



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

27 MAY 2002

MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD ON 27 MAY 2002 IN THE COUNCIL CHAMBER, ST KILDA TOWN HALL

The meeting opened at 6.05pm.

PRESENT

Cr Ray (Chairperson), Cr Brand, Cr Gross, Cr Hill, 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 Director Governance and Council Services, Stephen O'Kane Director Corporate Development, David Yeouart Director Environment and Infrastructure, Bruce Phillips Manager Planning & Building Services, Mandy Press Manager Neighbourhood Development, Allan Gatiss Manager Communications, Ian Hicks Manager Culture and Recreation, Bruce McKeon Manager City Works & Services, Sue Wilkinson Team Leader Urban Planning, Gary Spivak Housing Development Officer, Steve Cavicchiolo Assets and Environment Officer.

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

Nil.

2. DECLARATIONS OF PECUNIARY INTEREST

Nil.

3. CONFIRMATION OF MINUTES

MOVED Crs Gross/Hutchens

Minutes of the Ordinary Meeting of the Port Phillip City Council held on 22 April 2002 be confirmed.

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

Minutes of the Statutory Planning Committee held on 13 May 2002 - Nil.

A vote was taken and the MOTION was CARRIED.

4. PRESENTATION TO COUNCIL BY THE SOUTHERN CHURCHES DISTRICT CRICKET LEAGUE – CENTENARY BOOK “ONE HUNDRED YEARS OF CRICKET SOUTH OF THE YARRA”

Mr Graeme Fischer presented Council with a Centenary Book titled ‘One Hundred Years Of Church Cricket South Of The Yarra’.

Mr Fischer addressed Council in the following manner:

“Mayor and Councillors of the City of Port Phillip,

Recently I completed a book to celebrate the Centenary of the South Suburban Churches Cricket Association. Clubs in the City of Port Phillip were some of the first clubs to participate in the association. It was Prahran, St Kilda and South Melbourne where it all began. Currently we have a few remaining clubs which play in the City of Port Phillip.

On behalf of the Executive of the Southern Churches Cricket League, I would like to present Council with a copy of the book “One Hundred Years of Church Cricket South of the Yarra”.

I would also like to thank the staff of the Libraries of the City of Port Phillip and both branches of the Historical Societies for their assistance in providing me with information and the places to source material”.

**** The Mayor thanked Mr Fisher for the presentation and the Centenary Book.**

5. PETITIONS AND JOINT LETTERS

Nil.

6. SEALING SCHEDULE

Cr Hill left the Chamber at 6.11pm

The following documents were submitted for signature and sealing:

CONTRACT NO. 0601 between PORT PHILLIP CITY COUNCIL and ENTRACON, for the provision Civil Engineering Works for the Relocation of the Todd Road Outfall, Stage 1. Item not considered by Council. This report has been considered via a Report by the Director Environment and Infrastructure under Delegate approval.

Responsible Manager: Rosa Marguccio – Manager Assets and Environment.

CONTRACT NO. 0605 between PORT PHILLIP CITY COUNCIL and ENTRACON, for the provision Civil Engineering Works for the Relocation of the Todd Road Outfall, Stage 2. Item not considered by Council. This report has been considered via a Report by the Director Environment and Infrastructure under Delegate approval.

Responsible Manager: Rosa Marguccio – Manager Assets and Environment.

CONTRACT NO. 0578 between PORT PHILLIP CITY COUNCIL and ELD GROUP, for the provision Civil Engineering Works to Broadway Kerb and Channel Rehabilitation, Elwood. Item not considered by Council. This report has been considered via a Report by the Director Environment and Infrastructure under Delegate approval.

Responsible Manager: Rosa Marguccio – Manager Assets and Environment.

CONTRACT NO. 0587 between PORT PHILLIP CITY COUNCIL and R & S PLANT HOLDINGS PTY LTD, for the Drainage Rehabilitation Cumberland Road and Dustan Parade, Port Melbourne.

Item not considered by Council. This item is part of the Capital Works Program.

Responsible Manager: Rosa Marguccio – Manager Assets and Environment.

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and METROPOL PTY LTD, LENDMORE PTY LTD, FOURTH BELLISTON PTY LTD, and AUSTRALIA AND NEW ZEALING BANKING CORPORATION LIMITED, on the 17 December 2001 a Section 173 Agreement was put to Council which required retail car parking lots at 64 Fitzroy Street, St Kilda (St Kilda Station Site) as shown on the plans of subdivision to be always used for public car parking and retail car parks are to be used for short term parking, this is a variation/new agreement which requires retail car parking lots shown on the plans of subdivision to be always used for public car parking and retail car parks are to be used for short term parking. Users of the retail car parking spaces shall be entitled to 60 minutes free car parking from the time of entry into the car park on the production of a receipt from the business being operated from the Davis Jones Land.

Item not considered by Council. This agreement is a variation to a previous Section 173 Agreement.

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

CONTRACT between PORT PHILLIP CITY COUNCIL and CHRISTOPHER LUKAS, to provide a deed of covenant (Section 173 Agreement), for land at 1 Fitzroy Street, St Kilda, to pay monies (negotiated outcome).

Item not considered by Council. Approximately in 1995 Council issued a planning permit for a Restaurant with cash in lieu carparking conditions. This was appealed and a long process has occurred to broker an outcome that will cause some payment to be agreed to and paid. The amount of payment is for \$2,400pa for 25 years.

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

CONTRACT No. 0588 between PORT PHILLIP CITY COUNCIL and STANDARD ROADS CONSTRUCTIONS, for Clarendon Street Streetscape Works, Stage 2 between Bank Street and Dorcas Street, South Melbourne.

Item not previously considered by Council. This item is part of Capital Works Program.

Responsible Manager: David Yeouart, Director Environment and Infrastructure.

MOVED Crs Gross/Hutchens

That the Common Seal of the Port Phillip City Council be affixed to the above documents, including the late item, Contract No. 0588 between Council and Standard Roads Constructions.

A vote was taken and the MOTION was CARRIED.

7. CORRESPONDENCE

Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors between the months of 17 April 2002 and 21 May 2002 is attached for information.

**No formal discussion ensued on this matter.*

Item 2

A Letter was received from Reconciliation Australia and the Australian Local Government Association, dated 3 May 2002, in regards to the '*National Reconciliation Week 2002 – Walking the Talk*'.

They ask that Communities and organisations find their own ways to promote the theme '*Reconciliation - Walking the Talk*'.

They would like Council to send information about events we are organizing and they will promote them on their website (www.reconciliation.org.au).

**** CEO (via the Director Social and Cultural Development) to provide information directly to Reconciliation Australia and the Australian Local Government Association as requested in the letter.**

8. PUBLIC QUESTION TIME

Nil.

9. PRESENTATION OF REPORTS AND RECOMMENDATIONS

9(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 6 MAY 2002

The following items were **MOVED** in block by Crs Johnstone/Brand:

- A2 KRA MONTHLY MANAGEMENT REPORT FROM THE CHIEF EXECUTIVE OFFICER
- A3 2001 PORT PHILLIP COMMUNITY SATISFACTION SURVEY - ANALYSIS AND COMMUNICATION OF RESULTS
- A4 CITY OF PORT PHILLIP WASTE WISE STRATEGY
- A6 COMMONWEALTH GAMES AND MSAC REDEVELOPMENT
- A7 RESIDENTIAL AGED CARE FUTURES PROJECT – PROPOSAL FOR USE OF COUNCIL LAND AND CONTRIBUTION TO REDEVELOPMENT PROJECT
- A8 APPOINTMENTS TO THE CULTURAL PROGRAMS BOARD
- A10 STREET FURNITURE PROGRAM- REVISED DESIGNS
- A11 FOOD ACT REGISTRATION FEES

The following item was **WITHDRAWN**.

- A9 STATUS REPORT – GASWORKS ARTS PARK

Discussion took place in relation to the following items:

- A1 INTENTION TO DECLARE SOUTH MELBOURNE BUSINESS PRECINCT SPECIAL RATE
- A5 SEAC PRIORITIES RESULTING FROM A REVIEW OF THE COPP SUSTAINABLE ENVIRONMENT STRATEGY
- A12 COUNCIL COMMITMENT TO DIVERSITY - RESPONSE TO THE ASYLUM SEEKER

A1 INTENTION TO DECLARE SOUTH MELBOURNE BUSINESS PRECINCT SPECIAL RATE

Purpose

This report enables Council to proceed with the statutory process for the consideration of the introduction of a special rate for the purpose of marketing, management and development of the South Melbourne Business Precinct.

MOVED Crs Johnstone/Logan

1. Council resolves, in accordance with section 163(1A) of the Local Government Act 1989 (the "Act"), to give public notice of its intention to declare a special rate for the purpose of defraying marketing, management, business development, security and other incidental expenses associated with the encouragement and development of commerce, trade and associated employment in the South Melbourne Business Precinct.
2. In accordance with section 163(1A) & (1B) of the Act, public notice of the proposed special rate declaration and the rights of a person to make a submission under section 163A of the Local Government Act 1989 (to be considered by Council in accordance with section 223 of the Act) is to be given in the Port Phillip Leader and in the Emerald Hill Times and separate notices of the proposed declaration are to be given to all property owners who are to be made liable for the special rate. Additionally, notice will also be sent to occupiers of the property affected by the special rate proposal.
3. Prior to the special rate or any part being paid to the South Melbourne Business Association, and as a condition precedent to such payment, the Association must enter into a formal agreement with Council which, amongst other matters, acknowledges and confirms 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; and
 - Council reserves to itself all discretions relevant to the application of the proceeds of the special rate.
4. Proposed declaration of the South Melbourne Business Precinct Special Rate
 - a) Under section 163 (1) of the Local Government Act 1989 (the "Act") Council proposes to declare a special rate for the purpose of defraying marketing, management, business development, security and other incidental expenses associated with the encouragement and development of commerce and trade and associated employment in the South Melbourne Business Precinct.
 - b) In order to raise an amount of \$90,000 per annum, being a total of not less than \$450,000.00 for the period of the scheme. The special rate will remain in force for a period of 5 years until June 30, 2007. The special rate will be assessed on the basis of geographic and commercial use criteria and will apply to the (currently) 245 properties listed in attachment 3 and which, in the opinion of the Council, form and are included in the precinct and are otherwise shown on the attached plan. The plan shows the area and the land for which the special rate is being declared.

- c) On the basis of these assessments, the special rate will be levied by sending notices to the owners of properties included in the scheme that will require that the special rate must be paid in full by the date on the notice. For the first year (period) of the special rate, the date for payment in full will be February 15, 2003. In subsequent years to the first year of the special rate, the dates for payment will be as per the prescribed payments dates as fixed by the Minister under the Local Government Act 1989. The assessments included in the special rates scheme are detailed in attachment 3 and will be assessed and levied as follows:
- Properties listed in Attachment 3 identified as a primary benefit property, (e.g. retail businesses that front Coventry Street and Clarendon Street, South Melbourne and that in the opinion of the Council receive a Primary Special Rate Benefit) will be subject to a rate of 0.006 cents (referred to as 6.0 cents in the dollar) which is multiplied by the assessments current Net Annual Value. Those properties contributing a primary benefit level will be subject to a minimum of contribution of \$430.00 (based on the valuations that are current as at the date of this report).
 - Properties listed in Attachment 3 identified as a secondary benefit property, (e.g. non-retail businesses that front Coventry Street and Clarendon Street South Melbourne and any commercial properties within the geographic region and which in the opinion of the Council receive a Secondary Special Rate Benefit) will be subject to a rate 0.0042 cents in the dollar (referred to as 4.2 cents in the dollar) which is multiplied by the assessments current Net Annual Value. Those properties contributing a secondary benefit level will be subject to a minimum of contribution of \$295.00 (based on the valuations that are current as at the date of this report).
 - Council considers that there will be a special benefit to persons required to pay the special rate (being the owners of the properties included in the scheme) in that there will be a benefit to them over and above that available to persons not the subject of the special rate, and directly and indirectly the viability of the Clarendon Street South Melbourne Shopping Centre will be enhanced through increased economic activity and tourism by the marketing and promotion in that area. The value of the properties included in the scheme, their desirability as letting propositions and their general image and stature, both separately and severally in the context of the area generally, will be maintained or enhanced.
 - No incentives will be given for the payment of the special rate before the due date.
 - In subsequent years to the 2002/2003 year, that is from July 1, 2003 to June 30, 2007 the due dates will be prescribed payment dates as fixed by the Minister under the Local Government Act 1989. Ratepayers will have the option to pay the special rate by lump sum or by installments.
 - Interest will apply to unpaid special rates in accordance with the provisions of the Local Government Act 1989, the due date for the special rate will be determined should the special rate proceed to the declaration report. The interest rate and the due dates applicable to the special rates will accord with the City of Port Phillip general rates and charges declaration each year.

- The prescribed interest rate in accordance with the provisions of the Local Government Act 1989 will be the interest rate applied for special rates not paid by the prescribed payment dates.
- The properties included in the special rate scheme will be subject to general re-valuations and supplementary valuations on the same cycle as the City of Port Phillip general rates and charges

A vote was taken and the MOTION was CARRIED.

A2 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.

MOVED Crs Johnstone/Brand

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

A vote was taken and the MOTION was CARRIED.

**A3 2001 PORT PHILLIP COMMUNITY SATISFACTION SURVEY - ANALYSIS
AND COMMUNICATION OF RESULTS**

Purpose

To brief Council on the results of the 2001 Community Satisfaction Survey, the implications, the proposed organisational response and the communication strategy.

MOVED Crs Johnstone/Brand

1. Council accepts the 2001 Community Satisfaction Survey.
2. Council agrees to make available to the community the summary of the survey results via the Internet & provide printed copies on request as well as providing access to the full survey results for perusal at Town Halls.

A vote was taken and the MOTION was CARRIED.

A4 CITY OF PORT PHILLIP WASTE WISE STRATEGY

Purpose

To outline the contents of Council's Waste Wise Strategy and provide information on the consultative process to follow.

MOVED Crs Johnstone/Brand

1. That the Waste Wise Strategy be adopted by Council as the guiding document for Waste Wise activities in the City of Port Phillip over the coming three years.
2. That the performance indicators be further refined.

A vote was taken and the MOTION was CARRIED.

**A5 SEAC PRIORITIES RESULTING FROM A REVIEW OF THE COPP
SUSTAINABLE ENVIRONMENT STRATEGY
(SEE SUPPLEMENTARY INFORMATION)**

Purpose

That Council be presented with a verbal report by SEAC Members.

MOVED Crs Johnstone/Hutchens

1. That Council thanks SEAC for their presentation and continuing efforts to advise Council on environmental priorities.
2. That the Report be referred to staff for preliminary advice regarding implementation of “bolded” priority actions and their implications, prior to Council, and that SEAC be provided with this advice.
3. That this advice be referred to Council for consideration during the Corporate Planning and Budget processes.
4. That this advice include ways of supporting increased community involvement and discussion on these issues.

A vote was taken and the MOTION was CARRIED.

A6 COMMONWEALTH GAMES AND MSAC REDEVELOPMENT

Purpose

To provide Council with an update on the progress of the Commonwealth Games and the MSAC Redevelopment.

MOVED Crs Johnstone/Brand

1. That the Council reaffirms its stated position on the Commonwealth Games as resolved on 22 October 2001.
2. Council acknowledges that the 2006 Commonwealth Games will proceed and that the Melbourne Sports and Aquatic Centre will be expanded in preparation for the Games. Council's role is to ensure planning and design solutions that achieve maximum long term recreation benefits for the City. Council resolves to participate fully in planning and consultation processes and to develop a comprehensive submission the Advisory Committee.
3. Council invites Sport and Recreation Victoria and the Office of Major Projects to brief Council on the current status of the redevelopment plans for MSAC.
4. That Council adopt the following principles to guide its contribution to the planning and staging of the Commonwealth Games 2006;
 - the Commonwealth Games experience should promote a 'community games' ethos;
 - the Commonwealth Games must leave maximum long term recreation and leisure opportunities for the residents of the City of Port Phillip, that are highly accessible, meet the identified needs of the residents of the City of Port Phillip as expressed through previous Council resolutions and the Sport and Recreation Strategy; and
 - the Commonwealth Games venues and events are planned and developed consistent with the objectives of Councils Planning Scheme and Policies, and the impact of these events and venues on residential amenity, and public open space, is minimised
5. That Council endorse formation of an internal staff 'coordination committee' and the estimated resource expenditure required to effectively participate in the Commonwealth Games 2006 'public domain' and venue development planning processes, as part of maintaining an effective working partnership with the State Government and other agencies.
6. That Council's submission to the Advisory Committee outlining Council's assessment of the effectiveness and viability of the current or alternative proposals to provide an additional swimming venue at MSAC for the Games, specifically consider how to:
 - maximise enduring recreational opportunities and equity for the Port Phillip community
 - reduce traffic congestion in the park and surrounding areas by considering the overall traffic movement in the area
 - deliver high quality planning outcomes which minimize any negative amenity impacts on local residents
 - ensure high architectural standards

- develop feasible alternative design and development solutions.
7. That Council write to the Minister for Sport, Recreation and Commonwealth Games
- stating the resolved position of Council's role during the planning and staging of the Commonwealth Games and the principles upon which Council would like to ensure an effective working partnership;
 - stating that Council is unconvinced that the community consultation and information process to date has been rigorous enough to ensure that the community is well placed to make informed judgements about the long term community and recreational benefits of the venue, or to fully understand the likely impacts of the current proposal both during and after the development and for Council and the City to make appropriate submissions.
 - requesting the deadline for the report of the Advisory Committee be extended by a period of 1 month to 30 July 2002, to provide adequate time for strenuous consideration of the project (given the formal consultation period for the venue has not yet begun);
 - requesting the formal community consultation / exhibition period, that precedes consideration of submissions by the Advisory Committee, be extended for a period of not less than 4 weeks.
 - requesting amendments (in italics) to the Terms Of Reference for the Advisory Committee that include
 - Under item 5, dot point 2 to read "*Whether the development results in a net community benefit, with consideration to the long term operation of the venue in a manner that ensures broad based community (eg: school children, low income persons and people with disabilities) access to the venue*";
 - under item 5, dot point 8 to read "*How impacts on local amenity and access to the park and venue by the public can be minimized during the development*";
 - under Item 5, dot point 9 to read "*Likely impacts on local residential amenity, park amenity and access to both Albert Park and MSAC once the development is complete and advice on how these impacts can be minimized and potential alternative solutions*".
- Requesting a separate transport study be undertaken before any decisions on parking expansion are made to properly assess transport needs and impacts (incl. both public transport, car and other modes of access),
 - Inviting the members of the Advisory Committee to a formal briefing of Council.

A vote was taken and the MOTION was CARRIED.

A7 RESIDENTIAL AGED CARE FUTURES PROJECT – PROPOSAL FOR USE OF COUNCIL LAND AND CONTRIBUTION TO REDEVELOPMENT PROJECT

Purpose

To inform Council and request endorsement of outcomes of a meeting between SPCRH, Melbourne South Rotary, CEO and Director S&CD regarding Council's commitment and assistance to the future of SPRCH.

MOVED Crs Johnstone/Brand

1. That Council endorses the proposal to establish an amalgamated aged care consortium of residential care providers to ensure local, community based, viable residential care is available to local residents. This requires South Port Community Residential Home (SPCRH) and Napier Street Aged Care Services (NSACS) as essential partners in the process.
2. Council further notes and endorses that the shared planning process between these two organizations and Council is the commencement of a process leading to amalgamation of SPCRH and NSACS.
3. That Council explores options of sale with deferred payment, or a long- term lease for the land on which SPCRH is located to an amalgamated provider. In the event of either option for the proposal the following conditions are to apply to use of Council land:
 - Future use of the land is tied to not for profit aged care services.
 - The amalgamated provider can ensure viability that will not result in financial exposure to Council.
 - The proposal is a local community management model.
 - The service will be provided by a not for profit organization, although it is possible that the amalgamated provider may run some for-profit components of the business to subsidize the not for profit components.
 - The service will cater primarily for people over 65 years of age, and it will enable maintenance of a minimum of 60 not for profit, high level care residential beds in the municipality.
 - The service is able to demonstrate both quality care and quality accommodation
 - Council will not be participating in a service provider role.
4. That a preferred option for sale or lease of land be presented to Council once a final proposal for a service and financial model has been developed and advice received from financial and legal institutions.
5. That Council endorse in principle the contribution of up to \$100,000 to launch a community fund raising campaign to contribute to the final proposal redevelopment costs and that this be referred to the 2002/03 Social & Cultural Development Division's budget estimates process.

6. That Council contributes \$20,000 towards preparation of feasibility reports to develop a final proposal for redevelopment on the basis that the other two partners (SPCRH and NSACS) contribute equally. That \$20,000 be referred to the 2002/03 Social & Cultural Development Division's budget estimates process for this purpose.
7. That Council notes that Cr. Hutchens is the nominated Councillor representative to sit on the SPCRH Committee of Management, but the position will remain vacant during the Council, SPCRH and NSACS shared planning process, due to Cr. Hutchen's participation on this working group.
8. That a progress report on the City of Port Phillip, SPCRH and NSACS Shared Planning Working Group be presented to Council in the August meeting cycle.

A vote was taken and the MOTION was CARRIED.

A8 APPOINTMENTS TO THE CULTURAL PROGRAMS BOARD

Purpose

This report proposes that Council support the recommended nominations for the Chairperson and six community representatives to the Cultural Programs Board.

MOVED Crs Johnstone/Brand

That Council proceed with the appointment of:

- Professor Clarkson as the Chairperson of the Cultural Programs Board and the following nominations of
- Jon Cattapan,
- Dr. Lianne Gibson,
- Gerry Kerlin,
- Dr. Helen Light,
- Martin Thiele,
- Jennifer Stokes for the six community representative positions of the Cultural Programs Board for its third term.

A vote was taken and the MOTION was CARRIED.

A9 STATUS REPORT – GASWORKS ARTS PARK

ITEM WITHDRAWN.

A10 STREET FURNITURE PROGRAM- REVISED DESIGNS

Purpose

To inform Council of design changes in response to Council resolution of February 4, 2002.

MOVED Crs Johnstone/Brand

1. That Council endorse the work undertaken in addressing its resolution of February 4 seeking further design development to achieve a more coherent suite of furniture.
2. That Council endorse the attached developed designs as the preferred elements in the City of Port Phillip Street Furniture Range.
3. That Council endorse the attached concept designs as a suitable basis for future design development for the City's suite of street furniture.

A vote was taken and the MOTION was CARRIED.

Note:

Cr Hutchens asked Officers to advise whether street furniture can be available in different heights.

A11 FOOD ACT REGISTRATION FEES

Purpose

To review existing Fee Structure and establish a new Fee Structure in relation to services required under Food Act 1984.

MOVED Crs Johnstone/Brand

That Council adopts the Proposed Fee Structure for the various fee components in relation to Food Act Registration as detailed in Attachment A.

A vote was taken and the MOTION was CARRIED.

A12 COUNCIL COMMITMENT TO DIVERSITY - RESPONSE TO THE ASYLUM SEEKER

Purpose

Consideration of community concerns re current Government policy on asylum seekers and proposals for council response.

MOVED Crs Gross/Hutchens

1. That the proposed actions outlined below be endorsed by Council:
 - a) A public statement that asserts that the current treatment of asylum seekers and particularly their mandatory detention is unjust and inhumane, compounding the trauma that most individuals in this situation have experienced.
 - b) Engage in discussion with citizens and local groups, including multicultural, interfaith, community health and support agencies, to determine an appropriate community response.
 - c) A Harmony Day (Mar 03) event be conducted with the theme of celebrating diversity with a discussion of Australia's response to asylum seekers as part of the event. Maximum community input in to the event planning and management to be sought.
 - d) Information on asylum seekers to be provided on the City of Port Phillip website and in ASSIST centres and libraries. The information to be provided is attached as Appendix 2.
 - e) Information on the ways people can become involved in supporting asylum seekers through other organisations to be readily available on the website and elsewhere in council publications.
 - f) The Council's service agreement with South Central Migrant Resource Centre be amended to reserve two places for those on Temporary Protection Visas and therefore not eligible for Government funded English language training.
 - g) Continue to advocate for and support programs that celebrate diversity.
2. That Council endorse the statement – *Refugee Rights are Human Rights* prepared by the Victorian Alliance of Refugees attached as Appendix 4 to the report.
3. That Council declares the City of Port Phillip a *Refugee Welcome Zone* and promotes this on June 20th, World Refugee Day, in support of the Refugee Council of Australia campaign.

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

Note:

Cr Ray raised the following question: "Has the CoPP ever measured that 'Employment practices are inclusive and active recruitment of people from other cultures, religions and diverse sexual orientation occurs'?"

A13 PROPOSED PARKS & OPEN SPACE VARIATIONS

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

A14 SUSTAINABLE VALUE-OVERVIEW AND FUTURE DIRECTIONS

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

A15 REFURBISHMENT OF THE MURPHY RESERVE PAVILION

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

**9(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST
KILDA TOWN HALL ON 13 MAY 2002**

STATUTORY PLANNING MEETING WAS CANCELLED.

OTHER 1 DELEGATE REPORT

Note:

Cr Johnstone noted that the Delegates Report, Statutory Planning was not provided to Council.

***** The CEO (via the Director City Development) undertook to provide the report to Council.***

10. ORDERS OF THE DAY

Discussion took place in relation to the following items:

- ORDER 2 372 DANKS STREET, MIDDLE PARK
- ORDER 1 26 ORMOND ROAD, ELWOOD
- ORDER 3 BALACLAVA DEVELOPMENT FEASIBILITY STUDY – PROGRESS
REPORT
- ORDER 4 PORT MELBOURNE SOCCER CLUB – UPGRADING SOCCER FACILITIES
AT MURPHY RESERVE
- ORDER 5 CONFIRMATION OF THE PERFORMANCE REVIEW FOR THE CEO
(CONFIDENTIAL)

ORDER 1 26 ORMOND ROAD, ELWOOD

Purpose

Alterations and additions to existing building including third level addition to allow for increase in retail floor space and three new dwellings, including a new crossover to allow for 6 on-site car parking spaces.

MOVED Crs Johnstone/Gross

1. That the Council, being the Responsible Authority, having caused the application to be advertised and having received and noted sixteen objections, is of the opinion that the granting of a Planning Permit for the proposed development will not cause material detriment to any persons other than the applicant.
2. That the Council issue a Notice of Decision to Grant a Permit under the provisions of the Port Phillip Planning Scheme to including alterations and additions to the existing building to accommodate three dwellings at second and third level, relocation of a crossover to accommodate six car parking spaces on the land known as 26 Ormond Road.
3. That the Council issue a Notice of Decision to Grant a Permit on the following grounds:
 - 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 generally in accordance with the plans submitted to Council on the 8th of April 2002 but modified to show.
 - a) The provision of planter boxes to the second and third floor levels. This shall not result in an increase of wall height to existing boundary walls.
 - b) Resolution of the treatment to the existing building to be finalized to the satisfaction of the Responsible Authority.
 - c) Screening devices to the southern elevation to negate views into 4 Byrne Avenue to be in accordance with Element 7 of the Good Design Guide.
 - d) Proposed crossover to be 2 metres from the existing street tree.
 - e) All existing street trees which may be impacted upon by construction works must be marked on a plan. This plan will be forwarded to Council's Street Tree Co-ordinator for comment prior to commencement of any works.
 - f) Location of building service and equipment, to be located at ground level.

- g) Setback (from southern boundary a minimum of 10 metres at third level, 8 metres for depth of 2 metres from Byrne Avenue and 4 metres for remainder at second level, (including set back of deck 1.5 metres from southern boundary) which allows for landscaping to be provided at ground level at rear in part.

All to the satisfaction of the Responsible Authority.

- 2 The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
- 3 Once the development and use has started it must be completed to the satisfaction of the responsible authority
- 4 Prior to the commencement of the development hereby permitted a schedule, and colored elevations that show all details of the external materials, finishes and colors (including color samples) shall be submitted to the satisfaction of the responsible authority. Once approved they will form part of the permit.
- 5 Prior to the commencement of the development hereby permitted the applicant must demonstrate how environmentally-sustainable features (eg. Stormwater retention and use, solar collectors etc.) will be incorporated into the development, where possible, to the satisfaction of the Responsible Authority.
- 6 No equipment (including, but not limited to, ducting and piping, air conditioned and heating units and satellite dish), services and architectural features other than those shown on the endorsed plan shall be permitted unless otherwise agreed to in written by the responsible authority.
- 7 Parking areas / spaces and all access lanes must be kept available for those purposes at all times.
- 8 Each dwelling must be provided with a minimum of one car parking spaces.
- 9 The Applicant/ Owner shall do the following things to the satisfaction of the responsible authority:
 - a) All new crossovers (and other associated works) shall be constructed at the cost of the of the applicant/owner, and shall be constructed to the satisfaction of the responsible authority
 - b) The applicant/owner shall submit detailed plan of the relocated position of the new crossover, to the approval and satisfaction of the Responsible Authority
- 10 Prior to any works the written approval of the Council of other relevant authority for such alterations/ reinstatements (including the construction of new crossovers):
 - a) Complies with conditions (if any) required by the Council or other relevant authorities in respect of reinstatement.

- 11 This permit will expire if one of the following circumstances applies;
- a) The development and use is 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 period referred to if a request is made in writing before the permit expires or within three months afterwards.

Permit Footnotes

- a) *The application / owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/ owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.*
- b) *Prior to the removal of the crossover a vehicle crossing permit must be obtained from Council's Standard Roads.*

A vote was taken and the MOTION was CARRIED.

ORDER 2 372 DANKS STREET, MIDDLE PARK

Cr Hill re-entered the meeting at 6.29pm.

MOVED Crs Gross/Brand

That Standing Orders be suspended to allow gallery to make submissions.

A vote was taken and the MOTION was CARRIED.

Purpose

The purpose of this report is to provide a supplementary recommendation to report 0804-7 for the property at 372 Danks Street, Middle Park. This report has been compiled following consultation between the applicant, objectors and Council representatives.

MOVED Crs Johnstone/Gross

That the Council issue a Notice of Decision to Grant a Permit for alterations and additions to the existing dwelling including ground floor alterations and additions and a first floor balcony in accordance with the submitted plans and subject to the following conditions:

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 drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with plans submitted with the application but modified to show:
 - a) Deletion of screening and additional fence height to the south boundary fence.
 - b) The pool and associated deck to be lowered to the existing natural ground level.
 - c) The ground floor glass addition to be lowered in accordance with plans prepared by Thomas Mantesso Allan Architects Drawing TP_A05 (Revision C) dated February 2002 and TP_A06 (Revision D) dated March 2002.
 - d) East elevation plans of the existing first floor clearly showing no changes to the existing first floor.
2. **External Finishes**

Prior to the commencement of the buildings and works hereby permitted, a schedule of the materials, colours and finishes to be used in the external surfaces of the proposed building shall be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit. Such schedule shall be adhered to unless otherwise permitted in writing by the Responsible Authority.
3. **Satisfactory Continuation**

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

4. No Equipment on Roof

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 proposed alterations to the existing building as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
6. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
7. This permit will expire if one of the following circumstances applies:
 - (a) The development is 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.

Notations:

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Due Care

The developer shall show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

A vote was taken and the MOTION was CARRIED.

ORDER 3 BALACLAVA DEVELOPMENT FEASIBILITY STUDY-PROGRESS REPORT

Purpose

To report of the progress of the feasibility study and receive Council consent to hold a community consultation meeting on 13 June regarding the Woodstock rooming house proposal at 30-34 Marlborough Street prior to commencing the planning application process and land use options for the 46-58 Marlborough Street, Balaclava site.

MOVED Crs Ray/Gross

1. That Council note the progress of the feasibility study on the Balaclava Development proposal relating to development potential for the two Council sites at 30-34 and 46-58 Marlborough Streets, Balaclava.
2. That Council support the direction of the feasibility study for the purpose of holding a community consultation meeting on 13 June 2002 on the Woodstock rooming house proposal at 30-34 Marlborough Street and the broad land use options being considered for the 46-58 Marlborough Street site.
3. That a planning permit application be lodged for the Woodstock rooming house project following assessment of feedback from the community consultation process.
4. A further report be submitted to Council at the completion of the Balaclava Development feasibility study on the project Steering for development of the Council site at 46-58 Marlborough Street.
5. That a separate report be submitted to Council on the execution of a Joint Venture Agreement between the Port Phillip City Council and the Director of Housing on the Woodstock rooming house project.

A vote was taken and the MOTION was CARRIED.

ORDER 4 PORT MELBOURNE SOCCER CLUB - UPGRADING SOCCER FACILITIES AT MURPHY RESERVE

Purpose

Port Melbourne Soccer Club has requested that the soccer training area at Murphy Reserve be upgraded and increased in size to a full size ground to relieve pressure on the existing full size ground.

MOVED Crs Hill/Logan

1. Council proceed immediately with the relocation of the light tower, the provision of supplementary lights and the upgrading of the paddock training area to match play standards for the Port Melbourne Soccer Club at JL Murphy Reserve at a cost of \$35,000.
2. That Council fund these works from the Council Resort and Recreation Reserve.
3. That Council instructs Officers to notify the Port Melbourne Soccer Club of this decision.
4. That an assessment be undertaken regarding the light spill from the relocated pole to ensure that there is no unreasonable detriment to residents.

A vote was taken and the MOTION was CARRIED.

ORDER 5 CONFIRMATION OF THE PERFORMANCE REVIEW OF THE CEO

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

**OTHER 11. REPORTS BY DELEGATES (COUNCILLOR)
 APPOINTED TO BODIES**

Cr Hutchens left the meeting at 7.49pm.

Item 1

Cr Johnstone presented the MAV's - President's Report for the month of April.

Major Issues outlined in the Newsletter include the following:

- CORE Councils Continue To Fight;
- Changes To The Local Government Act;
- Changes to MAV Rules;
- Right To Farm.

Item 2

Cr Hill presented the Report on 'Shed Your Car Day for Melbourne' from the Metropolitan Transport Forum.

MOVED Crs Johnstone/Gross

That the Report be received by Cr Hill as delegate to the Metropolitan Transport Forum on "Shed Your Car Day for Melbourne" and that this issue be referred to the Strategy and Policy Review Committee for consideration.

A vote was taken and the MOTION was CARRIED.

Item 3

Cr Gross reported on the VLGA General Meeting and advised Council that he would advise Council regarding issues of interest.

Item 4

Cr Gross advised that the Regional Waste Management Reorganisation has had its first and second reading in Parliament, i.e. a piece of legislation that changes the way the Regional Groups operate, the EPA operates and tries to rationalise and reorganise but the important thing is that it does bump up the levy.

In the first year it bumps up the levy of the private users of infill dumps and then it goes on to significantly add to our levy so the monies will be used for the funding of the Regional Waste Management Groups and for projects to assist in a more sustainable use approach to Waste Management but it is going to be a significant impost on local governments.

We will get the money back I hope, though applications for funding of projects.

MOVED Crs Hill/Brand

That Councillor Gross' verbal report in relation to the Regional Waste Management legislation be noted and that Council request advice at the appropriate time as to the legality of payments to remediate country sites.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Hill /Brand

That the Delegates Reports be received and noted.

A vote was taken and the MOTION was CARRIED.

12. URGENT BUSINESS

Nil.

13. COUNCILLORS QUESTION TIME

Cr Hutchens re-entered the meeting at 7.55pm.

Item 1

Cr Ray asked the following question:

Can the CEO urgently provide advice to Council that:

1. Outlines the justification for Council passing an Unsightly Premises component to Community Amenity Local Law 1 during late 2001.
2. Details, if any, the number of PINs that have been issued under this new provision.
3. If none in (2) above, why not?
4. The number of PIN's that have now been referred to further legal proceedings
5. If none in (4) above, the efficacy of testing the legal standing of the above provisions.

****The CEO (via Director, City Development) to investigate and report to the Council.***

Item 2

Cr Hill asked could the CEO advise what happened to the issue of VCAT Performance Reports. A few years ago there were more extended discussions about the win/loss rate at VCAT, analysis and analysis of significant decisions. How is Council doing on routine matters and when they overturn Officer recommendations?

****The CEO noted that VCAT comes within the charter of the Strategic Policy and Review Committee.***

****The CEO (via Director City Development) agreed to investigate and formalize reporting on VCAT Performance Reports to the Council.***

MOVED Crs Hill/Johnstone

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.

The meeting closed at 7.55pm to the members of the gallery.

14. CONFIDENTIAL MATTERS

Discussion took place in relation to the following Confidential items:

- A13 PROPOSED PARKS & OPEN SPACE VARIATIONS - (*SEE SUPPLEMENTARY REPORT*)
- A14 SUSTAINABLE VALUE-OVERVIEW AND FUTURE DIRECTIONS
- A15 REFURBISHMENT OF THE MURPHY RESERVE PAVILION
- ORDER 5 CONFIRMATION OF THE PERFORMANCE REVIEW FOR THE CEO

As there was no further business the meeting closed at 8.30pm.

Confirmed: 24 June 2002

Chairperson: _____