



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

22 AUGUST, 2005

MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD ON 22 AUGUST, 2005 IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL

The meeting opened at 6.10 pm.

PRESENT

Cr Ray (Chairperson), Cr Bolitho, Cr Gross (from 6.46pm), Cr Klepner, Cr Logan Cr Sait, David Spokes Chief Executive, David Graham Executive Director Corporate Management, David Yeouart Executive Director Urban Services, Geoff Oulton Executive Director City Strategy, Sally Calder Executive Director Community and Cultural Vitality, Bruce Phillips Manager City Strategy, Greg Wood Manager Social Development, Norm McClelland Governance Advisor, Carol Mayell Manager Social & Cultural Planning & Policy

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

1. APOLOGIES

MOVED Crs Sait/Bolitho

An apology was received and leave of absence granted to Cr Cribbes.

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

2. CONFIRMATION OF MINUTES

MOVED Crs Sait/Klepner

That the Minutes of the Ordinary Meeting of the City of Port Phillip held on 25 July 2005 be confirmed.

That the Minutes of the Strategy and Policy Review Committee held on 1 August 2005 be confirmed.

That the Minutes of the Statutory Planning Committee held on 8 August 2005 be noted.

A vote was taken and the MOTION was CARRIED.

3. PETITIONS AND JOINT LETTERS

Item 1

A Letter and Petition was presented by Kate and Sarah Charters and Millicent Burggraf, on behalf of the children who attended the UNEP (United Nations Environmental Programme) Children's World Summit for the Environment, requesting that world leaders implement and enforce a set of measures determined by the children at the summit.

The following members of the public gave a presentation on their participation in the UNEP Children's World Summit for the Environment;

Millicent Burggraf
Sarah Charters
Kate Charters

Item 2

A Letter and Petition was received from Anastatsia Kailis, Ross De La Rue and Jo Gilbert of Fawkner Street, St Kilda on behalf of Fawkner St Residents regarding 12 concerns that the resident group has about Fawkner Street.

Cr Ray advised that a reply has been forwarded to the petitioners.

MOVED Crs Klepner/Logan

That Council thank Millicent Burggraf, Sarah Charters and Kate Charters and receive and note the petition. Council officers will investigate the initiatives that have been put forward and will respond to the petitioners.

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

4. SEALING SCHEDULE

The following documents were submitted for signature and sealing:

1. SECTION 173 AGREEMENT between the PORT PHILLIP CITY COUNCIL and TERESA MARY O'SHANNASSY to ensure that the two storey garage structure at 172 Bank St does not become a separate dwelling and the subject land is not subdivided.

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

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

Item not previously considered by Council.

Responsible Manager: Sue Wilkinson, Manager Building and Planning

2. SECTION 173 AGREEMENT between the PORT PHILLIP CITY COUNCIL and THE GATEWAY (QUEENS ROAD) PTY LTD to provide for the completion of the urban art component of the proposal within six months of the completion of the proposal proper – as opposed to simultaneously.

- E. *The Owner proposed an Urban Art feature for parts of the Building as briefly set out in the endorsed plans under the Planning Permit dated 17 June 2005.*
- F. *The Owner has advised Council that the Urban Art feature will not be completed prior to Occupation of the Building.*
- G. *The Owner has requested, and Council has agreed, to allow Occupation of the Building on the terms and conditions contained herein and in particular the Owner's agreement to enter into this Section 173 Agreement to ensure and allow Council to enforce the requirement that the Urban Art feature is completed in accordance with the terms contained herein.*
- H. *The Owner and Council have entered into this Agreement to document the obligations of the Owner to complete the Urban Art and insofar as it can be treated this Agreement is made pursuant to Section 173 of the Act.*

The Owner will complete the Urban Art feature within six (6) months of the Occupation of the Building

Item not previously considered by Council.

Responsible Manager: Sue Wilkinson, Manager Building and Planning

3. TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and DANIEL MANNIX GOSTELOW, for the sale and transfer of right of way at the rear of 65 Carter Street, Middle Park.
Item previously considered by Council in February 2005.
Responsible Manager: Robert Palmer, Manager Infrastructure and Environment

4. TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and SIMON ANTHONY COLLINS, for the sale and transfer of right of way abutting 17 Marlton Crescent, St Kilda.
Item previously considered by Council in April 2005.
Responsible Manager: Robert Palmer, Manager Infrastructure and Environment

MOVED Crs Klepner/Bolitho

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

A vote was taken and the MOTION was CARRIED.

5. CORRESPONDENCE

Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors for the month of 20 July 2005 to 16 August 2005 is attached for information.

Note that the correspondence contained some items that were dated from April. Cr Ray requested that this be checked to ascertain if it were a clerical error.

6. PUBLIC QUESTION TIME & PRESENTATION

Item 1

Ms Teresa Warren gave a brief presentation on the St Kilda Auxiliary of the Royal Children's Hospital and their fundraising initiative of coloured, re-usable shopping bags.

Ms Warren made a request for assistance with updating the Auxiliary's website and the production of a brochure to recruit new members.

**Manager Service Access and Performance to investigate and provide a response.*

MOVED Crs Klepner/Logan

That Council thank Teresa for her presentation.

A vote was taken and the MOTION was CARRIED.

7. PRESENTATION OF REPORTS AND RECOMMENDATIONS

7(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 1 AUGUST 2005.

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

- A4 PROPOSED DISCONTINUANCE OF SECTION OF RIGHT OF WAY REAR
200 PRINCES STREET, PORT MELBOURNE
- A5 MEETING PROCEDURE LOCAL LAW

Discussion took place in relation to the following items:

- A1 SEABATHS – WORKS TO FACILITATE FUNCTION ROOM TENANCIES
- A2 REPORT PORT MELBOURNE WATERFRONT REVITALISATION AND THE
OPTIONS FOR PRINCES PIER (CONFIDENTIAL)
- A3 ELWOOD FORESHORE AND RECREATION RESERVES MASTER PLAN
(CONFIDENTIAL)
- A6 RESOURCE RECOVERY SERVICE CONTRACT (DRY MRF)
(CONFIDENTIAL)
- A7 PROGRESS REPORT ON ELWOOD HUB PROJECT FUNDING OPTIONS
(CONFIDENTIAL)

A1 SEABATHS – WORKS TO FACILITATE FUNCTION ROOM TENANCIES

Purpose

To consider proposals associated with proposed Function Rooms at the St Kilda Seabaths

MOVED Crs Bolitho/Sait

- 1.1 That this supplementary report be considered in conjunction with the item regarding the St Kilda Seabaths on the Strategy and Policy Review Committee Agenda of 1 August, 2005.
- 1.2 That Council note the supplementary report of the Manager, City Strategy regarding the proposed function room tenancies and associated works at the St Kilda Seabaths.
- 1.3 That Council note the various works proposed by the proponent to facilitate the commencement of the Function Rooms and resolve to approve the following proposals:
 - 1.3.1 the use of the downstairs larger Function Room being capable of temporarily divided into 2 separate spaces by a movable wall
 - 1.3.2 the use of the upstairs Function Room to be divided into 4 separate spaces to enable flexibility of functions and to optimise the success of the enterprise
 - 1.3.3 the use of all Function Room space being subject to the noise and management parameters as outlined in this resolution
 - 1.3.4 the use of tenancy 04 as part of the ancillary space of the Function Room
 - 1.3.5 the use of tenancy 05 as a small kiosk associated with the Function Room space to enable a small concierge and reception area
 - 1.3.6 the entrance portico including design to the ground level Function Room as shown in the plans submitted
 - 1.3.7 the use of the first floor terrace space to be part of the Function Room spaces only subject to the 3 proposed Function Room spaces directly abutting the terrace having clear glass and clear glazed bifold doors that can completely open up so that on fine weather days people can enjoy the space out to the balustrade
 - 1.3.8 the roof over the terrace with the pergola treatment only subject to the removal of the longitudinal timber slats from the non-glazed section and the timber fascia being relocated to the line of the glass bifold doors so as to maximise sunlight penetration to the courtyard area
 - 1.3.9 mechanical plant on the roof only subject to it being located in the lower section of the roofline and suitably screened through use of dwarf walls that are treated in the same colours as that existing – all kitchen flues must also be treated with minimal height and colour coded and screened as required to reduce obstruction of viewlines and be of minimal visual impact

- 1.3.10 hours of operation of the Function Rooms up to 3.00 am subject to management and noise emissions complying with the parameters of this resolution.
- 1.4 That the applicant be informed that the Council permission is for Function Centre(s) only and that the premises must remain in that categorisation at all times and in that regard must perform only by prior arrangement and cater for private functions and not public entertainment or dancing.
- 1.5 That the Function Room spaces be subject to the following noise and management parameters as fundamental considerations of the Council approvals:
- 1.5.1 The use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environmental Protection Authority and the Australian Standard AS 2107 1987 and a noise limiter must be used to ensure that this condition is complied with.
- 1.5.2 Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
- 1.5.3 Prior to commencement of the use, the Permit Operator must install and maintain a Noise Limiter ("the Device"), set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of SEPP N-2.
- 1.5.4 Within 14 days of the installation of the noise limiter a report prepared by a suitably qualified Acoustic Consultant must be submitted to the responsible authority and must confirm that a Noise Monitor and Limiter ("the Device") is operating and has each and every of the following characteristics which are also operating:
- the Device limits internal noise levels so as to ensure compliance with the music noise limits according to State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2).
 - the Device is a limiter suitable for interfacing with a Permanently Installed Sound System which will include any amplification equipment and loudspeakers;
 - the Device monitors noise levels at frequencies between 50Hz and 100Hz and is wired so as to ensure that the limiter governs all power points potentially accessible for amplification.
 - the Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the owner of the land and notified to the Responsible Authority;
 - the Device is installed to control all amplification equipment and associated loudspeakers;

- the Device is set in such a way that the power to the amplification equipment is disconnected for 15 seconds if the sound level generated by the amplification equipment exceeds for one second the maximum sound level for which the monitor is set;
 - the monitor level component of the Device includes a calibratable frequency discriminating sound analyser with an internal microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person). Such a sound analyser will indicate by green, amber and red illuminated halogen lamps the approach and exceeding of the set maximum noise level. The lamps must be in the clear view of the staff and any disc jockey in the room;
 - the Device must prevent a relevant noise level referred to in these conditions being exceeded.
 - which report demonstrates compliance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) noise limits.
- 1.5.5 Amplified music is not permitted to be played other than through the Permanently Installed Sound System and when the Device is installed and operating to ensure compliance with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2).
- 1.5.6 The Permit Operator must require that all employees of the premises engaged in the service of alcohol undertake a "Responsible Serving of Alcohol" course.
- 1.5.7 The operator shall use their best endeavors to ensure that the use shall at all times be conducted so that no disturbance to the amenity of the area is caused by patron behaviors either from patrons of the premises or patrons leaving the premises. In this regard prior to commencement of the premises the management must submit a Management Plan for approval to the Responsible Authority which must provide for the following to the satisfaction of the Responsible Authority:
- Measures that will be used by management and staff to ensure venue security and specifically that patrons depart the premises in an orderly manner
 - Measures to manage the responsible serving of alcohol
 - Measures that ensure the premises remain Function Rooms and not become a nightclub at any time including the later hours of operation
 - Measures to ensure that no music other than ambient music is played on any outdoor speakers so that it does not disrupt the beach environs
 - Measures to ensure well managed goods delivery, refuse collection and disposal

Once approved this plan will form part of the documentation of the permissions for the premises.

- 1.6 That the Manager, City Strategy write to Liquor Licence Victoria outlining the basis of the Council permissions and specifically that the premises is only permitted as a function centre and not as a nightclub and request the appropriate liquor approvals and conditions that would apply for a Function Room only.
- 1.7 That the Manager, City Strategy be authorised to endorse the documentation to facilitate these approvals and further resolve the detailed design matters subject to input from the Council urban design and architectural consultant.

A vote was taken and the MOTION was CARRIED.

A3 ELWOOD FORESHORE AND RECREATION RESERVES MASTER PLAN

Purpose

To present the final draft of the Elwood Foreshore and Recreation Reserves Master Plan, following the public exhibition and community consultation period.

MOVED Crs Sait/Klepner

1. That Council adopt the Final Draft of Elwood Foreshore and Reserves Management Plan.
2. That the priority works detailed in the Management Plan be referred to future capital works programs.
3. That further consultation be undertaken, with respect to the Point Ormond car park and access road closure, for consideration by Council.

A vote was taken and the MOTION was CARRIED.

Cr Gross entered the meeting at 6.46pm.

A4 PROPOSED DISCONTINUANCE OF SECTION OF RIGHT OF WAY REAR 200 PRINCES STREET, PORT MELBOURNE

Purpose

Council has received an application to discontinue the section of Right of Way rear 200 Princess St, Port Melbourne. This report commences the statutory process for discontinuance and sale.

MOVED Crs Logan/Sait

1. It is recommended that:-

Council commences statutory procedures to discontinue the section of Right of Way rear 200 Princes St, Port Melbourne, in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.

A vote was taken and the MOTION was CARRIED.

A5 MEETING PROCEDURE LOCAL LAW

Purpose

To commence the statutory process to make a new Meeting Procedure Local Law.

MOVED Crs Logan/Sait

1. That Council authorise:
 - 1.1 The Governance Advisor to undertake the statutory process to make a new meeting procedure local law;
 - 1.2 The placement of public notices in the Victorian Government Gazette, the Emerald Hill Weekly and the Port Phillip Leader advising of the intention to make a new Meeting Procedure Local Law No. 2/2005 and revoke the Council Meeting Procedures Local Law No. 2/2000.
 - 1.3 The calling for public submissions to the making of a new Meeting Procedure Local Law No. 2/2005.
 - 1.4 Public submissions be received up until the close of business on Friday 16 September 2005.
 - 1.5 The Monday 3 October 2005 Strategy and Policy Review Committee review and consider submissions from the public.
 - 1.6 The Monday 24 October 2005 Ordinary Meeting of Council, subject to any recommendations from the October Strategy and Policy Review Committee, resolve to make the Meeting Procedure Local Law No. 2/2005.

A vote was taken and the MOTION was CARRIED.

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

Note: Business Items B1, B2, B3, B4 and B5 were resolved by the Statutory Planning Committee held on Monday, 8 August 2005, in accordance with Section 86 of the Local Government Act 1989.

Items were considered in the following order:

B6 DELEGATE REPORT

B6 DELEGATE REPORT

Purpose

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

MOVED Crs Gross/Logan

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

A vote was taken and the MOTION was CARRIED.

9. ORDERS OF THE DAY

Discussion took place in relation to the following items:

ORDER OF THE DAY 1	MAYORAL & COUNCILLOR ALLOWANCES
ORDER OF THE DAY 2	PROGRESS REPORT ON SITE ASSESSMENTS SOUTH PORT COMMUNITY RESIDENTIAL HOME

ORDER OF THE DAY 1 MAYORAL & COUNCILLOR ALLOWANCES

Purpose

For Council to consider the submissions and determine the level of the Mayoral and Councillor allowances.

MOVED Crs Bolitho/Gross

1. In accordance with section 74(4) of the Local Government Act 1989 (the Act), Port Phillip Council has conducted a public submission process with respect to reviewing the Mayoral and Councillor allowances as a result of the reclassification of Port Phillip from a Category 2 Council to a Category 3.
2. Having reviewed and considered the public submissions in accordance with section 223 of the Act, Council adopt the Mayoral Allowance of \$57,500 per annum and the Councillor Allowance of \$18,000 per annum and that these allowances apply to the years ending 30 June 2006 (pro-rata from the date of the resolution), 2007, 2008 and 2009.

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

**ORDER OF THE DAY 2 PROGRESS REPORT ON SITE ASSESSMENTS SOUTH
PORT COMMUNITY RESIDENTIAL HOME**

Purpose

This report presents the progress made by the Community Reference Panel on assessing twelve possible sites for the redevelopment and relocation of South Port Community Residential Home (SPCRH).

A report from Ms Kate Redwood, Chairperson of the Community Reference Panel, was tabled.

MOVED Crs Gross/Bolitho

1. That the council note the progress of the Community Reference Panel (including the panel Chairperson's report) in identifying a suitable site for the redevelopment and relocation of the South Port Community Residential Home.
2. That the council notes four sites remain under consideration from an original thirteen. All thirteen were assessed against the council's endorsed criteria and nine sites have been eliminated.

The four remaining sites are:

- Gas & Fuel depot at Gasworks Park
 - Lagoon Reserve (part of)
 - Old Depot Site at JL Murphy Reserve
 - St.Vincent's Boy's Orphanage, Cecil Street
3. That the council notes the advice of the chairperson on behalf of the panel, stating that it may not be possible for them to nominate only one particular site as suitable, due the constraints facing all four remaining sites.
 4. That the council notes a final report with recommendations from the panel will be presented when available. The work of the panel is expected to conclude by September 2005.

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

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

Item 1

Cr Gross informed Council that he attended the Board Meeting of the MAV on the 5th August, 2005. A summary of the meeting was tabled.

Item 2

Cr Gross informed Council that he attended a meeting of the Metropolitan Transport Forum on the 3rd August, 2005. A brief summary of the meeting was tabled.

Item 3

Cr Klepner informed Council that she attended a VLGA meeting in August. The VLGA is undergoing a restructure.

Item 4

Cr Sait gave a verbal report on the Community Strengthening Initiative Conference held in Brisbane (14th-17th August) that was attended by herself, Cr Cribbes and three Officers. The conference was sponsored by the United Nations and the Queensland State Government. The range of topics presented encompassed everything from the local to the global level. Cr Sait said that it was positive to see that the South-East Asia/Pacific region was well-represented by a number of excellent keynote speakers. Neighbourhood renewal and other community strengthening initiatives that the City of Port Phillip undertakes so well were presented in a global context that was particularly interesting.

11. URGENT BUSINESS

Nil.

12. COUNCILLORS QUESTION TIME

Nil.

MOVED Crs Logan/Gross

That the meeting be closed to members of the gallery in accordance with Section 89 2 (d), (e) and (h).

The meeting closed at 6.58pm to the members of the public.

13. CONFIDENTIAL MATTERS

Discussion took place in relation to the following Confidential Items:

- A2 REPORT PORT MELBOURNE WATERFRONT REVITALISATION AND THE
OPTIONS FOR PRINCES PIER
- A6 RESOURCE RECOVERY SERVICE CONTRACT (DRY MRF)
- A7 PROGRESS REPORT ON ELWOOD HUB PROJECT FUNDING OPTIONS

As there was no further business the meeting closed at 7.33 pm.

Confirmed: 26 September, 2005

Chairperson: _____