



ORDINARY MEETING OF COUNCIL

MINUTES

22 JULY 2014



**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF THE
PORT PHILLIP CITY COUNCIL HELD 22 JULY 2014 IN COUNCIL
CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6:04pm.

PRESENT

Cr Stevens (Chairperson), Cr Bond, Cr Horvath, Cr Huxley, Cr Thomann (6:07pm), Cr Touzeau, Cr Voss.

IN ATTENDANCE

Tracey Slatter Chief Executive Officer, Mark Brady Executive Manager Governance and Culture, Claire Ferres Miles General Manager Place Strategy and Development, Carol Jeffs General Manager Community Development, Fiona Blair General Manager Infrastructure and Amenity, Chris Carroll General Manager Organisational Performance, Pat Jessen Coordinator Friends of Suai, Deidre Pellizzer Manager Arts & Culture, Adele Denison Coordinator Festivals.

The City of Port Phillip respectfully acknowledges the Yalukit Wilam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Bond/Horvath

That the minutes of the Ordinary Council Meeting of the Port Phillip City Council held on 8 July 2014 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



Cr Thomann entered the chamber at 6:07pm.

4. PETITIONS AND JOINT LETTERS

Item 4.1

A Joint Letter was received from 13 signatories requesting permit parking on the residential side of Graham Street, Albert Park.

The Joint Letter reads as follows:

“The residents of Graham Street Albert Park, situated between Foote Street and Withers Street, would like to request permit parking on the residential side of the street.

Since the reopening of the school and the basketball centre, there are often times we are unable to get parking in the street. The most problematic times are when there are functions on at the school (performances, parent teacher interviews, open days, art shows etc.) and the street becomes a grid lock resulting in residents parking several streets away. Rarely do we see parking inspectors patrolling the area unless we phone to advise that people are not observing the 1 hour parking limit currently in place. This lack of parking enforcement seems to further encourage people to use Graham Street for extended parking during these events. Over the last couple of years parking has not been problematic however we have certainly noticed an increase this year and as the school expands from three year levels to six year levels over the coming years, and the number of functions & activities (and people attending them) increases, we are becoming increasingly concerned about our inability to park in our street. Children’s after school basketball/sporting activities on selected days often results in similar parking issues for residents.

An additional issue for Graham Street residents is that of parents picking up and dropping off their children. Residents were informed during the construction of the school that parents would be advised the pick-up and drop-off was to be done in Foote Street (near Gasworks Park). Parents either choose to ignore this direction or are not being advised by the school to do so. Parents park on the residential side of Graham Street for extended periods of time, as well as double and triple park with their engines running while waiting for their children. The presence of parking inspectors would help to address these congestion and safety issues. Residents are also concerned about the associated safety issues due to the increase in traffic in the street. As there is parking on both sides of the street at the Withers Street end of Graham Street, the street is reduced to one lane and the entry and exit of a high volume of vehicles at student pick-up and drop-off times (entering this one lane section often at speed) has led to a number of near accidents.

Your consideration of permit parking for residents in the stated section of Graham Street is appreciated. Options for addressing the safety issues relating to pick-up and drop-off in the street should also be considered by the council.”



MOVED Crs Bond/Voss

That Council:

Receives the joint letter and refers it to officers for investigation. Appropriate data will be collected from which a proposal can then be developed for possible changes to parking restrictions. A subsequent questionnaire/survey will then distributed to residents in Graham Street seeking feedback. The survey will inform residents of opportunities to improve any new parking restrictions that may be implemented. Officers will also engage Albert Park College regarding parking management during school pick up and drop off times

A vote was taken and the MOTION was CARRIED unanimously.



5. SEALING SCHEDULE

Nil.



6. PUBLIC QUESTION TIME

Christine Fetterplace made several statements about the Gas Works Arts Park Plan and asked:

- Will you amend Option 4 to say “halt the draft park plan; get expert advice on a new plan for remediation with a view of saving all trees and amenity by varied methods; identifying specific areas which need work and those that can be left as is: for example Foote St and Graham St corner and the mounded grassed area”?

Mayor Cr Stevens stated this detailed question would be taken on notice and a response provided.

Judith Solomon commented on the Gas Works Arts Park Plan and asked:

- Will you consider the community’s wishes to retain the present park and request the Council officers to look at another way to make it safe for the future?

Sabrina Kerber asked:

- Given the magnitude of the Gas Works Park remediation to date, the current contamination issues we’re facing, and the expected expenditure proposed for further work, why didn’t Council choose to use the previously used, experienced environmental consultants?
- Why has Council chosen not to seek a true peer review (which does not include the current consultants or council officers) which would independently examine all technical information and options and ensuring conclusions are correct?

Mayor Cr Stevens stated that Councillors would take up these questions with the relevant officers.

Lee Palmer asked several questions

- Is the questionnaire presented at the last community tent meeting as a door knock process still a valid questionnaire even though the consultation has been finished?
- Will Council address the rumors that the reasons for creating open space at the Gas Works Arts Park is for future sports fields and ovals for nearby schools?
- Will the Council guarantee that the current users of the park continue to enjoy access and use of the park in the same way, with the same rights as they do now (including both humans and animals – as a 24 hr off-leash park)?

Mayor Cr Stevens asked Fiona Blair General Manager Infrastructure & Amenity to respond.

Ms Blair indicated that Council officers are now reviewing the community consultation results and preparing a report to come before Council in September, including options for Council to consider such as undertaking soil remediation according to the current plan, undertaking soil remediation in staged way, halting the draft park plan and undertaking extensive and preliminary testing in treed areas to determine if results warrant further testing for approval, or does not further progress the draft plan at this stage subject to EPA support.

Ms Blair stated that there is no intention to change the park’s current usage as open space, and there is no intention to change it to a sporting oval or build any housing or other buildings in the park, the only building

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infrastructure works relate to the current Art Park Buildings, which will not impact on the open space in the park.

Ms Blair noted that Council has a procurement policy that requires a public tender process for works over \$150,000, and this process was followed to contract environmental consultants for this project. The prior environmental consultants would have had the opportunity to participate, but were not the successful tenderer.

Ms Blair stated that a peer review of the information is required, and the auditor doing the review must be registered with the EPA. There is currently a peer review being conducted of the remediation plan.

Tracey Slatter CEO added that Council will be provided the opportunity in September to determine if further peer review of the various remediation options, in addition to the EPA auditor's peer review, is desirable.



7. COUNCILLOR QUESTION TIME

Cr Thomann acknowledged the visitors from Timor-Leste, and asked for an update about the Friends of Suai Cova Lima programs both in Suai and locally.

Mayor Cr Stevens welcomed Eugenio da Souza, chairperson for Cova Lima Community Centre (CCC) and Alita Conceicao, Coordinator of the Rural Women's Development Program for the CCC who is also the first woman to visit from Timor-Leste as part of Suai Friendship with the City of Port Phillip, and thanked them for the gift of woven scarves made for each of the Councillors.

Pat Jessen Coordinator Friends of Suai welcomed Eugenio and Alita, and explained that the CCC was established in 2000, shortly after the independence vote. The community centre provides a place for people and programs to flourish, such as the rural women's development program in which 102 women participate, community training in English and computers, as well as a scholarship program for which the community raised \$20,000 to be used towards vocational training such as trades, hospitality and teaching.

Ms Jessen also noted that locally the programs are currently focused on raising funds for the Suai high school, where there are 2000 students and no toilets, running water or sanitation, as well as towards scholarships. Next month, there is a multi-schools conference scheduled with 100 students currently registered.



8. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 8.1 St Kilda Festival
- 8.2 Stokehouse Restaurant Deed - Transfer of Insurance Proceeds
- 8.3 CEO Report - Issue 05, published July 2014



8.1 ST KILDA FESTIVAL

The following speakers made a verbal submission in relation to this item:

Roger Wyndham

- Explained he sat on the review panel established by the prior Council to discuss Festival's value to the community and costs, but ultimately determined the value for money was acceptable.
- Stated that from a local trader perspective, the Festival is on par with Christmas trading, as it provides a much needed injection of revenue for the businesses in the area.
- Explained that the panel has discussed many ways to reduce the costs of the event, especially in the light of the loss of the sponsorship by Foxtel and inability to find a suitable replacement sponsor.
- Noted that when the subject of ticketed venues came up, the argument against ticketing was that it was entirely contrary to the spirit of a community festival, and encouraged Council to consider the possibility to host other significant ticketed music events throughout the year to raise revenues to help fund the St Kilda Festival, and keep the entire Festival free.

Erin Joyce

- Spoke on behalf of St Kilda Tourism Association as the new President of the association.
- Noted the association supports the recommendations in the officer's report and the continued growth and development of the Festival, and as the representative body for tourism in St Kilda, they are keen to work with the Festival team to meet objectives and targets that have been set to ensure the long term sustainability of the event.
- Stated that events play a very important role in the development of tourism in places like St Kilda and have a direct economic impact on the area; and as Festival is the major event for St Kilda, it needs to be acknowledged and supported.

Dr Andrea Baker

- Spoke in support of St Kilda Festival, explaining that St Kilda is still known internationally as a live music city, but also expressed concern over the possibility of ticketing at the event since part of the draw of the Festival is that it is a free community event.

Purpose

The purpose of this report is to present Council with objectives for St Kilda Festival and the proposed actions that will be undertaken to achieve the approved 2014/2015 budget of \$1.4M total net cost to ratepayers.



MOVED Crs Thomann/Huxley

That Council:

- 1.1. Agrees that the purpose of the St Kilda Festival is to achieve the following objectives:
 - 1.1.1. Iconic branding that showcases the City of Port Phillip whilst specifically promoting St Kilda, increasing visitation rates of tourists. It is a brand that is known to the local community, wider Melbourne and internationally.
 - 1.1.2. A commitment to live music which is a vehicle to promote vibrancy as well as specifically supporting local, young and emerging musicians.
 - 1.1.3. Longer term sustainable economic benefit for local traders.
 - 1.1.4. Community engagement for local and wider communities which contributes to City of Port Phillip as a cultural hub.
- 1.2. Hosts the 2015 St Kilda Festival for a total net cost to ratepayers limited to \$1.4 million, comprised of \$1.15 million external costs and \$0.25 million core staffing costs.
- 1.3. Agrees to the following actions for the 2015 St Kilda Festival to continue Council's commitment to a financial sustainability without compromising Council's stated St Kilda Festival objectives:
 - 1.3.1. Affordably priced ticketing of main stage on festival Sunday
 - 1.3.2. Increased yield from ancillary activities such as carnival and beverage/food sales.
 - 1.3.3. Renting of space that is set up in the week prior to festival Sunday (O'Donnell Gardens).
 - 1.3.4. Aim to maintain sponsorship at least at 2014 levels.
 - 1.3.5. Continue to seek alternative sources of Government funding in recognition of St Kilda Festival's iconic status as a key element of Melbourne and Victoria's cultural and events calendar.
- 1.4. Receives a further report, no later than 31 October 2014 to propose a multi-year plan that meets Council's St Kilda Festival objectives while also meeting Council's commitment to strong financial responsibility and demonstrating value to City of Port Phillip rate payers.

A vote was taken and the MOTION was CARRIED unanimously.



8.2 STOKEHOUSE RESTAURANT DEED - TRANSFER OF INSURANCE PROCEEDS

Purpose

To seek Council's approval to authorise the Chief Executive Officer to negotiate with Stokegroup Pty Ltd a deed containing certain minimum conditions regarding the disbursement of Council's insurance monies towards the reinstatement of the Stokehouse building, and upon conclusion of negotiations to the Chief Executive Officer's satisfaction, to sign the deed on Council's behalf.

MOVED Crs Thomann/Voss

That Council authorises the Chief Executive Officer:

- 1.1 To negotiate with Stokegroup Pty Ltd a deed containing the following minimum conditions regarding the disbursement of Council's insurance monies towards the reinstatement of the Stokehouse building at 30 Jacka Boulevard, St Kilda:
 - 1.1.1 That Council's total contribution is limited to the total of its insurance proceeds less the value of works reasonably incurred by it in connection with the reinstatement;
 - 1.1.2 That the Council's contribution must only be used by the Stokegroup Pty Ltd towards the cost of the base building works.;
 - 1.1.3 That apart from the \$300k already transferred, that the remaining insurance proceeds be payable upon the submission of progress claims by the Stokegroup Pty Ltd and certification of the value of the associated base building works by a Council appointed Quantity Surveyor;
 - 1.1.4 That Frank van Haandel guarantees the obligations of the Stokegroup Pty Ltd in relation to the agreement and indemnifies the Council against any loss it suffers due to any breach of the agreement by the Stokegroup Pty Ltd; and
- 1.2 Upon conclusion of negotiations to the Chief Executive Officer's satisfaction, to sign the deed on Council's behalf.
- 1.3 To approve payments to Stokegroup Pty Ltd payable by Council under the deed.

A vote was taken and the MOTION was CARRIED unanimously.



8.3 CEO REPORT - ISSUE 05, PUBLISHED JULY 2014

Purpose

To provide Council with an update from Chief Executive Officer regarding Council's activities and performance.

MOVED Crs Bond/Touzeau

That Council:

- I.1 Notes the CEO Report Issue 05 (provided as Attachment I) which includes information regarding Council's performance for the fourth quarter of 2013/14.

A vote was taken and the MOTION was CARRIED unanimously.



9. NOTICES OF MOTION

Item 9.1

The following speakers made a verbal submission in relation to this item:

Gabrielle Townsend

- Spoke out of her experience from teaching asylum seekers and refugees and explained that 90% of asylum seekers eventually become refugees; that the people who are coming to Australia are being pushed out of their home countries, the places they love, for one reason or another; and that most 1st generation asylum seekers would go home if they thought it was safe.
- Explained that in her travels abroad in Europe, people don't remember Australia for its beaches anymore, it is now a source of shame to be known as an Australian due to the government's treatment of asylum seekers.

Reverend John Tansey

- Thanked Council for the opportunity to speak about this matter, especially in light of the sculpture he has erected at the site next door to the Council building as a statement against the government policy towards asylum seekers.
- Explained that the overwhelming response to the structure is positive, in thanks for giving voice to their feelings of grief and shame about this issue.
- Stated the idea behind the sculpture is not just politically motivated, but to publically question the moral direction of our federal government policies – while the government will argue there is no other way, that they are supposedly saving people from drowning at sea, they have not truly explored alternative options which could cost less and offer hope for people fleeing their homes.
- Insisted there is no excuse for 1000 children in detention off shore; no excuse for the cruelty inflicted on adults in detention; no excuse for depriving people of health, mental or physical; no excuse for governments to make cruelty a means to an end.
- Encouraged Council to oppose the torture of men, women and children by supporting the motion and giving voice to the community who objects to these the current practices.

Michael Perkal

- Spoke as a citizen who migrated from overseas by boat in 1950, who was educated locally and has worked in Australia for 39 years.
- Stated he is saddened by the quality of the debate on asylum seekers over the past 14 years and would have thought that on this issue partisan politics should have been removed and a humanitarian consensus been reached.
- Explained he believes that local governments have the right as representatives of ratepayers to express views about social issues that impact on society.
- Stated the demonizing and restrictions placed on asylum seekers has to stop, and that the Australian government would do well to adopt the 10 points laid out in the joint statement on asylum seekers.



MOVED Crs Touzeau/Huxley

That Council:-

- I. Supports the “Joint statement by local governments in Victoria on asylum seekers”.

A vote was taken and the MOTION was CARRIED unanimously.

The text of the Joint statement:

We call on the Australian Government to abandon its harsh policies and practices in dealing with asylum seekers who arrive in Australia by boat, and restore Australia’s international reputation and record on human rights.

In particular the Australian Government should:

- resume processing applications for asylum in Australia rather than off-shore
- abolish the policy of sending unaccompanied minors to off-shore processing centres and re-establishing more ‘humane’ approaches that reflect our duty to protect children and young people
- grant asylum seekers work rights to enable them to provide for themselves and their families
- abolish the temporary protection visa policy for people assessed as refugees, regardless of their method of arrival
- provide approved on-shore refugee applicants with full entitlements to settlement services
- end the practice of vilifying and demonising asylum seekers
- invest in a humanitarian community-based processing model for asylum seekers and provide necessary support mechanisms while awaiting outcome of applications
- process applications for asylum in a fair and timely manner to avoid the harm and trauma implications associated with prolonged status determination
- allow approved applicants access to timely and realistic family reunion
- stop referring to asylum seekers who arrive by boat as “illegal arrivals” or any other expression which suggests that they have broken the law by coming to Australia without a visa to seek asylum.

As local councils we respect and value the asylum seekers in our respective municipalities and their democratic right to participate in and contribute to the life of the community.

We recognise their human rights, struggle, resilience and determination to secure a safe and secure future for themselves and their families.

We commit to welcoming asylum seekers into our community and give them fair access to our services.

We strive to protect their health and wellbeing and advocate for their rights to be treated with respect and dignity.

We recognise and value their skills, life experiences and contributions to the development and diversity of our cities and communities.



10. REPORTS BY COUNCILLOR DELEGATES

10.1 ASSEMBLIES OF COUNCILLORS

Purpose

The purpose of this item is to report to Council written records of Assemblies of Councillors at the City of Port Phillip as required by section 80A (2) (a) and (b) of the Local Government Act 1989.

MOVED Crs Thomann/Voss

That Council receives and notes the written records of Assemblies of Councillors (attached) as required by section 80A (2)(a) and (b) of the Local Government Act 1989.

A vote was taken and the MOTION was CARRIED unanimously.



II. URGENT BUSINESS

Nil.

As there was no further business the meeting closed at 7:24pm.

Confirmed: 12 August 2014

Chairperson _____