DECLARE A SOUTH MELBOURNE BUSINESS PRECINCT SPECIAL RATE, FOR THE PROVISION OF MARKETING, MANAGEMENT AND DEVELOPMENT.
KEY RESULT AREA:	ENHANCING OUR NEIGHBOURHOOD AND PLACES
LOCATION/ADDRESS:	SOUTH MELBOURNE BUSINESS PRECINCT
RESPONSIBLE MANAGER:	GEOFF OULTON – DIRECTOR CITY DEVELOPMENT
AUTHOR:	LEANNE DEANS/ MICHAEL MCINTOSH
FILE NO.:	90/03/27
ATTACHMENTS:	ATTACHMENT 1: SOUTH MELBOURNE BUSINESS ASSOCIATION NEWSLETTER ATTACHMENT 2: FORMAL SUBMISSIONS RECEIVED

1. KEY ISSUES

- 1.1. Analysis of submissions received regarding the Proposed Intention to Declare a South Melbourne Business Precinct Special Rate for the provision of marketing, management and development of the South Melbourne Business Precinct.

2. BACKGROUND

- 2.1. The South Melbourne Business Precinct – Future Directions and Opportunities Report 2001 prepared for Council and the Business Association, recommended the introduction of a special rate for marketing and management of the South Melbourne Business Precinct.
- 2.2. At its meeting of 27th May, 2002, Council resolved its intention to declare a special rate for the South Melbourne Business Precinct. This arose from both a recommendation made in the Future Directions and Opportunities Report 2002 and a written request from the South Melbourne Business Association.
- 2.3. The Local Government Act 1989 requires that Council must not declare a special rate unless it has given public notice of its intention to make the declaration at least 28 days before making the declaration. The public notice was advertised in the Port Phillip Leader Newspaper on 3 June 2002. The date set for the declaration of the Special Rate, should Council proceed

after considering all submissions, is 22nd July 2002, which is more than the required 28 days.

2.4. Individual letters including a copy of the public notice indicating the Council's intention to declare the Special Rate and the date of the proposed declaration was forwarded to all ratepayers, property owners and occupiers within the scheme on 28th May 2002.

2.5. The report process for declaring the Special Rate is as follows:

- First report – Proposed intention to declare the Special Rate (27th May, 2002)
- Second report – Submissions received to proposed intention to declare the Special Rate (1st July, 2002)
- Third report – Declaration of the Special Rate (22nd July, 2002) (if Council proceeds with the declaration process).
- Fourth report – Appeals against the Special Rate to the Victorian Civil Administrative Tribunal (if appeals have been lodged).

3. POLICY CONTEXT

3.1. KRA 4, section 4.1 aims to “encourage appropriate commerce, industry and tourism through supporting business development”. Action 4.1.3 requires the introduction of a special rate scheme in Clarendon Street, South Melbourne to achieve this aim.

4. TRIPLE BOTTOM LINE ASSESSMENT

4.1. The introduction of a marketing and management special rate is only one aspect of an overall process to revitalise and sustain the South Melbourne Business Precinct. Traditional shopping and business precincts are vital to a community's economic, employment, cultural, social and environmental structure and can act as a community barometer, reflecting their values and aspirations. Global trends point towards recognition that there needs to be a holistic approach to the revitalisation process and that economic outcomes do not occur in isolation from the social and cultural and environmental aspects. The special rate will provide financial support to the South Melbourne Business Association to invest in the marketing and management of the South Melbourne Business Precinct. The positive flow-on effect to the community has previously been outlined in the “Intention to Declare South Melbourne Business Precinct Special Rate” report submitted and action on May 27th, 2002.

5. INTERNAL CONSULTATION

- 5.1. Internal consultation has included discussions about the proposal and submissions with
 - 5.1.1. Cr. Logan (Ward Councilor for the South Melbourne Business Precinct)
 - 5.1.2. Staff from Neighbourhood Development, Planning & Building and Finance Departments.

6. EXTERNAL CONSULTATION

- 6.1. The public notice outlining the proposed special rate and the date on which Council's intends to declare the Special Rate was placed in the Port Phillip Leader on June 3rd, 2002.
- 6.2. A letter including a copy of the public notices was forwarded to all ratepayers, property owners and occupiers within the catchment area for the scheme on 28th May 2002.
- 6.3. In accordance with section 223 of the Act, Council is required to consider written submissions about the proposed special rate and hear those persons who have requested that he or she be heard in support of the written submission. The Act requires that submissions be received by Council within 14 days after publication of the public notice, however submissions received at the close of business on 25 June 2002 have been included in this report. (Copies attached)
- 6.4. Apart from the required statutory notification, the South Melbourne Business Association Committee delivered an information leaflet to all occupiers in the area covered by the special rate (Copy attached).

7. SUBMISSIONS

- 7.1. Of the 245 known rate-able properties included in the special rate proposal, 17 formal submissions objecting to the proposed special rate have been received at the time of reporting. (Copies attached)

7.2. A summary of the key issues raised by businesses and property owners objecting to the special rate proposal is included below. In accordance with section 223 (e) of the Act, Council is required to consider all submissions made under this section and after it has made a decision, notify in writing, every person who has lodged a separate submission, of the decision and the reasons for it. The following comments are made in response to the issues raised:

- Unable to afford additional rate on top of existing costs of running a business.

The special rate is an additional cost on the property and therefore is tax deductible. It is considered that the special rate is an investment back into the area that in the longer term will contribute to its revitalisation that will benefit business and property owners generally and attract prospective businesses to locate to the area. The cost may seem high to some businesses, however every effort has been made to minimise individual contributions.

- The effectiveness of the proposal is doubted, particularly marketing and promotion of the precinct.

Special rates and charge schemes for marketing, management and development are considered an important strategy for traditional centres, streets and precincts to revitalise and maintain ongoing viability by providing them with a means to operate as a collective and coordinate activity and thereby addressing a weakness attributed to these types of centres. More than sixty schemes exist in Melbourne including Burke Road Camberwell, Chapel Street South Yarra and Bridge Road Richmond and many similar schemes exist internationally. However, the success of each of these schemes is not reliant on the special rate alone. The ability of Business Associations to effectively develop and implement marketing, management, development and ongoing communication initiatives is generally impeded by the lack of resources available to Business Associations and can impact negatively on the overall performance of the special rate scheme. The engagement of a suitably skilled marketing coordinator can directly address these issues. Other factors include an effective business association, a clear business plan and strategy that can be realistically implemented, ongoing communication between the businesses within the precinct and a responsive Council.

If the scheme is introduced, a business and marketing plan will be prepared. Additionally, it is intended that a centre marketing coordinator be engaged who will among other duties assist in the planning and implementation of marketing initiatives.

Given that Council already has two successful special rate schemes operating in Bay Street Port Melbourne and Acland Street St Kilda, a trial period (as suggested in one submission) is not necessary.

- Clarendon Street has an insufficient range of products to market.

The Future Directions and Opportunities Plan 2001 identified that the South Melbourne Business Precinct has significant opportunity for further growth and development. Key roles of the precinct include a local retail centre, specialist retail destination centre, community, cultural and civic centre, business centre and entertainment centre.

It is considered that the Precinct, including Clarendon Street, has a sufficient range of businesses to market, however the longer-term intention is to build upon the quality of businesses located in the Precinct through professional development and business attraction. Despite the emerging niches of homewares, cafes, hotels/eateries and beauty, the report also recommended that professional development and activity business mix and attraction also be pursued and it is intended that the special rate will fund these types of initiatives.

- Council does not have the statutory power to impose a special rate.

Section 163 of the Local Government Act (1989) specifies that Council may declare a special rate or charge or a combination of both for defraying any expenses in relation to the performance of a function or the exercise of a power of the Council, if the Council considers that the performance of the function or the exercise of power is or will be of special benefit to the persons required to pay the special rate or charge.

- Once the special rate is introduced, it will become permanent and increase from year to year

If the special rate is introduced, the term of the scheme has been specified as five years and will conclude 30 June 2007. If Council decides to re introduce the scheme at its conclusion, the Local Government Act 1989 requires that Council follow the same procedure required to introduce a new special rate. Additionally, the amount collected by the scheme has been specified as \$90,000 per annum. Due to the collection model being based on a the net annual value (NAV) of a property, contribution could increase or decrease if the NAV changes, however this would require that all contributions would change and would be based on collecting a total of \$90,000 per annum. Council would only resolve to renew the special rate scheme following the expiry of this one at the request of the Business Association

- The revenue from existing Council rates, fines and fees should provide for marketing and promotions of the precinct.

Proceeds collected from Council's general property rates, fines and fees form part of the total amount of Port Phillip City Council's annual budget and allocated in accordance with Council's annual budgetary process. To date there has been no resources provided for the marketing and promotion within the city for the retail and business precincts, streets and centres. The special rate proposal is considered the most appropriate means to raise funds for the marketing, management and development of the South Melbourne Business Precinct. The special rate can only be spent in the manner that it is declared and therefore cannot be spent on any other centre.

- No perceived benefit to offices and should only be imposed on retail and food outlets.

It is intended that the special rate will enable the implementation of an ongoing program to market, manage and develop the South Melbourne Business Precinct which is aimed at maintaining and improving the precinct's performance over time. This includes increasing patronage and expenditure, business activity, the numbers of businesses attracted to the area and property investment and development. It is considered that over time the activities funded by the special rate will contribute to increased economic activity whereby directly or indirectly, the viability of the Precinct as a commercial area will be enhanced and that the value of the properties included in the scheme and their desirability as letting propositions, will be maintained or enhanced.

The proposed business and marketing plan will reflect and promote the diversity of the businesses in the precinct. Additionally, business development initiatives will also be pursued that will benefit non retail, personal and business services. Whilst the special rate cannot be spent on funding infrastructure improvements, the pursuit of improvements such as car parking, urban design, lighting and public toilets etc will benefit all businesses. These have been identified in the Future Directions and Opportunities Report and it is recommended that Council and the Business Association work together where possible to address these issues.

- The special rate should be voluntary

The special rate scheme ensures that everyone who benefits from it contributes to it rather than just a few who might pay for it if it were voluntary.

- Increased traffic which may result (from marketing and promotions) may exacerbate the acute parking problem to the detriment of business/car parking should be addressed first.

A lack of car parking and increased traffic resulting from the improved viability of the precinct is considered an insufficient reason to abandon the special rate scheme. Rather, the improved viability of the precinct will increase the need to address these issues and the special rate scheme will provide improved resources for the business association to participate in the development of car parking strategies for the precinct.

- Concern over where the funds will be spent.

Council will enter into a legal agreement with the South Melbourne Business Association enabling the proceeds of the special rate to be forwarded to the Association for expenditure. The agreement outlines 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. Council reserves to itself all discretions relevant to the application of the proceeds of the special rate. It will be a condition of the agreement that the Business Association submit an annual budget outlining the way in which the proceeds will be spent which are then paid in instalments once the appropriate documentation and invoices have been provided to Council demonstrating that the proceeds were spent in the manner intended.

As previously mentioned, the Business Association will be required to prepare a business and marketing plan outlining the way in which the proceeds of the special rate will be spent. Typically the breakdown is: Centre Coordinator (35%), Marketing Program (45%), Business Development & Training (10%) and Administration (10%).

All businesses within the scheme will be given opportunity to provide input into the business and marketing plan prepared for the precinct.

- Exemption should be provided to non-commercial businesses
The criteria that forms the basis of the special rate is ownership of rateable land zoned or used for commercial purposes. The person liable to pay the special rate is the property owner. However, where the property is leased outgoings such as Council rates and charges are often passed onto the tenant where specified in the lease agreement. The only basis for considering a non-exemption to the payment of the special rate is when the property is not zoned or used for commercial purposes. It is considered that all properties included in the scheme are zoned for commercial purposes and that those properties therefore satisfy the criteria that they should be included in the scheme.

- Businesses can market their own businesses

The aim of the special rate is to market, manage and develop the Centre as a whole and was never intended to replace the marketing strategies of individual businesses. The special rate will enable the centre to develop and market its role and function within the community, strengthening its position as a destination in the community and region. It is anticipated that the marketing strategies developed for the Precinct will focus on 'place' marketing as opposed to product or service marketing that is more typical of individual businesses.

7.3. It is considered that none of the above issues highlight a valid reason for not proceeding with the introduction of the proposed special rate.

8. OPTIONS

8.1. Council can declare the special rate on July 22, 2002 as intended in its report on 27 May 2002.

8.2. Council can modify the special rate however, it is recommended that any significant changes to the proposed scheme might require an additional report outlining the impact of these changes and that in these circumstances that Council reschedule the proposed declaration on July 22, 2002 to another meeting.

8.3. Council could choose not to proceed with the declaration of the special rate.

9. IMPLEMENTATION

- 9.1. If option 8.1 is adopted then a Declaration of the South Melbourne Business Precinct Special Rate report will be presented to Council for final adoption on July 22, 2002, titled "Declaration of South Melbourne Business Precinct Special Rate for the provision of marketing, management and development".
- 9.2. If option 8.2 is adopted and there are no significant changes to the scheme, then a Declaration of the South Melbourne Business Precinct Special Rate report will be presented with amendments to Council for final adoption on July 22, 2002, titled "Declaration of South Melbourne Business Precinct Special Rate for the provision of marketing, management and development". In the event that significant changes are made to the special rate proposal, a further report will be presented to Council outlining the impact of these changes.
- 9.3. If option 8.3 is adopted, the scheme will be abandoned or postponed subject to Council's decision on this report.

10. CONCLUSION

- 10.1. Consideration of the 17 submissions received suggest that an alteration to the proposed scheme is not warranted and that Council should proceed to declare the special rate for the provision of marketing, management and development of the South Melbourne Business Precinct.
- 10.2. The special rate forms part of the 2001/2002 Corporate Plan. It is intended that these strategies will in the long-term support business development within the South Melbourne Business Precinct and provide benefit to those properties included within the proposed Special Rate Scheme.

11. COMMUNICATION

- 11.1. In accordance with section 223 (e) Council must notify in writing every person who has lodged a separate submission of Council decision and the reasons for the decision. This letter would be sent after the Council meeting of 22 July 2002.

12. RECOMMENDATION

- 12.1. That Council note that 17 submissions (attached) have been received about the proposed special rate of which 17 objected to the proposed scheme and that they have been considered in accordance with section 223 of the Local Government Act 1989.
- 12.2. That Council resolve that it proceed to declare the Special Rate on July 22, 2002 as detailed in Council's report on 27 May 2002 "Intention to Declare South Melbourne Business Precinct Special Rate".

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A10	FIXED SCREEN TRIAL FOR KERBSIDE TRADING
KEY RESULT AREA:	ENHANCING OUR NEIGHBOURHOOD AND PLACES
LOCATION/ADDRESS:	FITZROY STREET, ST KILDA
RESPONSIBLE MANAGER:	GEOFF OULTON – DIRECTOR CITY DEVELOPMENT
AUTHOR:	MIKE MCINTOSH
FILE NO.:	
ATTACHMENTS:	ATTACHMENT 1: GUIDELINES FOR FOOTPATH ACTIVITIES ATTACHMENT 2: PROPOSED CONCEPT FOR PERMANENT SCREENS

1. KEY ISSUES

- 1.1. This report enables Council to consider a variation to the Guidelines for Footpath Activities to allow for a trial to use fixed and semi-permanent screens for the weather protection of kerbside dining patrons within Fitzroy Street, St Kilda.

2. BACKGROUND

- 2.1. The growing demand for alfresco dining combined with recent legislation prohibiting smoking from all food and drink premises has placed unprecedented demands on the management and operation of kerbside trading within the municipality.
- 2.2. The Fitzroy Street Traders Group (FSTG) have written to Council requesting permission to use permanent and semi permanent screens for the weather protection of their kerbside dining patrons.
- 2.3. Existing Guidelines for Footpath Activities (the Guidelines) do not permit the use of permanent or semi-permanent screens to be constructed on the footpath area. All street furniture must be removed at the end of trade each day. These Guidelines also recommend that screens be no higher than 1.2m. The Guidelines do allow a height of up to 1.8m in the interests of residential amenity however, approval has never been given for screens higher than 1.6m. (See attachment for copy of Guidelines)
- 2.4. The FSTG submit that the Guidelines do not go far enough in allowing for suitable screens for the protection of their dining patrons. Under the Guidelines only lightweight, removable screens can realistically be used. These screens often deteriorate over time due to exposure to wind, rain and UV light.

- 2.5. The FSTG consider that a more substantial permanent screen structure is required for the weather protection of their patrons. These screens would require permanent fixtures in the ground and would also require an increase in height up to 1.8m.
- 2.6. The FSTG propose to undertake a 4 month trial of three different types of permanent and semi-permanent screens to consider their effectiveness in providing shelter and to gauge the wider community response to the proposal.
- 2.7. Councils Kerbside Trading Panel discussed the matter at its meeting of Monday 22 April and recommended that any final recommendation for a trial for the use of permanent or semi-permanent screens to be implemented in Fitzroy Street, St Kilda should be determined by Council as a variation to the Guidelines is required.
- 2.8. The request for the trial comes at a time when our existing kerbside trading guidelines are currently under review against best practice management for kerbside trading. Following further research and investigation from both the public and private sectors it is considered the current guidelines will be revised by the beginning of 2003 to ensure best practice management and implementation.
- 2.9. The trial provides Council with an opportunity to consider, assess and determine whether fixed screens are a suitable management option for future kerbside trading within the municipality.
- 2.10. The trial would require Council to vary the Guidelines with respect to permitting permanent fixed screens on the footpath area.

3. PROPOSAL

- 3.1. The proposal before Council is for a variation to the Guidelines to allow for a 4 month trial of three (3) different styles of kerbside screens to be trialled over the coming months from August to November 30, 2002. These are as follows;
- 3.2. Option 1.
 - 3.2.1. Location: Monroe's Restaurant & Bar, 79-81 Fitzroy Street, St Kilda
 - 3.2.2. Fixed glass screens to a height of 1.6m running the full length of the shop frontage with a 2m return screen (to the bluestone feature paver) at either end.
- 3.3. **Option 2.**
 - 3.3.1. Location: Barcelona Restaurant & Bar, 25 Fitzroy Street, St Kilda
 - 3.3.2. Fixed Perspex screens to a height of 1.2m running the full length of the shop frontage with a 2m return screen (to the bluestone feature paver) at either end.

3.4. Option 3.

3.4.1. Location: Street Café, 23 Fitzroy Street, St Kilda

Semi-permanent clear plastic screens to a height of 1.8m running the full length of the shop frontage with a 1.2m break within the centre of the frontage. The proposed screens will include a 2m return at either end (to the bluestone feature paver).

3.5. A conceptual plan of the proposed fixed screens has been included as an attachment to this report. This was all that was available to the officer at the time of writing. Final design approval will require full consideration by Councils Kerbside Trading Panel.

4. ISSUES FOR DISCUSSION

4.1. Cleaning and Maintenance

4.1.1. The proposal has been referred to Councils Waste and Cleaning Unit for consideration.

4.1.2. General consent has been given to the idea of the proposed trial subject to the establishment of a suitable cleaning regime where the trader takes responsibility for the cleaning and maintenance of the immediate area and surrounds.

4.2. Access to underground services and Emergency Access

4.2.1. The proposal has been referred to Councils Works and Services Unit for consideration.

4.2.2. General consent has been given to the idea of a proposed trial subject to the establishment of an agreement whereby amongst other things,

- The structure must be capable of being removed in cases of emergency where assets need to be accessed.
- Costs involved in the removal and reinstatement of screens due to works within the road reserve will be at the trader's expense.
- No service assets will be removed or relocated to allow for the erection of the proposed screens.
- Adequate clearance must be given to allow access to existing drainage pits and other services within the road reserve.

4.3. Urban Design

4.3.1. The proposal has been referred to Councils Urban Design and Architecture Unit for consideration.

4.3.2. General consent has been given to the idea of a proposed trial subject to conceptual plans being finalized and approved by Councils Kerbside Trading Panel which includes Peter Boyle, Councils Urban Design Advisor.

- 4.3.3. It is considered that no more than 10% of the screens be should be dedicated for advertising for the trial and that final colours be to the satisfaction of the Kerbside Trading Panel.
- 4.4. Public Notification
 - 4.4.1. A public notice must be located on the screens of each trial providing a contact number to Councils Kerbside Trading Unit and encouraging written submissions to Council in order to assess the community's response to the trial.
- 4.5. Existing Guidelines
 - 4.5.1. Each proposal will be subject to existing requirements as set out within Councils Guidelines for Footpath Activities June 2000 (see attachment). This includes layout and access requirements and the provision to remove all other street furniture from the kerbside area at the close of trade each day including planter boxes, chairs, tables, umbrella's and heaters.
- 4.6. Agreement between the trader and Council
 - 4.6.1. Each trader would be required to enter a formal agreement with Council which includes formal approval from relevant service authorities within Council.
 - 4.6.2. Each service authority will be invited to specify particular conditions to be included within the agreement with the Director of City Development considering final approval of the agreement.
 - 4.6.3. The agreement will include the provision for Council to abandon any proposed trial at any given time for any given reason.
- 4.7. After the trial
 - 4.7.1. At the conclusion of the trial all participating traders will be required to remove all permanent and semi permanent screens and fixtures until further notice from Council.
 - 4.7.2. Should the concept of permitting permanent or semi-permanent screens on the kerbside area be abandoned completely, each trader will be required to reinstate the footpath to its original condition.
- 4.8. What about other areas within the municipality?
 - 4.8.1. The Fitzroy Street Traders Group have been the only traders group to formally approach Council regarding the idea of a trial proposal.
 - 4.8.2. It is considered likely that should the trial be a success, not all streets within the municipality could reasonably accommodate similar structures.
 - 4.8.3. Fitzroy Street affords the ideal area for a trial given the wide footpath area, the number of food premises in the precinct and its exposure to winds off the bay.
 - 4.8.4. The proposed trial would be a pilot project only, preceding the review of current kerbside trading guidelines.

5. OPTIONS

- 5.1. Council has the option to endorse a variation to the existing Guidelines for Footpath Activities to allow a 4-month trial of three different types of screens for the weather protection of kerbside dining patrons within Fitzroy Street, St Kilda.
- 5.2. Council has the option not to proceed with the trial for fixed screens, thereby rejecting this at this time.

6. POLICY CONTEXT

- 6.1. KRA 4, section 4.1 aims to encourage appropriate commerce, industry and tourism through supporting business development. Action 4.1.1 requires that we actively support commerce and industry in the City and in particular service their specific needs by identifying business needs in conjunction with traders, businesses and industry groups.

7. INTERNAL CONSULTATION

- 7.1. Internal consultation has included discussions about the proposal with:
- 7.1.1. Cr. Brand (Ward Councillor for the Fitzroy Street, St Kilda precinct)
- 7.1.2. Councils Kerbside Panel which includes:
- Geoff Oulton (Director, City Development)
 - Peter Boyle (Urban Design and Architecture)
 - Ian Henderson (Coordinator Local Law for Footpath Activities)
 - Mark Giangregorio (Kerbside Trading Officer)
 - Peter Onley (Coordinator Waste & Cleaning)
 - Colin Dundon (Manager Works & Services)

8. EXTERNAL CONSULTATION

- 8.1. The external consultation process included:
- 8.1.1. Invitation for comment from a representative of the Fitzroy Street Residents Association undertaken by Councillor Brand.
- 8.1.2. Several discussions with the Fitzroy Street Traders Group.
- 8.1.3. Following these discussions, it was considered that a public notice be placed on the product for a trial explaining the trial process and inviting public comment on the concept.

9. IMPLEMENTATION

- 9.1. Council resolves to vary the existing Guidelines for Footpath Activities to allow a 4-month trial of all three options as described in the above report.
- 9.2. Prior to the commencement of any trial, a formal agreement between Kerbside Trading management and the applicant outlining the particulars for the trial must be prepared to the satisfaction of the Councils Kerbside Trading Panel.
- 9.3. At the conclusion of the trial period, kerbside trading officers will report to Council evaluating the success or failure of the project and public comment received.

10. CONCLUSION

- 10.1. That Council approves a variation of the Guidelines for Footpath Activities to allow for a 4 month trial for all three kerbside screening options to be implemented within Fitzroy Street, St Kilda from August to November 30, 2002.
- 10.2. That prior to the implementation and commencement of the trial, Councils Kerbside Trading Panel and the applicant must both agree to the terms and conditions of the trial.

11. COMMUNICATION

- 11.1. Public notification of the trial will be in the form of a notice located on both ends of the fixed screens explaining the product, its purpose and the aim of the trial project.
- 11.2. Formal recognition of Councils decision to alter the existing provisions of the "Guidelines for Footpath Activities" June 2000 for the period of the trial will include a notice in the Government Gazette and insert into existing guidelines.

12. RECOMMENDATION

- 12.1. That Council resolve to approve a variation of the Guidelines for Footpath Activities, June 2000 to allow the 4 month trial of permanent and semi-permanent screens to be used for the weather protection of kerbside dining patrons within Fitzroy Street, St Kilda.

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A11	COMMUNITY AMENITY (AMENDMENT) LOCAL LAW NO. 2
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	
RESPONSIBLE MANAGER:	STEPHEN COOPER
AUTHOR:	IAN HENDERSON
FILE NO.:	
ATTACHMENTS:	1. COMMUNITY AMENITY (AMENDMENT) LOCAL LAW NO. 2 2. NOTICE OF MAKING OF COMMUNITY AMENITY (AMENDMENT) LOCAL LAW NO. 2 3. SUBMISSIONS RECEIVED IN RELATION TO PROPOSED AMENDMENT. 4. NOTES OF COMMITTEE MEETING TO REVIEW SUBMISSIONS

1. KEY ISSUES

- 1.1. To consider the report of submissions received following the statutory advertising of proposal to make Community Amenity (Amendment) Local Law No 2 of 2002.

2. BACKGROUND

- 2.1. The current process of consideration by Council of the impact of building noise commenced in November, 2001 with the adoption of changes to the Procedures and Protocols Manual and resolution of Councils' intention to amend to clause 24 (5)(b) by replacing "7.00am to 1.00pm Saturday" with "9.00am to 3.00pm Saturday" as the permitted hours for business operations.
- 2.2. At that time Council also amended the Procedures and Protocols Manual in relation to restricting building works on Sundays, factors to be taken into account in determining whether to grant a permit for out of hours work and permit conditions.
- 2.3. A meeting was held with representatives of the building industry in late January, 2002.

- 2.4. Following resolution by Council in April, 2002 of the proposal to make Community Amenity (Amendment) Local Law No 2 of 2002, the statutory advertising in accordance with section 119 and 223 of the Local Government Act 1989 occurred, resulting in four (4) submissions being received. ATTACHMENT 3
- 2.5. The submissions received were considered by a Committee of the Council comprising Cr. Hill, Director, City Development and Manager Health and Enforcement. ATTACHMENT 4

3. PROPOSAL

- 3.1. This proposal seeks to manage the ongoing impact of building noise on residential amenity by amending the times during which building works may be conducted on Saturdays.
- 3.2. The Community Amenity (Amendment) Local Law No. 2 of 2002 is proposed to amend the Community Amenity Local Law No. 1 (the principal Local Law) to better meet the local amenity and safety objectives of the principal Local Law by managing, regulating and controlling uses and activities which may:
- (a) be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment; and
 - (b) interfere with a healthy and safe environment in the municipal district for residents, workers and visitors.
- 3.3 The Community Amenity (Amendment) Local Law No.1 is set out in Attachment 1.

Briefly, the proposal is:

- 1. That the amendment to the Local Law come into operation on 15 August 2002.
 - 2. To amend the Local Law in Clause 24 (5) (b) by replacing '7.00am to 1.00pm Saturday' with '9.00am to 3.00pm Saturday'; and
 - 3. To make provision to enable existing committed building projects to be completed under the current local law provisions where:
 - (a) an application for a building permit has been made prior to the commencement of this Local Law; or
 - (b) a builder provides evidence to the satisfaction of Council that the builder has entered into contracts for the building works prior to the commencement of this Local Law on the basis of the Principal Local Law in its unamended form,
whether or not a building permit has been granted for the building works or the building works have not yet commenced."
- and

4. To delegate to the Director City Development and Manager Building and Planning the power to form the view that a builder has provided sufficient evidence that the builder has entered into contracts for building works prior to the commencement of this Local Law.

The issue addressed in 3. and 4. above is of particular concern to representatives of the building industry, and the Plancost report addresses the validity of those concerns. The officer view is that it is reasonable to implement a transitional provision for those builders who have costed projects that are currently in process on the basis of the existing local law.

Therefore the proposed local law would recognise contracts entered into at the commencement date to ensure that the provisions are not applied retrospectively. There is an inherent assumption that this is a reasonable milestone at which it can be assumed that project costings are 'locked in'.

It may be contended that at the time of calling tenders for a building, final costings have been made. However it is considered that sufficient lead time is available in this statutory process for adoption of the local law that this timing question should not create an unreasonable burden on any affected party.

- 3.4 All proposed amendments to Local Laws must comply with Schedule 8 of the Local Government Act 1989. It is considered that the proposal complies with Schedule 8.
- 3.5 There is sufficient qualitative evidence (e.g. number and type of complaints received) to demonstrate that the benefits of the restriction (i.e. the promotion of amenity and safety for residents, workers and visitors), will outweigh the costs as identified above in terms of impact on the building industry and development.

Further, continued complaints to Council's Community Amenity Enforcement staff suggests that the current approaches to these matters needs the back up of a local law amendment as proposed to obtain a satisfactory outcome for the Council. In other words, the proposal's objectives can only be achieved by the restriction.

In this context, the key residual issue relates to the need to manage noise that will impact on residential amenity. However the Committee considered that Council should also consider the issue of minimizing the amenity impact of building works on non residential sites.

The Procedures and Protocols Manual provides a series of factors to be considered in assessing applications for permits for commercial building activities outside the hours prescribed in the local law. These include, but are not limited to:

- a) the nature of the proposed works;
- b) the time and circumstances in which the works will be carried out;
- c) the likely volume, intensity, and duration of the noise levels that will be emitted by the proposed works;
- d) any previous applications made or permits granted to that person, including any complaints made in respect of such permits;

- e) potential precautions or conditions for preventing emission of noise that is clearly audible and detrimental to the amenity of any surrounding residential premises before 9.00am Saturday and 10.00am Sunday"
- f) issues of community safety and amenity;
the provision of reasonable notice to residents; and
- g) any other matters as determined by the Council.

At the Council meeting on 22 July, two sets of model permit conditions, based on whether properties affected by works on the subject site contain a residential or other relevant use, will be reported to the Council for adoption.

It is anticipated that the in developing the conditions consideration will be based around material published by the Environment Protection Authority. .

4. OPTIONS

- 4.1. Council may adopt the provisions as proposed and adopt the Amendment as currently drafted, thus addressing the current inconsistency in permitted hours on Saturday between commercial and residential buildings.
- 4.2. Council may modify the provisions as currently drafted, modification may relate to the times specified. Any such modification would not address the current abovementioned inconsistencies.
- 4.3. Council may not proceed with the Amendment and continue with the current hours of 9am to 1pm on Saturdays. This would result in continuation of the current inconsistencies.
- 4.4. Council may use the permit conditions to allow building activity outside the hours permitted in the local law, where amenity considerations deem that to be appropriate.

5. POLICY CONTEXT

- 5.1. The proposed Local Law amendment is aimed at providing greater consistency between the Local Law and the Environment Protection Act by applying similar standards irrespective of the type of premises under construction ,ie residential ,commercial or mixed use.
- 5.2. In considering the proposed amendment recognition was made that the EPA requirements for non-residential premises are Guidelines only and were established in 1992. They do not reflect the current issues prevalent in mixed use developments in Port Phillip with either or both residential and commercial components of the building works impacting on residential amenity in adjacent premises.
- 5.3. The adoption of the Amendment will ensure consistent policy for commercial builders irrespective of the type of building under construction and also eliminate difficulties in determining the source of the building noise in a mixed use development. Proof of non compliance and enforcement of the requirements will be more readily achieved by Council Officers.

6. ENVIRONMENTAL ASSESSMENT

- 6.1. The proposed amendment supports councils commitment to environmental initiatives

7. TRIPLE BOTTOM LINE ASSESSMENT

- 7.1. The proposed amendments support environmental objectives.

The financial implications, while addressed in the Plancost report, are contested in submissions received. It is not possible to make a determination regarding the challenge to the expert advice already received.

The social benefits of enhanced residential amenity as a result of reduced impact of building noise early in the morning on Saturdays is an anticipated outcome of the amendments.

8. RESOURCE IMPLICATIONS

- 8.1. The resource implications associated with the introduction of the amendments are not apparent but need to be addressed within the broader issue of Councils' construction site management.

9. INTERNAL CONSULTATION

- 9.1. The following council Officers have been consulted;

- Geoff Oulton, Director City Development
- Bruce Phillips Manager Building, Strategic and Statutory Planning
- Rod Burke, Co-Ordinator Investigations and Enforcement

10. EXTERNAL CONSULTATION

- 10.1. In addition to the submissions received external consultation was conducted with:

- EPA
- City of Melbourne
- Building Commission

11. IMPLEMENTATION

11.1. Timelines for introduction and implementation would be:

<i>Date</i>	<i>Action</i>	<i>Purpose</i>
1 July	Report to meeting of Strategy and Policy Review Committee	Report on the outcome of public consultation and submissions. Recommend adoption of amendments to Local Law
22 July	Committee report to Council	Adopt Committee recommendation
Late July / early August	Lodge advertisements to appear in Emerald Hill Times, Port Phillip Leader and Government Gazette.	Advise of adoption or variation by Council of amended Local Law Advise interested parties
Late July	Distribution of amendments to Local Law to Minister for Local Government.	Requirement to send a copy of any new Local Law to the Minister.
15 August	Local Law commences	

12. CONCLUSION

12.1. The amendments to Community Amenity Local Law No1 to amend the permitted times for building works on Saturdays from “ 7.00 am to 1.00pm” to “9.00am to 3.00pm” have been proposed as complaints received have demonstrated a particular impact on residential amenity caused by building works on Saturday mornings.

12.2. Following the consideration of submissions received it is considered that the amendments comply with the requirements of Schedule 8 of the Local Government Act 1989.

12.3. The amendments will be incorporated into the Community Amenity Local Law No 1 and its associated Protocols and Procedures Manual.

12.4. A supplementary report will be provided to Councillors prior to the Council meeting on 22 July, containing draft permit conditions for building works outside the permitted hours.

13. COMMUNICATION

13.1. The adoption and making of Community Amenity (Amendment) Local Law No2 of 2002, will be communicated by letter to all those representatives of the building industry who were part of the consultation process

13.2. The statutory process of advertising the making of the Amendment will be supplemented by the communication via press release, Divercity, Port Phillip on Line and Councils weekly column in the Emerald Hill Times.

13.3. Targetted communication will also occur in conjunction with the Councils overall building site management.

14. RECOMMENDATION

- 14.1. Council adopts Community Amenity (Amendment) No 2 Local Law of 2002 and agrees to incorporate its provisions into the Community Amenity Local Law No 1, .
- 14.2. Council has considered the provisions of National Competition Policy under Schedule 8 of the Local Government Act 1989 in the development of the amendments and concludes that the new provisions do not contravene these principles.
- 14.3. Council advertise the Notice of making of a Local Law entitled Community Amenity Local Law No 1 incorporating Community Amenity (Amendment) Local, Law No2 of 2002 and its associated Procedures and Protocols Manual in the Government Gazette, Emerald Hill Times and Port Phillip Leader.
- 14.4. Council authorize the signing and sealing of Community Amenity (Amendment) local Law No2 of 2002 to Community Amenity Local Law No 1 and its associated Procedure and Protocols Manual with the Common Seal of the Port Phillip City Council.
- 14.5. Council adopts an implementation date for the amendment of Community Amenity Local Law No 1 of 15 August, 2002.
- 14.6. [A supplementary report be provided to Councillors prior to the Council meeting on 22 July, containing draft permit conditions for building works outside the permitted hours.](#)

STRATEGY AND POLICY REVIEW COMMITTEE
1 JULY 2002

A12	2002 CULTURAL DEVELOPMENT FUND EVALUATION OUTCOMES
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	
RESPONSIBLE MANAGER:	SALLY CALDER – DIRECTOR SOCIAL AND CULTURAL DEVELOPMENT
AUTHOR:	ANGELA WALLACE
FILE NO.:	40/05/44
ATTACHMENTS:	ATTACHMENT 1: 2002 CULTURAL DEVELOPMENT FUND EVALUATION OUTCOMES ATTACHMENT 2: 2002 CULTURAL DEVELOPMENT FUND COMPARATIVE ANALYSIS

1. KEY ISSUES

- 1.1. The evaluation process for the 2002/03 Cultural Development Fund program was undertaken by an Evaluation Panel comprised of members of the Cultural Programs Board.
- This report provides Council with an overview of the funding program and the Evaluation Panel's recommendations.

2. BACKGROUND

- 2.1. The 2002 Cultural Development Fund program is the fourth funding round undertaken by the Cultural Programs Board under its delegation as a Section 86 Special Committee of Council.
- 2.2. The Cultural Development Fund's criteria focuses on community generated arts and cultural projects within the City of Port Phillip by artists and organizations located in the municipality. Projects target a Port Phillip audience.
- 2.3. Approximately forty people attended an information evening held in March 2002 following the opening of the fund in February. The fund was closed in late April 2002. Sixty-six funding proposals were processed and circulated to evaluation panel members in May. The panel completed its evaluation on 18 June 2002.
- The total amount of funding support requested from applicants was \$417,470. The total budgets for these funding proposals equaled \$1,078,896.

Twenty-nine applications are recommended for funding. These projects represent 44% of the total number of proposals submitted to the program.

2.4. Attachment 1 – 2002 Cultural Development Fund Evaluation Outcomes provides Council with a summary overview of the applicants and project descriptions, funding proposals and allocations as submitted and the Cultural Programs Board's recommendations for each of the applications.

2.5. Attachment 2 – 2002 Cultural Development Fund Comparative Analysis, provides Council with an assessment of the funding proposals received by art from, demographic and geographical area.

The table provides an analysis of the funding application's source, whether submissions were generated by artists, cultural or arts or community organizations.

3. PROPOSAL

3.1. Council receive and note this report.

4. OPTIONS

4.1. Council receive and note the Cultural Programs Board's funding recommendations for the 2002 Cultural Development Fund.

5. POLICY CONTEXT

5.1. The evaluation process was guided and informed in accordance with current policy as detailed in Council's endorsed Cultural Development Fund guidelines and criteria.

5.2. The evaluation process and the preparation of funding agreements is within the Cultural Programs Board delegated power as a Section 86 Special Committee of Council and as described in the Instrument of Delegation.

The funding allocation for each of the recommended projects does not exceed the Cultural Programs Board's delegation to enter into funding and contractual agreements which do not exceed \$100,000.

5.3. The funding proposals as recommended by the Cultural Programs Board are supportive of and have the capacity to enhance the community's cultural vitality.

The projects are aligned with cultural objectives detailed in the Corporate Plan and Cultural Plan in that they celebrate cultural identity and heritage as well as develop arts practice.

The Cultural Development Fund supports Council's devolution policy and strengthens the community's cultural development by supporting arts and cultural projects generated and managed by local artists and organizations.

6. ENVIRONMENTAL ASSESSMENT

6.1. N/A.

7. TRIPLE BOTTOM LINE ASSESSMENT

7.1. Social

The process that is utilized in working with individuals and organizations to develop funding proposals supports and encourages the capacity building of individual artists and community and arts organizations.

The interaction between artists and members of the community created by individual projects has the potential to contribute to a sense of the community's well being through building social connectivity, connection to place and the empowerment of individuals and groups.

7.2. Cultural

The Cultural Development Fund initiates and resources a significant number of community and artist generated projects. These projects have the potential to support and develop cultural vitality and encourage development of arts practice and individual art forms.

7.3. Economic

Council's investment of \$127,000 will generate \$499,911 of cultural development and arts activity. This represents a significant economic and cultural return to the community for Council's initial investment. The return does not measure the in kind contribution that is made through the voluntary work of community members.

8. RESOURCE IMPLICATIONS

8.1. The funding proposals supported by the Board are within the proposed 2002/03 budget estimate of \$127,000. This allocation is equivalent to the funds distributed in 2001/02 funding program.

9. INTERNAL CONSULTATION

9.1. The members of the Cultural Programs Board Evaluation Panel were Cr. David Brand, Martin Thiele and Jennifer Stokes.

Panel members assessed individual applications against the essential and desirable criteria as endorsed by Council and described in the Port Phillip Cultural Development Fund Grant Application.

9.2. The panel recommendations have received the support of and were endorsed by members of the Cultural Program's Board.

10. EXTERNAL CONSULTATION

- 10.1. An extensive publicity campaign was implemented to publicize the opening of the 2002 Cultural Development Fund. The campaign comprised:
- a mail out to previous applicants;
 - advertisements in two local papers;
 - provision of application forms, guidelines and funding criteria in each of the five library branches, Community Centres and Neighbourhood Houses; and
 - publication of the application form, guidelines and funding criteria on Council's website.
- 10.2. An information evening was held. Two successful applicants from the 2001 funding round, Sarah Mandie project originator for the performance cabaret project entitled Songs of My Ancestors and Maree White festival co-ordinator for the Jackson Street Local Produce Festival presented their views and gave potential applicants advice on the possible approach to the development and preparation of funding submissions.
- Council staff presented information and an overview of the application and evaluation process.
- 10.3. Council staff held individual meetings (approximately 40) with applicants who requested advice and support in the development of the project concept and their funding proposals.

11. IMPLEMENTATION

- 11.1. Council staff will notify all applicants of the evaluation panel's recommendations and funding outcomes.
- 11.2. Council staff will meet with unfunded applicants to provide advice and assist with the development of future applications and explore other funding options that may be available to maximize the developmental role and potential benefit of the Cultural Development Fund.
- 11.3. Funding agreements will be prepared and circulated to successful applicants for signing. Upon receipt of the signed agreement, funds will be distributed to the applicants in August at a cheque handover function.

12. CONCLUSION

- 12.1. The Port Phillip Cultural Development Fund continues to generate a large number of high quality projects that involve local artists working in and with the Port Phillip community. All of the funding recommendations are consistent with the City of Port Phillip's cultural planning principles and objectives.

The 2002 funding round received a similar number of applications to that received in the previous year. The allocation of \$127,000 whilst substantial is not able to meet the demand created by the 66 applications received. All applications were of a high standard and the project concepts could be considered to be generally of a high standard and quality.

The number of ineligible applications continues to be reduced with only one application this year being ineligible. This result is indicative of the capacity building that has taken place over the four years since the fund's establishment.

13. COMMUNICATION

- 13.1. A press release will be prepared providing the community with information on funded applications. The purpose of this promotion is two fold. Council's investment and commitment to resource the community in its cultural development will be promoted. The work of individual applicants and the projects will be celebrated and publicized.

14. RECOMMENDATION

- 14.1. Council receive this report and note the Cultural Programs Board's recommendations for the 2002 Cultural Development Fund.
- 14.2. Council formally acknowledge the work of the members of the Evaluation Panel.