



CITY OF
PORT PHILLIP

**ORDINARY
MEETING OF
COUNCIL**

MINUTES

22 APRIL 2002

MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD ON 22 APRIL 2002, IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL

The meeting opened at 6.07pm.

PRESENT

Cr Ray (Chairperson), Cr Brand, (from 6.39pm) Cr Gross, (from 6.09pm) Cr Hill (arrived 6.09pm), Cr Hutchens, Cr Johnstone, Cr Logan, David Spokes Chief Executive Officer, Geoff Oulton Director City Development, Sally Calder Director Social and Cultural Development, David Graham General Manager Corporate, Stephen O'Kane Director Organisation Development, Bruce Phillips Manager Planning and Building Services, Allan Gatiss Manager Communications, Stephen Cooper Manager Enforcement and Public Health, Sue Wood Strategic Planner, Yvonne Rust Team Leader Strategic Planning.

The Chairperson (Cr Ray) acknowledged the traditional owners of the land on which the Council meets, the Boonerwung language people and the Wurundjeri people as custodians.

1. APOLOGIES

MOVED Crs Johnstone/Brand

It was noted that Crs Gross and Hill will be arriving late to the meeting.

A vote was taken and the MOTION was CARRIED.

2. DECLARATIONS OF PECUNIARY INTEREST

Nil.

3. CONFIRMATION OF MINUTES

MOVED Crs Logan/Hutchens

Minutes of the Ordinary Meeting of the Port Phillip City Council held on 8 March 2002 be confirmed.

Minutes of the Annual General Meeting of the Port Phillip City Council held on 20 March 2002 be confirmed.

Minutes of the Special Council of the Port Phillip City Council held on 2 April 2002 be confirmed.

Minutes of the Statutory Planning Committee of the Port Phillip City Council held on 8 April 2002 be confirmed.

A vote was taken and the MOTION was CARRIED.

4. PETITIONS AND JOINT LETTERS

Item 1

Cr Johnstone tabled a photograph that is not a Joint Letter but is a multiple letter in regards to the footpath in Beach Avenue that shows that the reinstatement of the footpath by the developer is substandard.

****The CEO (via the Director Physical Services) to undertake to follow this up.***

5. SEALING SCHEDULE

Cr Gross entered the meeting at 6.09pm.

Cr Hill entered the meeting at 6.09pm.

The following documents are submitted for signature and sealing:

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and LATHANON NOMINEES PTY LTD, to ensure that the applicant covenants and agrees that the dwelling on the land at 118 Moray Street, South Melbourne, shall only be used for a Caretaker's house for occupation by a supervisor of the existing use of the building, or other subsequent use of the building as allowed by the Port Phillip Planning Scheme. This requirement shall cease if the zoning of the subject land is changed to allow the use of a dwelling. Item previously considered by Council on 10 September 2001. Council considered a planning application for an office and caretaker's residence at its meeting of 10 September 2001. Council resolved to Refuse the proposal. The applicant reviewed Council's decision at VCAT and Council's decision was overturned. VCAT imposed conditions as recommended by Council including the requirement for a Section 173 Agreement to ensure that the caretaker's dwelling is only used for that purpose.

Responsible Manager: Bruce Phillips, Manager Planning and Building Services.

TRANSFER OF LAND between PORT PHILLIP CITY COUNCIL and 333 ST KILDA ROAD PTY LTD (ACN 088904107) OF 412 JOHNSTONE STREET, ABBOTSFORD. This is Council owned land. Other remnant land parcels from St Kilda Road widening works were sold to the same owner of 331 St Kilda Road, St Kilda in the past.

Item not previously considered by Council.

Responsible Manager: David Yeouart, Director Physical Services

CONTRACT NO 0591 BETWEEN PORT PHILLIP CITY COUNCIL and ASTEC PTY LTD of Dana Court, Dandenong. This is for the Beach Road Blessington to Dickens Streets rehabilitation and resheet project. This is a VICROADS funded project. After calling for tenders, the Infrastructure Department has ascertained that ASTEC is the best tender. Item not previously considered by Council.

Responsible Manager: David Yeouart, Director Physical Services

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and RANSTAN PTY LTD and GRAMERCY VENTURES PTY LTD, to ensure that the owner of the land at 52 Garton Street, Port Melbourne, shall enter into an Agreement in a form to the satisfaction of Council and at the owner's expense, including those costs incurred by Council, containing notice that Council will not issue resident parking permits to any owner or occupier of the seven dwellings contained in the four storey section of the building in the current development authorised by Planning Permit No 467/2000 issued by the City of Port Phillip dated 30 June 2000, as at the time of development it was claimed by the developer that sufficient on site parking is supplied.

Item not previously considered by Council.

Responsible Manager: Bruce Phillips, Manager Planning and Building Services.

MOVED Crs Johnstone/Hill

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

A vote was taken and the MOTION was CARRIED.

6. CORRESPONDENCE

Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors between 21 February 2002 to 16 April 2002 is attached for information.

** No formal discussion ensued on this matter.*

7. PUBLIC QUESTION TIME

Nil.

8. PRESENTATION OF REPORTS AND RECOMMENDATIONS

8(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 2 APRIL 2002

The following items were **MOVED** in block by Crs Johnstone/Gross;

- A1 KRA MONTHLY MANAGEMENT REPORT FROM THE CHIEF EXECUTIVE OFFICER
- A4 CITY OF PORT PHILLIP NEIGHBOURHOOD FORUMS
- A6 RESEARCH INTO CONCRETE DWELLINGS, FISHERMENS BEND, PORT MELBOURNE
- A7 AMENDMENT C30 - SHRINE VISTA AMENDMENT
- A9 SERVICE AGREEMENTS REVIEW - OUTCOMES FROM REALLOCATION OF FAMILY AND CHILDRENS SERVICES FUNDING

Discussion took place in relation to the following items:

- A2 2002/03 APPOINTMENTS TO COUNCIL INTERNAL AND EXTERNAL COMMITTEES
- A3 PROPOSAL TO MAKE COMMUNITY AMENITY (AMENDMENT) LOCAL LAW NO. 2 OF 2002
- A5 SUSTAINABLE REVIEW PANEL REPORT CORPORATE COMMUNICATIONS
- A8 PORT PHILLIP PLANNING SCHEME AMENDMENT C24 PART 2

A1 KRA MONTHLY MANAGEMENT REPORT FROM THE CHIEF EXECUTIVE OFFICER

Purpose

This report aims to provide Councillors with a summary of the major areas of activity and operational performance as at 23 February 2002 and compares actual performance against forecast.

MOVED Crs Johnstone/Gross

That the Monthly Management Report from the CEO detailing Council's year to date financial and operating performance be received and noted.

A vote was taken and the MOTION was CARRIED.

**A2 2002/03 APPOINTMENTS TO COUNCIL INTERNAL AND EXTERNAL COMMITTEES
(SEE SUPPLEMENTARY REPORT)**

Purpose

To appoint Councillor representatives to its internal and external committees for 2002/03.

MOVED Crs Gross/Hutchens

1. That Council, for 2002/03, appoints the chairpersons and Council representatives to its internal and external committees as per the table below including Leadership Councillors for each Key Result Area within Council's Corporate Plan:

COMMITTEE	MEMBERSHIP	CHAIRPERSON
Strategy and Policy Review	All Councillors	Cr Johnstone
Statutory Planning	All Councillors	Cr Ray/Cr Hill (Cr Brand as backup)

KEY RESULT AREA	COMMITTEES	COUNCILLOR REPRESENTATION
KRA 1 Building Stronger Communities (Cr Hutchens/Cr Logan)	<ul style="list-style-type: none"> • Memorandum of Understanding & Indigenous Reference Group • Multicultural Advisory Committee • Port Phillip Housing Association Inc. Committee of Management • Healthy & Safer Cities Alliance • Cultural Programs Board • Library Advisory Committee • National Academy of Music Liaison • Older Persons Reference Group • Community Grants • External Relations Committee • Friends of Suai Community Steering Group • Gay and Lesbian Advisory Committee • Youth Advisory Committee • State Government Housing Council (VLGA representative) • South Port Community Residential Home 	<ul style="list-style-type: none"> • Mayor • Cr Hutchens • Cr Ray (Cr Gross as backup) • Cr Hutchens • Cr Brand (Cr Gross as backup) • Cr Johnstone (Cr Logan as backup) • Cr Logan (Cr Hutchens as backup) • Cr Hutchens • Cr Hutchens/Cr Logan • Mayor/Cr Johnstone/Cr Hill • Mayor/Cr Brand • Cr Gross/Cr Hill • Cr Logan • Cr Ray • Vacant

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KEY RESULT AREA	COMMITTEES	COUNCILLOR REPRESENTATION
KRA 2 Improving our Built Environment (Cr Brand/ Cr Johnstone)	<ul style="list-style-type: none"> • Association of Bayside Municipalities • Planning Advisory Committee • Eastern Bayside Traffic Monitoring Committee • Metropolitan Transport Forum 	<ul style="list-style-type: none"> • Cr Johnstone (Cr Ray as backup) • To be confirmed following terms of reference review • Deputy Mayor/Cr Hill • Cr Hill (Cr Gross as backup)
KRA 3 Building a Sustainable Environment (Cr Johnstone/ Cr Hutchens)	<ul style="list-style-type: none"> • EcoCentre Committee of Management • Western Region Waste Management Group • Sustainable Environment Advisory Committee • St Kilda Breakwater Protection Committee • St Kilda Botanical Gardens Reference Group 	<ul style="list-style-type: none"> • Cr Gross • Cr Gross • Cr Hutchens (Cr Johnstone as back-up) • Cr Brand • Cr Gross
KRA 4 Enhancing our Neighbourhoods and Places (All Councillors)	<ul style="list-style-type: none"> • St Vincent's Gardens Advisory Committee • South Melbourne Market Management Committee • Melbourne Sports and Aquatic Centre • Elwood Canal Implementation Committee • Port Phillip Business Association • South Melbourne Business Association • Implementation Committee on Street Prostitution • Drugs Round Table 	<ul style="list-style-type: none"> • Cr Logan • Cr Logan/Cr Hutchens • Cr Hutchens • Cr Johnstone/Cr Gross • Cr Johnstone • Cr Logan • Cr Gross/Cr Hutchens • Cr Gross/Cr Hill (to be confirmed)
KRA 5 Improving our Service and Capabilities (Cr Ray/Cr Hill)	<ul style="list-style-type: none"> • Human Resources Committee 	<ul style="list-style-type: none"> • Mayor/Deputy Mayor/Cr Hill

KEY RESULT AREA	COMMITTEES	COUNCILLOR REPRESENTATION
KRA 6 Ensuring a Sustainable Organisation (Cr Ray/ Cr Gross)	<ul style="list-style-type: none"> • City of Port Phillip Audit Committee • Municipal Association of Victoria • Australian Local Government Women's Association • Victorian Local Governance Association • Inner South Metropolitan Mayors' Forum 	<ul style="list-style-type: none"> • Mayor • Cr Johnstone • Cr Hutchens/Cr Johnstone • Cr Gross (Cr Ray as backup) • Mayor (Deputy Mayor as backup)

FURTHER

2. That Council appoints John Lewisohn as a member and Chairperson of the South Melbourne Market Management Committee up to 1 March, 2004 (being the period consistent with other previously appointed members).
3. That the remuneration payable to South Melbourne Market Management Committee external members, John Lewisohn and Tony Wait, be \$5000 each per annum, based on attendance at one Market Management Committee meeting per month and that any payment for attendance at additional meetings would be negotiated with David Graham, Director Governance and Council Services.
4. That Council appoints Councillor Hutchens as its representative to the Urban History Reference Group.
5. That Council requests further advice in due course in relation to the level of remuneration and its appropriateness with regard to other committees.

A vote was taken and the MOTION was CARRIED.

Note

*Cr Hutchens to be Council's representative on the Feasibility Working Party for the Southport Community Residential Home.

A3 PROPOSAL TO MAKE COMMUNITY AMENITY (AMENDMENT) LOCAL LAW NO. 2 OF 2002

Purpose

To consider possible amendments to the provisions of Community Amenity Local Law No. 1 - Clause 25 - Managing Amenity on Building Sites.

MOVED Crs Hill/Gross

1. That Council, in accordance with sections 119 and 223 of the Local Government Act 1989, give notice in the Government Gazette and public notice that it proposes to make the Community Amenity (Amendment) Local Law No. 2 of 2002.
2. That the notices referred to in paragraph 14.1 be generally in the form of the Notice attached (refer Attachment 7).
3. That any submissions made in response to the notices referred to in Recommendation 1 be considered by a committee of the Council, such committee to comprise Cr Hill, Director City Development and Manager Health and Enforcement.
4. That the Director City Development provide advice to Council regarding any change to enforcement that would occur to accompany the new Local Law.
5. That the Director City Development ensure notification of the changes and after hours enforcement is provided to the community through Divercity.

A vote was taken and the MOTION was CARRIED.

Note

*Cr Hill requested separate advice, not urgent, on who, where and if possible a copy of the invitation that went to the Union (CFMEU) to attend the consultation meeting regarding Community Amenity (Amendment) Local Law No 2, because in discussions with the Union this week at quite a senior level, they asserted point blank that they didn't get the invitation.

A4 CITY OF PORT PHILLIP NEIGHBOURHOOD FORUMS

Purpose

This report provides a descriptive overview of the neighbourhood forum program to date and provides a clear direction for the next round of forums.

MOVED Crs Johnstone/Gross

That Council adopts the proposal for conducting the next round of neighbourhood forums as outlined in Section 3 of this report.

A vote was taken and the MOTION was CARRIED.

**A5 SUSTAINABLE REVIEW PANEL REPORT CORPORATE COMMUNICATIONS
(SEE SUPPLEMENTARY REPORT)**

Purpose

To provide Council with the report of the Sustainable Review Panel - Corporate Communications, management's response and the proposed Communications Strategy.

MOVED Crs Gross/Hutchens

1. That Council note the report of the Sustainable Value Evaluation Panel on the Review of Corporate Communications and adopt the Implementation Plan.
2. That advice be provided to Council detailing the three key KPIs and that the five principles of community communication (below) be clearly formulated as part of Council's Communication Policy.

FURTHER

3. That Council, in establishing the Communications Policy adopts the key principles of:
 - Policy Development. We seek to effectively communicate Council's view on broad policy and strategic directions.
 - Service levels. We should increase the knowledge in our community of what services we provide and to what levels they are provided.
 - Service Changes. We should clearly communicate when Council is intending to introduce new services and changes in services in a timely manner.
 - Topics of the Day. This will change regularly reflecting important community issues such as Street Sex Work, service improvements and planning issues.
 - Educating our Community. This is an important medium term goal of educating our community in values such as environmental sustainability with a long-term objective of fostering behavioural changes such as increasing recycling and reducing waste going to landfill.

A vote was taken and the MOTION was CARRIED.

A6 RESEARCH INTO CONCRETE DWELLINGS, FISHERMENS BEND, PORT MELBOURNE

Purpose

This report provides the outcomes of the research work undertaken by Building Solutions Victoria into the various amenity and livability matters in relation to concrete dwellings in the Fishermen's Bend Area, Port Melbourne.

MOVED Crs Johnstone/Gross

That Council:

1. Note the comments received from two owners of concrete dwellings in Fishermens Bend and thank these owners for their input.
2. Note and receive the report 'Investigation of Various Amenity Matters in Relation to Concrete Dwellings, Fishermens Bend, Port Melbourne, December 2001', prepared by Building Solutions Victoria.
3. Provide a copy of the report to all owners of concrete dwellings in Fishermens Bend, Port Melbourne Library and on Council's web site.
4. Endorse the report being used as an information resource for Council, owners of concrete dwellings and other interested people.

A vote was taken and the MOTION was CARRIED.

A7 AMENDMENT C30 - SHRINE VISTA AMENDMENT

Purpose

The key issues associated with this report are for Council to consider the submissions made in respect of Amendment C30 to the Port Phillip Planning Scheme and form a position on the submissions made in respect of Amendment C30 to the Port Phillip Planning Scheme.

MOVED Crs Johnstone/Gross

1. That Council, having complied with Part 3, Divisions 1 and 2 of the Planning and Environment Act 1987, resolves to adopt Amendment C30 to the Port Phillip Planning Scheme with changes.
2. That Council resolves to submit the amendment to the Minister for Planning for approval pursuant to Section 31(1) of the Planning and Environment Act 1987.

A vote was taken and the MOTION was CARRIED.

Note

*Correction to 11.2 of the Report to read "A Panel does not need to be requested to consider the submissions".

**A8 PORT PHILLIP PLANNING SCHEME AMENDMENT C24 PART 2
(SEE SUPPLEMENTARY REPORT)**

Purpose

For Council to consider the Panel's report and adopt Amendment C24 Part 2.

MOVED Cr Johnstone/Cr Gross

That Council receive and note the Supplementary Report.

FURTHER

1. It is considered appropriate that Council adopts Amendment C24 Part 2 to the Port Phillip Planning Scheme subject to the changes outlined in this report and once all documentation is finalised, forward it to the Minister for Planning for approval.
2. That Council, having considered the report of the Panel, decides to:
 - 2.1 Retain 49A Blanche Street, St Kilda in Amendment C24 Part 2 and that:
 - it be listed in the Schedule to the Heritage Overlay and Mapped as HO357
 - a new citation, amended in accordance with Attachment 1 of this report, be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
 - 2.2 Retain 58 Crockford Street, Port Melbourne in Amendment C24 Part 2 and that:
 - it be mapped within HO1
 - a new citation, amended to delete reference to its location in a "multi-storey office environment", be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
 - 2.3 Delete 63 Farrell Street, Port Melbourne from Amendment C24 Part 2 and agree to identify it as a contributory heritage place as part of a future amendment.

- 2.4 Retain 2 Marine Parade, St Kilda in Amendment C24 Part 2 and that:
- HO298 to be extended to cover the property
 - an updated citation be included in the Port Phillip Heritage Review in accordance with the revised citation prepared by Andrew Ward and circulated to the owner/submitter on 4 September 2001
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
- 2.5 Retain 23 Mitford Street, St Kilda in Amendment C24 Part 2 and that:
- the 1920's dwelling be listed individually within the Schedule at Clause 43.01 of the Port Phillip Planning Scheme as HO368 and that the land be mapped within both HO368 and HO193
 - existing citations in the Port Phillip Heritage Review be updated to show place as being located within HO368 & HO193
- 2.6 Retain 32 Mitford Street, Elwood in Amendment C24 Part 2 and that:
- a new citation be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to show place as a significant heritage place
- 2.7 Retain 2A Spray Street, Elwood in Amendment C24 Part 2 and that:
- it be listed in the Schedule to the Heritage Overlay and Mapped as HO352
 - a new citation, amended to describe the condition as "fair", be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
- 2.8 Retain 22 Wellington Street, St Kilda in Amendment C24 Part 2 and that:
- it be listed in the Schedule to the Heritage Overlay and Mapped as HO363
 - the citation in the Port Phillip Heritage Review to be amended in accordance with Attachment 2 of this report
 - Council's Heritage Policy Map be updated to show place as a significant heritage place and to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay

- 2.9 Retain 105 Wellington Street, St Kilda in Amendment C24 Part 2 and that:
- it be listed in the Schedule to the Heritage Overlay and Mapped as HO360
 - a new citation be included in the Port Phillip Heritage Review
 - Council's Heritage Policy Map be updated to reflect changes to Heritage Overlay
 - Council's Neighbourhood Character Policy Map be updated to reflect changes to Heritage Overlay
- 2.10 Retain 425 Williamstown Road, Port Melbourne in Amendment C24 Part 2 and that:
- the Statement of Significance in the citation included within the Port Phillip Heritage Review be amended to include the following wording:
The fire station and the residence facing Williamstown Road are significant elements. The rear single storey section of the fire station commencing at the north chimney, 20.5 metres from the Williamstown Road property boundary and running parallel to the Williamstown Road boundary, are non-contributory. The recent rear structures (detached from the significant buildings) are also non contributory.
3. That Council, having complied with Part 3, Divisions 1 and 2 of the Planning and Environment Act 1987, adopts Amendment C24 Part 2 to the Port Phillip Planning Scheme subject to the changes outlined.
4. That Council authorises the Manger Building and Planning to finalise all documentation for Amendment C24 Part 2.
5. That Council submits Amendment C24 Part 2 to the Minister for Planning for approval pursuant to Section 31(1) of the Planning and Environment Act 1987 once all documentation is finalised.

A vote was taken and the MOTION was CARRIED.

A9 SERVICE AGREEMENTS REVIEW - OUTCOMES FROM REALLOCATION OF FAMILY AND CHILDRENS SERVICES FUNDING

Purpose

Following decision a by Council 19th March 2001, funding from Uniting Care Connections and Inner South Community Health Centre was marked for reallocation. This Report, forming part of the Stage 2 Review process, recommends funding for two alternative programs that address risk and meet primary care needs and reduce social isolation.

MOVED Crs Johnstone/Gross

1. That Council enters a service agreement arrangement with the Inner South Community Health service to contract them to deliver an extension to the Assertive Outreach Midwife project for \$19,720 per annum until 30 June 2004.
2. That Council enters a service agreement arrangement with St. Kilda Community Group and the Port Melbourne Neighbourhood House to contract them to deliver the "Get Out of Town" program for socially isolated Port Melbourne families to an amount of \$18,280 per annum.
3. That a media release, in collaboration with the agencies, be prepared to announce the two new programs.
4. That a progress report on these two new service agreements be presented to Council in the December 2002 meeting cycle.

A vote was taken and the MOTION was CARRIED.

**A10 EVALUATION OF TENDER 0585 – CLEANING SERVICES – PUBLIC TOILETS
AND BBQS**

**PLEASE REFER TO THE CONFIDENTIAL SECTION OF THE MINUTES FOR COUNCIL'S
RESOLUTIONS ON THIS ITEM.**

**8(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST
KILDA TOWN HALL ON 8 APRIL 2002**

Note: Business Items B1, B4 and B5 were resolved by the Statutory Planning Committee held on Monday, 8 April 2002, in accordance with Section 86 of the Local Government Act 1989.

The following items were MOVED in block by Crs Hill/Hutchens;

- B2 27 CHARNWOOD ROAD, ST KILDA
- B3 372 DANKS STREET, MIDDLE PARK
- B6 DELEGATE REPORT

B2 27 CHARNWOOD ROAD, ST KILDA

Purpose

The construction of a three level building containing 13 dwellings and basement carparking.

MOVED Crs Hill/Hutchens

That this matter be deferred for further advice on traffic movements in the lane and practicability thereof should private land cease to be available for passing traffic.

A vote was taken and the MOTION was CARRIED.

****NOTE: THIS ITEM HAS NOW BEEN REFERRED TO THE TRAFFIC ENGINEER FOR
ADVICE AND THERE WILL BE FURTHER DISCUSSIONS WITH THE APPLICANT
PRIOR TO THIS ITEM BEING REPORTED TO COUNCIL.***

B3 372 DANKS STREET, MIDDLE PARK

Purpose

The proposal is for the construction of alterations and additions to the existing two storey dwelling. The additions include a ground floor extension, new first floor balcony and construction of a cellar and in ground swimming pool at rear.

MOVED Crs Hill/Hutchens

That this item be deferred to allow further discussion between Council, the owners of the subject site and the owners of 374 Danks Street, Middle Park regarding the appropriate means of addressing the issue of overlooking of the common boundary.

A vote was taken and the MOTION was CARRIED.

****NOTE: THIS ITEM WILL NOW BE REFERRED TO A CONSULTATION MEETING WITH THE APPLICANT AND OBJECTORS.***

B6 DELEGATE REPORT

Purpose

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

MOVED Crs Hill/Hutchens

That, subject to clarification of applications 699/2001 and 1261/2001, the Council receive and note the report regarding the summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 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 2 50 STATION STREET, PORT MELBOURNE
- ORDER 3 LUNA PARK MEDIATION
- ORDER 4 DEPUTY MAYOR
- ORDER 5 RETURN OF 2002 GENERAL VALUATION
- ORDER 1 THE ESPLANADE HOTEL AMENDMENT C25
- ORDER 6 PROPOSED LOCAL LAW FEE CHANGES

ORDER 1 THE ESPLANADE HOTEL AMENDMENT C25

MOVED Crs Ray/Johnstone

That the meeting be adjourned for 5 minutes.

A vote was taken and the MOTION was CARRIED.

The meeting adjourned at 6.50pm.

The meeting resumed at 6.55pm.

Purpose

Council's position in response to Becton's further submission to the amendment that will form the basis of instructions to legal counsel for the directions hearing on the 23 April 2002.

MOVED Crs Gross/Hill

That Council:

1. Notes and receives Becton's further submission, dated 15 March 2002, to Amendment C25 to the Port Phillip Planning Scheme.
2. Acknowledges that Becton's further submission to Amendment C25 is more closely aligned to the planning outcomes that Council is seeking to achieve for the Esplanade Hotel site, St Kilda, however limited strategic justification has been provided to support their further variations to Council's amendment.
3. Notes that to date, there have been two new objecting submissions received to Becton's further submission to Amendment C25 and one known further submission proposed to be lodged (by the Esplanade Alliance) within the notice period.
4. That the Council's interim position is based on the following principles:
 - Retention of the strategic intent of the performance objectives relating to height, setbacks and building design as crucial to the achievement of an acceptable built form outcome.
 - In light of no strategic justification being provided in the Becton proposal for the variation of setbacks, that the building envelope be maintained until such time as demonstrated achievement of the design objectives are met.
 - Particular concern to protect and manage the transitional impacts on residential properties to Victoria Street and at the rear.
 - A willingness to consider the use of just an Absolute Maximum Height model providing the strategic intent of the Amendment can be achieved.

5. That Council finalise its position in relation to Becton's proposed variations to the amendment prior to the Panel and following the completion of the public notification period, with the intent of limiting the scope of discussions at the Panel hearing.
6. That Council's interim position is provided to legal counsel, the Panel, Becton and submitters to Amendments C25 and Becton's further submission (up until the 30 April 2002), explicitly for the Directions Hearing of 23 April 2002 and may be further refined prior to the Panel.

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

Note

*The attachments to this Report are deemed confidential under the provisions of the Local Government Act and are not to be made available to the public.

Cr Brand left the meeting at 7.16pm.

ORDER 2 50 STATION STREET, PORT MELBOURNE

Purpose

To consider the application for demolition of the existing dwelling and construction of a new single storey dwelling.

MOVED Crs Hill/Hutchens

That the Council, having caused the application to be advertised and having received no objections is of the opinion that the proposed demolition of the existing single storey dwelling and the construction of a new single storey dwelling in accordance with the endorsed plans will not cause material detriment to any person other than the applicant.

That a Planning Permit be issued for the demolition of the existing single storey dwelling and the construction of a new single storey dwelling.

The decision be issued as follows:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be provided. The plans must be generally in accordance with the plans submitted on the 7 March 2002 and the plans of the facade submitted on the 8 April, 2002 but modified to show:
 - (a) The retention of the tree near the north east boundary of the site;
 - (b) The provision of permeable pavers in the courtyard area to the north east side of the site;
 - (c) The reduction in the height of north east section of the front fence to 1.8m above ground level;
 - (d) The provision of a colourbond roof in a 'natural galvanised steel' like colour.

All of the above to be to the satisfaction of the Responsible Authority.

2. Once started the development must be continued and completed to the satisfaction of the Responsible Authority.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. No equipment, services and architectural features other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

5. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the responsible authority
6. This permit will expire if one of the following circumstances applies:
 - (a) The development not started within 2 years of the date of this permit.
 - (b) The development is not completed within 2 years of the date of commencement of works.

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

NOTES

- (a) The developer shall show due care in the development so as to ensure that no damage is incurred to the buildings on the adjoining properties.*
- (b) The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the Building Surveyor to ensure that all building development works approved by any building permit are consistent with this planning permit.*

A vote was taken and the MOTION was CARRIED.

ORDER 3 LUNA PARK MEDIATION

Purpose

To report to Council a proposed mediation approach to resolving issues in dispute relating to buildings and works at Luna Park.

MOVED Crs Johnstone/Brand

1. That Council note the report of the Manager, Planning and Building Services regarding Luna Park and the suggestion of mediation on the topics in dispute as distinct from a typical arbitration approach at the VCAT.
2. That Council agree as a matter of process to engage in mediation with BCR Investments Pty Ltd using the methodology set out in this report but also on the basis that this occur within the umbrella of Section 93 (1) of the VCAT Act. That to enable the mediation to be on this basis Council
 - Resolve to require a directions hearing at VCAT in order to set up the proceedings as a mediation process under section 93 (1) of the VCAT Act and
 - For it to include the matters set out in the Section 149A proceedings as well as those included in the applications for Enforcement Order and
 - Further that the Tribunal be also asked to agree to the mediator of the parties choice.
3. That the Council further note that:
 - The Department of Natural Resources and Environment is a stakeholder in this matter due to the linkage of the lease and the incorporated Document under the Port Phillip Planning Scheme (specifically clauses 23 to 27) and also due to the lodgment of the Enforcement Order being on both the owner and the occupier of the land.
 - The National Trust and the Friends of Luna Park are also interested parties in matters relating to Luna Park
 - And that the VCAT make determinations as to their status in the current proceedings and the mediation proposal and also what notifications are required under section 115 of the Planning and Environment Act 1987.
4. That Council record that its intended outcomes of the mediation are as follows:
 - To achieve an agreed interpretation of the 1995 Development Plan and how the overall vision of that plan can be implemented in accordance with an agreed time schedule.
 - To ensure that all parties understand that some works undertaken at Luna Park are unsatisfactory in their current state other than as possible intermediate steps towards implementation of the 1995 Development Plan.
 - To clarify the interpretation of various technical requirements of the Luna Park Incorporated Document.

- A common understanding of the following issues:
 1. That the timing schedule forming part of the approved Development Plan requires updating or modification and clarification as to whether there is a contravention of the Development Plan with regards to the schedule.
 2. An appropriate internal treatment and layout of the Dodgems building.
 3. Interpretation of the 500 m² limitation in the Incorporated Document.
 4. Whether “theming” of rides and finishes on some buildings has been undertaken satisfactorily and in accord with approvals.
- 5. That the Manager, Planning and Building Services be authorised to engage legal representatives and others as required to implement the Council intentions as outlined in 9.1 above, and undertake appropriate consultation with the community, in particular Friends of Luna Park, as required.
- 6. That the framework of the mediation process being agreed to by Council be generally in the accordance with the intent as outlined in the draft deed of mediation (attached to the report) but modified as agreed by the Manager after further consultation with the Council legal advisers.
- 7. That Council brief the Department of Natural Resources and Environment as landlord and owner to ensure they are aware of Council’s concerns, the proposed mediation process and desire as Responsible Authority and as Committee of Management for the Port Phillip Foreshore to ensure the implementation of the 1995 Development Plan noting that it is also a requirement of the lease.

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

ORDER 4 DEPUTY MAYOR

Purpose

To allow the Deputy Mayor to act as the Acting Mayor in the Mayor's absence.

MOVED Crs Gross/Hill

1. That council appoints Councillor Liz Johnstone, Deputy Mayor, as Acting Mayor who in the absence of the Mayor may perform any function or exercise any power conferred on the Mayor.
2. That council adopt the Deputy Mayor protocol as attached to this report.

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

ORDER 5 RETURN OF 2002 GENERAL VALUATION

Purpose

This report is a requirement of the Valuation of Land Act 1960 and requires adoption by Council.

MOVED Crs Hill/Hutchens

1. That the report of the Manager, Property and Regulatory Services be received and that Schedule 3 be adopted by Council to fulfil the requirements of the Valuation of Land Act and the Local Government Act.
2. That there be discussion of the different Valuation and Rating Systems that are available under Victorian Law.

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

ORDER 6 PROPOSED LOCAL LAW FEE CHANGES

Purpose

To review the Fee Structure relation to matters covered under the Council's Community Amenity Local Law No. 1.

Cr Johnstone left the meeting at 7.25pm.

Cr Johnstone returned to the meeting at 7.30pm.

Cr Johnstone left the meeting at 7.35pm.

Cr Johnstone returned to the meeting at 7.55pm.

MOVED Crs Gross/Logan

1. That Council adopt the proposed fees as detailed in the amended Attachment A to be effective from 1 May 2002.
2. Refer for further consideration in budget, other initiatives that could be undertaken to promote business development in smaller shopping stripes such as differential fee regimes.
3. That the corporate plan look at maximizing the revenue of private use of public assets subject to satisfaction of certain desirable social outcomes.
4. Council consider rationalising the category of signage currently in place to simplify its administration.

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

ORDER 7 VCAT – TRIBUNAL COMPOSITION

**REFER TO THE CONFIDENTIAL SECTION OF THE MINUTES FOR THE COUNCIL'S
RESOLUTION ON THIS ITEM.**

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

Item 1

Cr Gross reported on the Victorian Local Government Association advising that he attended a discussion about women in Local Government.

Item 2

Cr Gross reported on the Western Region Waste Management Group meeting advising that there was much discussion about certain issues and he would email Councillors regarding the issues raised.

Item 3

Cr Hill reported that the Melbourne Transport Forum traditionally meet on Wednesday and there appears to be an emerging problem in the sector that there is no standard clear night within the sector for sectoral meeting nights and its become impossible to find a night where such meetings can be attended. It was suggested to the VLGA that a set night be nominated for community activities.

Item 4

Cr Johnstone tabled the Annual Report 2001/2 from the Association of Bayside Municipalities.

** Copy of the Newsletter to be distributed to all Councillors for their information.*

MOVED Crs Gross/Logan

That the Delegates Reports be received and noted.

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

11. URGENT BUSINESS

UB1 REGULAR CLOSURE OF STATION PIER

MOVED Crs Hill/Hutchens

Council notes the continued regular closure of Station Pier and the denial of public access, and a seeming lack of public understanding of the rationale or timing of the closures.

Council requests the CEO and Mayor to ensure a letter is sent to the Minister for Ports, seeking clear advice as to the current arrangements and advocating for increased public access and communication of the timing and need for closures.

A vote was taken and the MOTION was CARRIED.

UB2 TELEPHONE AND IT SUPPORT TO LOCAL HISTORICAL SOCIETIES

MOVED Crs Hill/Gross

Council requests the CEO to consider and advise Council what assistance could be given to local historical societies in relation to telephone and IT support.

A vote was taken and the MOTION was CARRIED.

UB3 WASTE MANAGEMENT SERVICES IN LARGE APARTMENT COMPLEXES

MOVED Crs Hill/Gross

That the CEO refer to the up-coming service review on Waste Management Services, issues of equity in large apartment complexes where constraints on such premises mean that they are unable to use Council's existing collection services (such as The Anchorage at 89 Beach St, Port Melbourne); and, where there is no separation of waste available, to consider recycling options.

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

UB4 COVALIMA CELEBRATIONS FOR EAST TIMOR

MOVED Crs Hutchens/Gross

That following the invitation from the Friends of Suai Committee in Suai, Council request the Mayor to represent the City of Port Phillip and the Friends of Suai in Port Phillip at the Covalima Celebrations for East Timor's Independence in Suai on 12 May 2002 and approve the expenses associated with the visit.

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

UB5 BEACON COVE

MOVED Crs Johnstone/Hutchens

That Council urgently seek clarification of the Minister's position regarding the process of the Advisory Committee on Beacon Cove and seek confirmation from the new Minister for Planning of her office's previous advice that the Advisory Committee Report would be sent to the City of Port Phillip prior to the Minister forming a view.

A vote was taken and the MOTION was CARRIED.

12. COUNCILLORS QUESTION TIME

Item 1

Cr Hill made the following comments:

“There is a wide variety of ground based lighting throughout Beacon Cove and the Light Rail Reserve, both 'inground' and on small posts or bollards, and residents continually report that they are not repaired except in response to repeated resident requests”.

Cr Hill put forward the following questions in relation to the above issue:

1. Can the Director Physical Services advise who is responsible for repair in each precinct and some are major public realm precincts (including boardwalk, Station Pier forecourt, Beach St, Light Rail Reserve and around Beacon Cove parks and streets) and can the Director Physical Services consider what steps may be necessary to ensure a more proactive service to maintain them in good working order?
2. Can the Director Physical Services also consider the appropriateness or sustainability of the range of these lights over time, noting that some are in lieu of ordinary public lighting and some were put in to enhance Mirvac's marketing opportunities?

****Director Physical Services to investigate and report to Council.***

Cr Johnstone returned to the meeting at 7.55pm.

Item 2

Cr Hill asked the following question:

Can the Director City Development review the repeated advice from the traffic department that a 'Keep Clear' markings cannot be painted on Williamstown Road at the intersection of Pye St which every morning you can not get in or out of?

****Director City Development to investigate and report to Councillors.***

Item 3

Cr Gross made the following comments:

“His wife asked Council whether there is any financial capacity to provide subsidy for the children of Health Care card Holders to play netball. How would that request come back to Council, through Budget or in Sport and Recreation Review or is it so far beyond the realm of their activities that we wouldn’t even contemplate it?”

The CEO responded as follows:

“It would partly depend on the answer. Broadly if it had a direct financial implication and we thought it was worth pursuing, it would come through the Service Plan or the Budget Process. It would be discussed in the Service Plan on two fronts, firstly, getting a balance between the popular sports and those sports that are less popularly supported and secondly, what can be done to support a gender balance”.

****Director Social and Cultural Development to note these comments.***

Item 4

Cr Johnstone asked the following question:

Regarding the reconstruction of the Broadway in Elwood, has there been adequate provisions for bike lanes at the kerb extensions at the roundabout – it’s a work in progress but it looks like it’s a pretty bad squeeze point being built?

****The Director of Physical Services to brief Cr Johnstone on this matter.***

MOVED Crs Ray/Hill

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

A vote was taken and the MOTION was CARRIED.

MOVED Crs Johnstone/Hill

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

A vote was taken and the MOTION was CARRIED.

The meeting re-opened at 8.12pm.

As there was no further business the meeting closed at 8.17pm.

Confirmed: 27 May 2002

Chairperson: _____