



ORDINARY MEETING OF COUNCIL

MINUTES

15 MAY 2019

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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 15 MAY 2019 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Peter Smith, Chief Executive Officer; Lili Rosic, 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; Brett Walters, Manager Environmental Sustainability; Anthony Traill, Manager Open Space and Recreation Services; George Borg, Manager City Development; Marc Jay, Coordinator City Permits; Peter Benazic, Manager Maintenance and Operations; Holli Taylor, Graffiti Management Officer; Ryan Plunkett, Coordinator Emergency Management; Joanne McNeill, Manager Asset Management and Property; Damian Dewar, Manager Strategy and Design; Craig McLean Head of City Design; Peter Liu, Coordinator Management Accounting and Financial Analysis.

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

An apology was received from Councillor Crawford.

Moved Crs Voss/Baxter

That an apology be received and a leave of absence granted to Councillor Crawford.

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

MOVED Crs Voss/Gross

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 1 May 2019 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

4. PETITIONS AND JOINT LETTERS

Item 4.1 – Petition requesting a child safe access gate at 85-87 Tennyson Street, Elwood

A Petition containing 29 signatures, was received from the Manager of the Elwood St Kilda Neighbourhood Learning Centre and surrounding community members.

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

Resident of the Area

A resident of the local area spoke against the petition.

Guilliams Steiner

Mr Steiner spoke against the petition.

Isaac Hermann

Mr Hermann presented images to Council of the Elwood Community House Reserve and spoke to the importance of retaining access to open space within the municipality.

Lynne Wittner

Ms Wittner spoke in support of the petition.

MOVED Crs Copsey/Baxter

That Council receives the Petition and notes that a response will be provided at a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.

5. SEALING SCHEDULE

Nil.



CONDOLENCE MOTION

The Mayor advised Councillors of the recent passing (on 6 May 2019) of Elaine Doreen Miller, a former Councillor of the City of St Kilda.

The Mayor noted that an item has been added to tonight's agenda item in recognition of the passing of former Councillor Miller, and spoke to Ms Miller's achievements and service to the community.

MOVED Crs Brand/Baxter

That Council

- Expresses its deep regret on the passing of Elaine Miller
- Offers its sincere condolences to her family
- Places on record its appreciation for her distinguished service to Local Government and in particular the City of St Kilda Council and the community that she served.

A vote was taken and the MOTION was CARRIED unanimously.

6. PUBLIC QUESTION TIME

Jack Halliday

Mr Halliday spoke on behalf of the Port Phillip Alliance for Sustainability and asked if the following two items can be followed up in the budget process:

- That the sustainability component of the budget be urgently reviewed and more realistic targets set; and
- That the number of sustainability objectives that are housed in other departments, specifically open space and asset management, be reviewed. In particular, the process of reviewing projects like tree planting and paving need to be facilitated at senior levels within Council.

Brett Walters, Manager Environmental Sustainability, responded that Mr Halliday's observations with respect to the level of budgeting associated with environmental sustainability initiatives will be taken as a submission for the budget process. Council officers are developing two implementation plans that relate to the Council's sustainability strategy 'Act and Adapt', the Water Sensitive City Plan and the Climate Response Plan which will incorporate specific actions relating to management of urban heat effects. The Climate Response Plan is scheduled for completion by July 2019.

Anthony Traill, Manager Open Space and Recreation Services, stated that in relation to the budget for Greening Port Phillip the current budget cycle proposes an additional \$100,000 over previous years. In relation to the decline in tree planting, this is a result of how far Council has progressed with the tree planting guide which expires in 2022 and has set targets for tree planting in the municipality. Some areas are more expensive to plant trees in due to the impact on roads and seals and therefore as Council progresses with this project the cost per tree planting increases.



Peter Smith, Chief Executive Officer, stated that in relation to inter-departmental integration he is aware that the Water Sensitive City Plan and the Climate Response Plan have involved all departments with responsibilities across the organisation and this is overseen by the Executive Leadership Team who believe sustainability is the responsibility of the whole organisation.

Jennifer Edge

Ms Edge asked what pre-emptive measures are included in the Draft Community Safety Action Plan regarding infrastructure works and remedy of issues. Ms Edge questioned in particular, utility pit covers, signage, street trees, support stakes and accompanying ties, and footpaths including regular audits along with reviewing same and improving communication and participation with Telstra, Vic Roads, Melbourne Board of Works, South East Water and any other City of Port Phillip Departments and/or stakeholders/power brokers, to ensure fast efficient and effective remedy of problems.

Fiona Blair, General Manager Infrastructure and Amenity, responded that in relation to the assets that are not Council's, we are currently reviewing our process for how we conduct audits when works have occurred on Council land, and how we can improve service delivery in this area. In relation to audits on infrastructure assets that Council owns, Council undertakes regular audits on footpaths, trees and roads, however Council is always looking at how we can improve service levels around our asset management.

Robbie Nyaguy

Mr Nyaguy asked the following questions:

- Does the St Kilda Land Act provide exemptions from any of the provisions of the Marina and Coastal Act 2018 and the Retail Leases Act 2003?
- Beyond leasing, what other areas of the St Kilda Land Act create a different standard in legislation, regulation and oversight?
- Would Council agree that it would be more consistent and optimal from a governance perspective to have a marina covered by the standard State wide acts rather than a standalone site specific land act?
- Would a repeal of the St Kilda Land Act impact on the current tender timeline?
- Does the City of Port Phillip current have a position on the repeal of the St Kilda Land Act?

Chris Carroll, General Manager Corporate and Customer Services, advised that he would take the questions on notice.

7. COUNCILLOR QUESTION TIME

Nil.

8. PRESENTATION OF CEO REPORT

Nil.



9. PEOPLE AND COMMUNITY

9.1 Victorian Mental Health Royal Commission

Purpose

- 1.1 To provide a submission to the Victorian Royal Commission into Mental Health Services as part of the consultation phase on behalf of the residents of the City of Port Phillip. (Terms of Reference form Attachment 1).
- 1.2 A draft submission is attached (Attachment 2).
- 1.3 The community consultation phase for the Royal Commission began on 5 April 2019 and it will receive submissions throughout April and May 2019 for the first phase.

MOVED Crs Voss/Bond

That Council:

- 3.1 Lodges the attached submission on behalf of Council with the Victorian Royal Commission into Mental Health Services during May 2019
- 3.2 Provides a copy to the Minister for Mental Health, and Member for Albert Park, The Hon. Martin Foley MP.
- 3.3 Delegates to the CEO the ability to make minor editorial amendments to the submission that do not materially alter the intent.

A vote was taken and the MOTION was CARRIED unanimously.

9.2 Multicultural Advisory Committee Terms of Reference and Communication Plan

Purpose

- 1.1 The purpose of this report is to seek Council's approval of the Terms of Reference (ToR) to establish the Multicultural Advisory Committee (MAC) and advise councillors of the process to recruit and engage members.

MOVED Crs Simic/Pearl

That Council:

- 3.1 Approves the draft Multicultural Advisory Committee Terms of Reference (attachment 1).
- 3.2 Notes that the Terms of Reference will be subject to further consultation and will be brought back for adoption at a future Council meeting.
- 3.3 Notes that the Terms of Reference currently state that the Chair and Deputy Chair are nominated from amongst the membership. This is similar to the Older Persons Consultative Committee which is an advisory committee of Council.

A vote was taken and the MOTION was CARRIED unanimously.



10. TRANSPORT AND PARKING

10.1 Paid Parking Fee Trial Evaluation: South Melbourne Precinct Findings and Recommendations

Purpose

To provide Council with an update on the findings from the South Melbourne parking fee trial evaluation and seek endorsement to changes to improve parking availability and ensure paid parking controls are simpler to understand and manage.

MOVED Crs Copsey/Baxter

That Council:

- 3.1 Notes the findings of the 12-month trial to remove the 10 minute free parking zones from South Melbourne.
- 3.2 Endorses the permanent removal of the 10 minute free parking zones from Coventry, Dorcas, Bank and Park streets in South Melbourne on 1 July 2019 to provide consistent municipal-wide application of paid parking.
- 3.3 Endorses changing parking controls on three (3) parking spaces on Dorcas Street, adjacent to the Childcare Centre at 219 Dorcas Street, to operate as free 10 minute parking spaces at pick-up and drop-off times between Monday and Friday, with paid parking to apply outside of these times.
- 3.4 Investigates the installation of in-ground parking sensors on Clarendon and surrounding streets of South Melbourne as part of the 2019/20 budget process, to better monitor parking availability and enable parking guidance technology via Council's PayStay smart phone application.
- 3.5 Thanks the community for providing feedback on the South Melbourne paid parking fee trial.

A vote was taken and the MOTION was CARRIED.

11. SUSTAINABILITY

11.1 Graffiti Management Plan 2019-2024

Purpose

To seek approval from Council to endorse the Graffiti Management Plan 2019-2024.

MOVED Crs Voss/Baxter

That Council:

- 3.1 Endorses the Graffiti Management Plan 2019-2024

A vote was taken and the MOTION was CARRIED unanimously.



12. PLANNING

12.1 Footpath Trading Fee Policy - Outcomes of Consultation and Consideration For Adoption

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

David Blakeley

Mr Blakeley addressed Council as President of the Fitzroy Street Business Association and spoke in support of the officers recommendation. Mr Blakeley asked how are the fees determined and how do they compare to other local Councils? Is there scope to further reduce the fees for community and trader benefit?

Purpose

For Council to consider adoption of the Footpath Trading Fee policy which has been updated to respond to feedback received during a five-week community engagement period.

MOVED Crs Copsey/Gross

That Council:

- 3.1 Thanks the community for the feedback provided during the consultation on the draft Footpath Trading Fee Policy.
- 3.2 Endorses the updated Footpath Trading Fee Policy commencing 2019/20 financial year, which introduces a 22-tier precinct based fee structure for outdoor dining fees, based on charging a rate of 20% of average retail rents for businesses without glass screens and 30% for those with glass screens.
- 3.3 Notes that from 2019/20 financial year the valuation data obtained on retail rents and used to adjust the rates charged for outdoor dining will be available annually.
- 3.4 Introduces a new 'Revitalisation' rate equivalent to the 'Tertiary' rate for outdoor dining for any businesses located within one of the 22 precincts where there is:
 - a) A reduction in the average retail rent of businesses, informed by valuation data commissioned by Council annually, and
 - b) A 20% or greater vacancy rate of ground floor commercial tenancies.
- 3.5 Endorses the following outdoor dining incentives to support businesses and encourage vibrancy, commencing 2019/20 financial year:
 - a) Discount outdoor dining fees by 50% for the first year, for any business where outdoor dining has not previously occurred, or for an existing business which has not provided outdoor dining for two years.
 - b) Discount outdoor dining fees by 100% for the first year in 'Revitalisation' rated areas, for any business where outdoor dining has not previously occurred, or for an existing business which has not provided outdoor dining for two years.



- c) Reduce the annual administrative renewal fee for all footpath trading permits to \$70.00 for the 2019/20 financial year.
 - d) Remove the \$113.55 planter box permit fee from the 2019/20 proposed Fees & Charges budget.
 - e) Provide discounts to footpath trading fees in locations affected by major building works including streetscape upgrades, with discounts based on the duration of the works and with the discounts applied on a case-by-case basis.
- 3.6 Supports businesses in the 'Acland Street Primary' and 'Acland Street Secondary' areas, by introducing the new precinct based fee structure for outdoor dining incrementally over two years, 2019/20 and 2020/21 financial years.
- 3.7 Advertises the changes to the Footpath Trading Fee policy on Council's website and notifies business associations and current outdoor dining permit-holders as part of the footpath trading renewal process for the 2019/20 financial year.
- 3.8 Notes any future changes to footpath trading fees within designated placemaking precincts endorsed by Council will need to align with the objectives of the placemaking program.
- 3.9 Notes implementation of the Footpath Trading Fee policy will result in \$97,000 (estimated) reduced income in Council's 2019/20 budget.

A vote was taken and the MOTION was CARRIED.

Cr Brand left the meeting at 7.40pm.

12.2 St Kilda Marina Project - Endorsement of the St Kilda Marina Site Brief

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

Robbie Nyaguy

Mr Nyaguy spoke in support of the report and raised some areas of concern.

Cr Brand returned to the meeting at 7.43pm.

Peter Tanner

Mr Tanner raised concerns around aspects of the site brief including the boatshed and Rollo's Kiosk.

Peter Holland

Mr Holland spoke to multiple aspects of the site brief and questioned the need for the planning scheme amendment.



Purpose

To present the St Kilda Marina Site Brief to Council for endorsement.

MOVED Crs Brand/Bond

That Council:

- 3.1 Endorses the St Kilda Marina Site Brief for the purposes of:
 - 3.1.1 Building a shared understanding of the site and the parameters of a future redevelopment of the site under a new long-term lease to deliver the vision and objectives, including the required outcomes and what is and is not permitted;
 - 3.1.2 Underpinning the procurement process for a new long-term lease; and,
 - 3.1.3 Forming the basis of a planning scheme amendment process.
- 3.2 Authorises the CEO to make minor editorial updates to the St Kilda Marina Site Brief that do not modify the intent of the Brief, including the following amendments:
 - 9.4.1.3 (mandatory)**
Provide a free, publicly accessible and active 'civic heart' of a minimum 700sqm area, with shelter and a connection to the water and boating activities **within the envelope shown on Figure 16, or an alternative location providing an equivalent level of amenity.**
 - 9.4.29 (moved from mandatory to discretionary)**
Structured carparking to be sleeved with active uses when addressing key public spaces.
 - 9.4.30 (mandatory)**
~~Some visibility of~~ Visible car parking structures must demonstrate design excellence and incorporate high quality screening. ~~is permissible from reserves, streets and pathways. Provide screening with high quality design and materials.~~

AMENDMENT

Moved Crs Copsey/Simic

That the following be added to 3.2:

9.4.2 (mandatory)

~~If a bridge is to be constructed as part of the proposal:~~ a peninsula promenade path (see figure 13, page 55) must **be constructed and** include a minimum 3m path for walkers, minimum 0.5m separator and bi-directional cycle path of 2.5m.

9.4.3 – remove entirely

~~If a bridge is not to be constructed as part of the proposal:~~ a peninsula promenade path (see figure 13) must include a minimum 4m wide pedestrian priority shared path. Provision must be made for the widening of this path as an outcome of a future bridge, to a minimum 3m for walkers, minimum 0.5m separator and 2.5m bidirectional cycle path.

9.4.9 – remove entirely

A vote was taken and the AMENDMENT was TIED.



The Mayor used his casting vote and the AMENDMENT was LOST.

Cr Copsey called for a DIVISION.

FOR: Crs Voss, Baxter, Copsey and Simic

**AGAINST: Crs Bond, Brand, Gross and Pearl
Cr Gross (casting vote)**

A vote was taken and the AMENDMENT was LOST.

AMENDMENT

Moved Crs Copsey/Baxter

That the following be added to 3.2:

9.4.12 (mandatory)

Provide a diverse network of publicly accessible places to suit a variety of needs and user groups, including: activity-based (strolling), events (seasonal) and quiet public places throughout the marina site. Publicly accessible open space equivalent to an area of ~~20 percent~~ **25 percent** of the total unencumbered land area within the Marina project area.

9.4.24 (desirable)

Additional open space beyond ~~20 per cent~~ **25 per cent** of the total unencumbered land area, and a diversity of spaces.

A vote was taken and the AMENDMENT was LOST.

Cr Copsey called for a DIVISION.

FOR: Crs Baxter, Copsey and Simic

AGAINST: Crs Bond, Voss, Brand, Gross and Pearl

A vote was taken and the MOTION was LOST.

The SUBSTANTIVE MOTION was PUT.

MOVED Crs Brand/Bond

That Council:

3.1 Endorses the St Kilda Marina Site Brief for the purposes of:

- 3.1.1 Building a shared understanding of the site and the parameters of a future redevelopment of the site under a new long-term lease to deliver the vision and objectives, including the required outcomes and what is and is not permitted;
- 3.1.2 Underpinning the procurement process for a new long-term lease; and,
- 3.1.3 Forming the basis of a planning scheme amendment process.



- 3.2 Authorises the CEO to make minor editorial updates to the St Kilda Marina Site Brief that do not modify the intent of the Brief, including the following amendments:

9.4.1.3 (mandatory)

Provide a free, publicly accessible and active 'civic heart' of a minimum 700sqm area, with shelter and a connection to the water and boating activities **within the envelope shown on Figure 16, or an alternative location providing an equivalent level of amenity.**

9.4.29 (moved from mandatory to discretionary)

Structured carparking to be sleeved with active uses when addressing key public spaces.

9.4.30 (mandatory)

~~Some visibility of~~ Visible car parking structures must demonstrate design excellence and incorporate high quality screening. ~~is permissible from reserves, streets and pathways. Provide screening with high quality design and materials.~~

A vote was taken and the MOTION was CARRIED.

14. ORGANISATIONAL PERFORMANCE

14.5 Alteration to Council Meeting Cycle 2019

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

Robbie Nyaguy

Mr Nyaguy raised concerns around the timeline for the Every Child, Our Future: Policy Issues and Options Paper in relation to the date of the Federal election.

Purpose

To alter the 2019 Council Meeting schedule by:

- 1.1 Amending the time of the Special Meeting of Council (Budget submissions hearing currently scheduled for 6.30pm Tuesday, 4 June 2019 to 5.30pm on that date;
- 1.2 Adding an additional Special Meeting of Council (Every Child, Our Future: Policy Issues and Options Paper - Hearing of Submissions) to be held on Wednesday 29 May 2019.

MOVED Crs Pearl/Copsey

That Council:

- 3.1 Notes that the Mayor, under section 84(1) of the Local Government Act 1989, has called for a Special Meeting of Council to be held at 6.30pm on Wednesday 29 May 2019 in the Council Chamber of the St Kilda Town Hall for the purposes of hearing submissions on Every Child, Our Future: Policy Issues and Options Paper.
- 3.2 Amends the time of the Special Meeting of Council (Budget submissions hearing currently scheduled for 6.30pm Tuesday, 4 June 2019 to 5.30pm on that date.

A vote was taken and the MOTION was CARRIED unanimously.



The Mayor called for a break at 9.22pm.

The Meeting resumed at 9.28pm.

13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.

14. ORGANISATIONAL PERFORMANCE

14.1 Quarterly Financial Report - March 2019

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

Councillor Voss asked the following question:

- In relation to the material adjustments and the one-off grant received from the Department of Treasury for the property valuation transition costs, have we expended all \$155,000?

Chris Carroll, General Manager Corporate and Customer Services, advised that the transition funding would likely be insufficient to cover all costs, but he would take this question on notice and provide further details.

Purpose

- 1.1 To provide Council with an overview of the financial results of the March 2019 Quarter.

MOVED Crs Copsey/Voss

That Council:

- 3.1 Notes that following the March 2019 quarter financial review the organisation is projecting a full year net cash surplus of \$1.17 million which is favourable compared to budgeted cash surplus of \$0.68 million.
- 3.2 Notes the enterprise efficiency savings of \$2.2 million which has been incorporated into draft Budget 2019/20.
- 3.3 Notes attachment 1 – Financial Statements with accompanying explanatory notes and the Aged Debtor Balance Report.

A vote was taken and the MOTION was CARRIED unanimously.



14.2 Municipal Emergency Management Plan (MEMPlan) Audit

Purpose

To seek approval from Council to endorse the Municipal Emergency Management Plan, Version 23.0, dated 26 April 2019 (MEMPlan).

MOVED Crs Simic/Gross

That Council:

- 3.1 Notes that it is a legislative requirement for Council to appoint a Municipal Emergency Management Planning Committee and to maintain a Municipal Emergency Management Plan under the Emergency Management Act 1986 and the Emergency Management Act 2013.
- 3.2 Endorses the Municipal Emergency Management Plan (MEMPlan).
- 3.3 Notes the three yearly audit will be conducted in June 2019 and will be coordinated by State Emergency Services, Victorian Police and Department of Health and Human Services.

A vote was taken and the MOTION was CARRIED unanimously.

14.3 Proposed Lease with Elwood Croquet Club - Completion of Statutory Procedures

Purpose

To seek Council's approval to complete the statutory procedures under Section 190 of the Local Government Act 1989 (Vic) "(Act)" and finalise the proposed lease with the Elwood Croquet Club for the premises at 135A Ormond Esplanade, Elwood.

MOVED Crs Voss/Bond

That Council:

- 3.1 Not having received any submissions in response to the Notice of Intension to Lease the property at 135A Ormond Esplanade, Elwood to Elwood Croquet Club (ECC), resolves to conclude the statutory procedures under Section 190 and 223 of the Local Government Act 1989 and approves the proposed tenancy agreement to the Tenant.
- 3.2 Authorises the Chief Executive Officer or delegate to execute such tenancy agreement on the key terms outlined below:
 - Tenant: Elwood Croquet Club (ECC).
 - Demised Premise: 135A Ormond Esplanade, Elwood.
 - Permitted Use: Croquet and associated activities.
 - Commencement Date: 1 January 2019.
 - Term: 3 years with no further Options.



Rent: \$707.64 per annum plus GST
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.

- 3.3 Notes that ECC use recycled water for most of their water usage with any shortfall coming from the mains water which is paid for by Council.
- 3.4 Notes that whilst the market rental valuation is \$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. 3-year short term lease will allow for the implementation of a new Property Policy currently in development 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.

14.4 Assembly 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 Pearl/Gross

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.

15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Nil.

17. URGENT BUSINESS

Nil.



18. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 9.42pm.

Confirmed: 5 June 2019

Chairperson _____