The meeting opened at 6:31pm.

PRESENT
Cr Gross (Chairperson), Cr Baxter, Cr Bond, Cr Brand, Cr Copsey, Cr Crawford, Cr Pearl, Cr Simic, Cr Voss.

IN ATTENDANCE
Peter Smith, Chief Executive Officer; Damian Dewar, Acting General Manager City Strategy and Sustainable Development; Tony Keenan, General Manager Community and Economic Development; Fiona Blair, General Manager Infrastructure and Amenity; Chris Carroll, General Manager Customer and Corporate Services; Kylie Bennetts, Director Office of the CEO, Anthony Traill Manager Open Space and Recreation; Teresa Parsons, Program Manager Service Transformation, Pam Newton, Manager Family, Youth and Children, George Kompos, Senior Financial S&P Advisor, Lachlan Johnson, Manager Project Services, Steven Perumal, Coordinator Open Space, Holli Taylor, Acting Coordinator Building Maintenance, Peter Benazic, Manager Maintenance and Operations, Joanne McNeill, Manager Asset Management and Property, Michelle Rysanek, Senior Property Project Manager.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam 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 Simic/Voss
That the minutes of the Ordinary Meeting of Council of the Port Phillip City Council held on 6 March 2019 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Pearl declared a direct conflict of interest in item 9.1, Children’s Services Policy Development.
4. PETITIONS AND JOINT LETTERS

Nil.

5. SEALING SCHEDULE

Nil.

SUSPENSION OF STANDING ORDERS

MOVED Crs Baxter/Crawford

That standing orders be suspended in order for Council to observe a minute’s silence in light of the recent tragedy that has occurred in Christchurch, New Zealand.

A vote was taken and STANDING ORDERS were SUSPENDED.

Mayor Gross called for all present and able, in the chamber to stand and observe a minute’s silence.

RESUMPTION OF STANDING ORDERS

MOVED Crs Baxter/Crawford

That Council resume standing orders.

A vote was taken and STANDING ORDERS were RESUMED.

CONDOLENCE MOTION

MOVED Crs Crawford/Simic

That the City of Port Phillip utterly condemns the act of terrorism that occurred in Christchurch on Friday 15 March 2019 and extends its deepest sympathies and love to the City of Christchurch and all members of the community, particularly the Muslim community, who are deeply impacted by this atrocity.

We stand united with you in this time of deep sorrow and stand resolute in condemning such intolerance and hatred in our society.

That the Council requests that the Mayor of the City of Port Phillip write to the Mayor of Christchurch to express these condolences and message of support.

A vote was taken and the MOTION was CARRIED unanimously.
6. PUBLIC QUESTION TIME

Bill Garner

Mr Garner spoke on behalf of ‘Bring Back Brookes Jetty’ and asked the following questions:

- Will Council at its forthcoming meeting with Melbourne Water push for a more imaginative design for the outlet?
- Will Council also suggest to Melbourne Water that for health reasons the City would like the drain extended into deeper water in order to discharge the polluted water further from the beach?

Damian Dewar, Acting General Manager City Strategy and Sustainable Development, responded that in a recent meeting with Melbourne Water, officers did indicate that they were interested in seeing a more creative solution to the design of the new outfall and that design has not taken place yet. The next Melbourne Water meeting is yet to be scheduled, but it may occur within the next few weeks and officers will have the ability to continue to discuss this issue. Mr Dewar advised that Melbourne Water has indicated that they are keen to engage with the community to discuss the outfall and its appearance. Mr Dewar advised he would take the remaining question on notice.

Bill Phelan

Mr Phelan asked the following questions in relation to contracted works with Fulton Hogan:

- What was the contract figure for the 2017/18 financial year?
- For that same year, how much did we pay Fulton Hogan for works outside of the contract?
- For additional works, at what stage did we get three competitive quotes? How many of these works were negotiated with Fulton Hogan on a one off basis?

Fiona Blair, General Manager Infrastructure and Amenity, took the questions on notice.

7. COUNCILLOR QUESTION TIME

Councillor Pearl asked whether there is a formal communications process in place for responding to community groups that have made submissions to Council’s budget process? Also, what plans does Council have for refurbishing the Sol Green Reserve?

Kylie Bennetts, Director Office of the CEO, stated that in relation to the Council Plan and Budget process, officers always provide feedback back to community members that have often taken considerable time and effort in making their submissions. Council has a standard to process to not only thank submitters, but to also advise them of the outcome of the matter. Ms Bennetts expressed her concern that a community group had not received a response to their submission, and stated that she would follow this up.

Fiona Blair, General Manager Infrastructure and Amenity, took the question relating to the refurbishment of Sol Green Reserve on notice.
Councillor Voss asked how often the 1,000 soon to be planted trees are watered under the two year maintenance contract? What mechanisms are in place to ensure the watering takes place?

Anthony Traill, Manager Open Space and Recreation, took the question on notice in relation to the watering cycle under the two year maintenance contract. In regards to auditing, Mr Traill advised that monthly auditing is carried out on all parks contracts including park maintenance and tree levels.

Councillor Crawford asked after that two year initial tree maintenance contract is complete, what happens with tree maintenance responsibilities?

Anthony Traill, Manager Open Space and Recreation, stated that the majority of the municipalities tree stock relies on natural rain after the initial two year maintenance period. Some garden areas and vegetation are watered by Council, but the majority of new plantings are self-sufficient after the initial two year period.

Councillor Voss asked what Council is doing to carry out our obligations around pool fencing after the new legislation on pool fencing was introduced?

Damian Dewar, Acting General Manager City Strategy and Sustainable Development, took the question on notice.

Councillor Voss asked what is Council doing in relation to the new soil contamination regulations and what are we doing to keep our community safe?

Fiona Blair, General Manager Infrastructure and Amenity, took the question on notice.

8. PRESENTATION OF CEO REPORT

Nil.
9. PEOPLE AND COMMUNITY

9.1 Childrens Services Policy Development

Councillor Pearl declared a direct conflict of interest in item 9.1 Children’s Services Policy Development and left the chamber at 6.50pm and took no part in the discussion or vote.

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

Susanne Provis

Ms Provis spoke in support of the work done on the Children’s Services Policy Development process, however raised concerns around inclusion of marginalized sections of the community in this process and the application of the National Competition Policy.

Brenda Forbath

Ms Forbath spoke on behalf of the Community Alliance of Port Phillip and commended the work detailed in the report. Ms Forbath expressed concern at the focus on Councils removal of direct services provision and full cost recovery as policy options for the future. Ms Forbath also questioned the application of National Competition Policy in development of Children’s Services Policy.

Teresa Parsons, Program Manager Service Transformation, declared an indirect interest by close association.

Purpose

1.1 To present to Council for endorsement the Children’s Services Policy development service response – *Every Child, Our Future: Policy Issues and Options Paper* (Attachment 1 - 8).

1.2 To note the next steps in the Children’s Services Policy development, which are:

   1.2.1 For the Policy Issues and Options Paper to go out to Stage 2 community consultation from 25 March to end of April 2019 (refer to Attachment 9 – Stage 2 Community Engagement).

   1.2.2 To return to Council with a new Children’s Services Policy for endorsement in July/August 2019.

   1.2.3 The new Children’s Service Policy once endorsed, will guide the development of an implementation plan, which will include a new Children’s Services Facility Strategy.

MOVED Crs Gross/Voss

That Council:

3.1 Endorses *Every Child, Our Future: Policy Issues and Options Paper* and associated attachments (refer to Attachments 1-8).
3.2 Endorses Children’s Services Policy Stage 2 Community Engagement (refer to Attachment 9).

3.3 Notes the next steps in the Children’s Service Policy development, specifically:
   3.3.1 that the Policy Issues and Options Paper will go out to community engagement and consultation from 25 March to end of April 2019.
   3.3.2 To return to Council with a new Children’s Services Policy for endorsement in August 2019.

3.4 Delegates to the CEO the ability to make minor editorial changes to the Every Child, Our Future: Policy Issues and Options Paper and associated attachments to ensure it is easily understood by staff and the community.

A vote was taken and the MOTION was CARRIED unanimously.

Councillor Pearl returned to the chamber at 7.46pm.
10. TRANSPORT AND PARKING

10.1 Awarding Tender No: 2184 (Foreshore Public Space Lighting Renewal - Station Pier to Kerferd Road)

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

Robbie Nyaguy

Mr Nyaguy spoke in support of the addition of the new lights, however was dismayed at the lack of heritage impact of the new lights.

The following questions were taken on notice during the discussion of this item:

Councillor Pearl asked why are we doing this section of lights instead of the next section of lighting closer to St Kilda?

Lachlan Johnson, Manager Project Services, took the question on notice.

Purpose

1.1 To seek Council approval to accept and award a tender for the renewal of public lighting on the foreshore between Station Pier and Kerferd Road.

MOVED Crs Voss/Brand

That Council:

3.1 Accepts the tender and enters into Contract 2184 between Port Phillip City Council and High Access Group Pty. Ltd. for the installation of new foreshore lighting, between Station Pier and Kerferd Road, for a contract lump sum price of $1,190,358.95 including GST ($1,082,144.50 excluding GST).

3.2 Affixes the Common Seal of the Port Phillip City Council to Contract 2184 between Port Phillip Council and High Access Group Pty Ltd.

3.3 Notes that construction work will be due to commence in May 2019 and that it is planned to complete replacement works by 30 August 2019 subject to favourable construction conditions.

A vote was taken and the MOTION was CARRIED.
11. SUSTAINABILITY

11.1 Graffiti Management Plan - Public Consultation

Purpose

1.1 To seek approval from Council to release the Draft Graffiti Management Plan for a phase of public exhibition in April 2019, and then subsequent endorsement by Council in June 2019.

MOVED Crs Crawford/Voss

That Council:


3.2 Notes that the final Graffiti Management Plan will be presented to Council for approval in June 2019.

A vote was taken and the MOTION was CARRIED unanimously.

12. PLANNING

12.1 St Kilda Marina Interim Lease - Review of Submissions

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

Andrew Barlow

Mr Barlow spoke as a director of Australia Marina Development Corporation and noted that his submission has been made with limited information available in the public domain. Mr Barlow stated his belief that a delay to the long term lease is not beneficial to Council, ratepayers, marina tenants or the community and strongly encouraged Council to reject the interim lease on its current terms.

David Heffernan

Mr Heffernan spoke on behalf of Australia Marina Development Corporation (AMDC) and stated that AMDC were present to support any concerns expressed by Councillors. Mr Heffernan spoke to AMDC’s experience in developing and managing marina areas in Port Phillip Bay.
Lindsay Gordon

Mr Gordon spoke on behalf of the “Ratepayers of Port Phillip” and spoke against the approval of the proposed three year lease. Implored Councillors to meet with legal advisors to establish the best way forward on this matter.

Richard Spooner

Mr Spooner spoke on behalf of Australian Marinas and the Spooner family and urged Council to make a decision without delay on the three year lease. Mr Spooner thanked Council for the partnership the family has enjoyed over the last 50 years.

Elizabeth Meredith

Ms Meredith spoke on behalf of Rollo’s Kiosk and expressed her concerns around the interference of marina activities during any interim lease period and the impact that this would have on surrounding businesses. Mr Meredith requested that controls are included in the interim lease regarding maintenance and repairs, rental controls and restrictions on levels of interference with existing businesses during the interim period.

Peter Holland

Mr Holland raised issues around the timeframe of three years of the proposed interim lease which he thought was too long, the process may be unlawful due to the application of the Crown Land (Reserves) Act, and suggested Council discuss with alternative proponents as to how they can guarantee continuity of operations.

Robbie Nyaguy

Mr Nyaguy spoke on behalf of Community Alliance of Port Phillip and raised concerns around the proposed three year interim lease including the lack of publicly available information, the transition of infrastructure, and the amount of rent being charged for the site.

Freda Erlich

Ms Erlich read a statement on behalf of Andy Mullins who objects to the proposed three year interim lease, expressed his support for the submission made by Australian Marina Development Corporation and encouraged Council to negotiate a shorter term lease.

Purpose

1.1 For Council to review submissions received from interested parties regarding Council’s intention to provide an interim three-year lease to the current lease holder of St Kilda Marina as required under Section 223 of the Local Government Act 2019.
MOVED Crs Bond/Pearl

That Council:

3.1 Considers submissions received during the consultation period, as required under Section 223 of the Local Government Act 2019, regarding Council’s intention to provide an interim three-year lease to the current lease holder of St Kilda Marina.

3.2 Directs Officers to bring back to Council a report on 3 April 2019 that proposes a response to the submissions received from interested parties regarding Council’s intention to provide an interim three-year lease to the current lease holder of St Kilda Marina.

A vote was taken and the MOTION was CARRIED unanimously.

13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.

14. ORGANISATIONAL PERFORMANCE

14.1 Assembly of Councillors

Purpose

1.1 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 Voss/Pearl

That Council:

2.1 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.
14.2 Proposed Tenancy Agreement - Elwood Croquet Club

Purpose

1.1 To seek Council’s approval to commence the statutory procedures under Section 190 of the Local Government Act 1989 and to enter into a new lease with the Elwood Croquet Club for the premises at 135A Ormond Esplanade, Elwood. This is within the assessment of strategic options phase of the PACE model.

MOVED Crs Crawford/Gross

That Council:

3.1 Resolves that the statutory procedures be commenced under Section 190 of the Local Government Act 1989 (‘the Act”) for a new lease with Elwood Croquet Club (ECC) by publishing a notice in the local newspaper inviting interested persons to make a submission under Section 223 of the Act for the proposed lease of the premises at 135A Ormond Esplanade, Elwood on the following key terms:

3.1.1 Proposed Tenant: Elwood Croquet Club (ECC).
3.1.2 Demised Premise: 135A Ormond Esplanade, Elwood.
3.1.3 Permitted Use: Croquet and associated activities.
3.1.4 Commencement Date: 1 January 2019.
3.1.5 Term: 3 years.
3.1.6 Rent: $707.64 per annum plus GST at the commencement of the lease, representing a significant subsidy of the market rental valuation of $58,000 completed in August 2018. Rent to be reviewed annually by CPI.

3.1.7 Maintenance: All maintenance, repairs and asset renewal to be undertaken by Council other than the croquet greens which are managed by the tenant. All other Outgoings (except for water) are the responsibility of the ECC.

3.2 Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions and advertise the lease as per under Section 223 of the Act.

3.3 Resolves to hear and consider any submissions received pursuant to Section 223 of the Act at the Council meeting to be held shortly after the closing date for submissions.

3.4 Although the market rental valuation is estimated to be $58,000 per annum plus GST, a discounted rent of $707.64 per annum plus GST is proposed to help support the club’s delivery of agreed community benefits and to allow for the implementation of the Property Policy and a review to be undertaken on the future use of the assets and possibility of a redevelopment of the site.

A vote was taken and the MOTION was CARRIED unanimously.
14.3 Property Policy - Communication and Engagement

Purpose

1.1. To provide an update on the development of a new Property Policy.
1.2. To seek endorsement of the proposed approach to communications and engagement for the development of a new Property Policy.
1.3. To seek approval to begin engagement with the community on key changes proposed to the management of the property portfolio as part of the development of a new Property Policy.

MOVED Crs Copsey/Bond

That Council:

3.1 Approves the proposed property guiding principles for a new Property Policy.
3.2 Endorses the approach to community and stakeholder engagement on proposed policy changes.
3.3 Authorises Officers to begin engagement with the community on key proposed policy changes.

A vote was taken and the MOTION was CARRIED unanimously.

15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Councillor Crawford acknowledged community member Teresa Warren for her recent nomination at the Victorian Government Awards for the Molly Hadfield award and the Francis Pennington award for her work in fostering resilience and community cohesion in social housing. Councillor Crawford thanked Ms Warren for her tireless work in this space.

Councillor Baxter reported the Association of Bayside Municipalities recently held elections for President, Vice Present and Executive and that Councillor Baxter was elected as President with Johnathan Marsden, Mayor of Hobsons Bay, being elected as Vice President.
17. **URGENT BUSINESS**

**MOVED Crs Baxter/Crawford**

That Council consider five items of urgent business in relation to proposed motions to the Australian Local Government Association National General Assembly.

**A vote was taken and the MOTION was CARRIED.**

**17.1 Housing**

**MOVED Crs Crawford/Brand**

That Council:

Submits the following motion to the Australian Local Government Association National General Assembly (June 2019):

That the National General Assembly (NGA) calls on all Federal political parties, including the Liberal Commonwealth Government, to commit to increased funding and action to address the growing problem of homelessness in Australia, by:

Developing a national plan to reduce homelessness which:

- Places the provision of affordable and social housing at the centre of the plan to reduce homelessness
- Is informed by Housing First principles of providing stable housing and quality, personalised support
- Includes the expansion of evidence based models, which have demonstrated success in ending homelessness, including Youth Foyers and Common Ground
- Establishes specific targets and strategies to reduce homelessness among indigenous Australian, who currently comprise 20% of Australians experiencing homelessness
- Includes sub strategies for people rough sleeping, women and children escaping family violence, older people, particularly older women, young people exiting care and juvenile justice, people exiting corrections and those with multiple and complex needs.

Developing a national Housing Plan which:

1. Makes affordable and social housing a priority with a long-term national housing plan with associated Ministerial portfolio to drive integrated reform across Government, at all levels of Government and across industry sectors.
2. Delivering housing related taxation instruments, and other incentives, that will increase the supply of affordable housing by attracting institutional and private investment with models like an enhanced ‘build to rent’ scheme that will create affordable private rental housing.
3. Addressing the funding gap between costs and rental income for low income households with subsidised rental, e.g. longer-term ‘NRAS’ type models, access to affordable finance etc.
4. Direct Government investment to grow the supply of community housing, and build the capacity of the community housing sector (e.g. Nation Building program).

**A vote was taken and the MOTION was CARRIED.**
17.2 Status Resolution Support Services

MOVED Crs Copsey/Simic

That Council:
Submits the following motion to the Australian Local Government Association National General Assembly (June 2019):
That the National General Assembly (NGA) calls on the Commonwealth Government to reverse its cuts to (and fully fund) the Status Resolution Support Services (SRSS) program.

A vote was taken and the MOTION was CARRIED.

17.3 ADANI Mine

MOVED Crs Simic/Baxter

That Council:
Submits the following motion to the Australian Local Government Association National General Assembly (June 2019):
That the National General Assembly (NGA) opposes the Adani mine in the Carmichael Basin of central Queensland.

A vote was taken and the MOTION was CARRIED.

Cr Simic called for a DIVISION.

FOR: Crs Voss, Baxter, Brand, Copsey, Gross and Simic
AGAINST: Crs Bond, Crawford and Pearl

A vote was taken and the MOTION was CARRIED.

17.4 National Waste Policy

MOVED Crs Baxter/Copsey

That Council:
Submits the following motion to the Australian Local Government Association National General Assembly (June 2019):
That the National General Assembly (NGA) calls on the Commonwealth Government to fast track the development and delivery of the National Waste Policy 2018 implementation plan, and for this plan to be fully funded.

A vote was taken and the MOTION was CARRIED unanimously.

17.5 Strengthen Telecommunications Act 1997

MOVED Crs Voss/Baxter

That Council:

Submits the following motion to the Australian Local Government Association National General Assembly (June 2019):

That the National General Assembly (NGA) calls on the Commonwealth Government to amend the Telecommunications Act 1997, to improve the existing standards for the delivery of so called “low impact” facilities, by introducing guidelines or other regulation that requires enhanced consultation with the community and other stakeholders and consideration of community amenity in the design and placement of facilities.

A vote was taken and the MOTION was CARRIED unanimously.

18. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 9.12pm.

Confirmed: 3 April 2019

Chairperson ________________________________