



ORDINARY MEETING OF COUNCIL

MINUTES

5 DECEMBER 2018



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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 5 DECEMBER 2018 IN ST KILDA TOWN HALL**

The meeting opened at 6:00pm.

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; Lili Rosic, General Manager City Strategy and Strategic Development; Tony Keenan, Interim 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, Lisa Davis, Portfolio Director, Lachlan Johnson, Manager Project Services, Mary McGorry, Manager Diversity and Inclusion, Anthony Traill, Manager Open Space and Recreation Services, John Bartels, Acting Manager Transport Choices, Mauro Vella, Coordinator Waste Management Services, Katrina Terjung Principal Strategic Advisor.

The City of Port Phillip respectfully acknowledges the Yaluk-ut 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 Voss/Baxter

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 21 November 2018 be confirmed.

That the minutes of the Special Meeting of the Port Phillip City Council held on 28 November 2018 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



4. PETITIONS AND JOINT LETTERS

Item 4.1 – Cash for Containers

A Petition containing 51 signatures, was received by Council at the Ordinary Council Meeting on 7 November 2018

MOVED Crs Voss/Bond

That Council:

- 1.1 Supports the establishment of a state-wide Container Deposit Scheme (CDS) in Victoria, subject to the following conditions:
 - 1.1.1 That any scheme introduced has significant consultation with local government;
 - 1.1.2 That a network of container return locations at point-of-sale are developed prior to implementation;
 - 1.1.3 That any scheme introduced ensures any revenues arising will be used to further support litter management programs;
 - 1.1.4 That sufficient resourcing and funding is allocated to the ongoing monitoring and management of dumped waste related to the Scheme;
 - 1.1.5 Refund levels are set appropriately to reinforce desired behaviours;
 - 1.1.6 That the exclusions of certain classes of beverage containers from any new scheme are minimised, preventing confusion and potential littering;
 - 1.1.7 That the performance of any new scheme is transparently and regularly reported to the community;
 - 1.1.8 That the Scheme is fully self-funded and that any costs to Council resulting from its implementation are fully recovered through the Scheme.
- 1.2 Writes to the relevant member of the Victorian Parliament, advising that Council has resolved to support the introduction of the Container Deposit Scheme and urges the State government to pass legislation to introduce this Scheme into Victoria subject to the conditions listed in section 1.1 above.
- 1.3 Thanks petitioners for their submission and advises the Petition organiser of the outcome.

AMENDMENT

Moved Crs Copsey/Baxter

That the words 'and/or waste reduction' be added before the word 'programs' in section 1.1.3 of the recommendation.

A vote was taken and the AMENDMENT was CARRIED.



The AMENDMENT then became the SUBSTANTIVE MOTION.

Moved Crs Voss/Bond

- 1.1 Supports the establishment of a state-wide Container Deposit Scheme (CDS) in Victoria, subject to the following conditions:
 - 1.1.1 That any scheme introduced has significant consultation with local government;
 - 1.1.2 That a network of container return locations at point-of-sale are developed prior to implementation;
 - 1.1.3 That any scheme introduced ensures any revenues arising will be used to further support litter management and/or waste reduction programs;
 - 1.1.4 That sufficient resourcing and funding is allocated to the ongoing monitoring and management of dumped waste related to the Scheme;
 - 1.1.5 Refund levels are set appropriately to reinforce desired behaviours;
 - 1.1.6 That the exclusions of certain classes of beverage containers from any new scheme are minimised, preventing confusion and potential littering;
 - 1.1.7 That the performance of any new scheme is transparently and regularly reported to the community;
 - 1.1.8 That the Scheme is fully self-funded and that any costs to Council resulting from its implementation are fully recovered through the Scheme.
- 1.2 Writes to the relevant member of the Victorian Parliament, advising that Council has resolved to support the introduction of the Container Deposit Scheme and urges the State government to pass legislation to introduce this Scheme into Victoria subject to the conditions listed in section 1.1 above.
- 1.3 Thanks petitioners for their submission and advises the Petition organiser of the outcome.

A vote was taken and the MOTION was CARRIED.

Cr Copsey called for a DIVISION.

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

AGAINST: Cr Gross

A vote was taken and the MOTION was CARRIED.



Item 4.2 Elwood Beach Car Park drop off zone for Lady Forster Kindergarten

A Petition containing 57 signatures, was received from users of the Elwood Beach Car Park for Kinder drop off and pick up at Lady Forster Kindergarten.

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

Bernadette Snowden

Ms Snowden addressed Council as the organiser of the petition and thanked Council for allowing her time to speak to her petition requesting ten minutes free parking for a drop off zone at Lady Forster Kindergarten. Ms Snowden described the current issues that parents and caregivers are currently experiencing dropping off and picking up children at the Kindergarten.

MOVED Crs Pearl/Crawford

That Council receives and notes the Petition and provides a response at a future Council Meeting.

A vote was taken and the MOTION was CARRIED.

5. SEALING SCHEDULE

Nil.

6. PUBLIC QUESTION TIME

Tanya Canfield

Ms Canfield directed her question to Peter Smith, CEO, and Lili Rosic, General Manager City Strategy and Sustainable Development. Ms Canfield spoke to issues of site contamination at 41-49 Bank Street and asked why the City of Port Phillip has not put a stop notice on the site to prevent any works from occurring?

Lili Rosic, General Manager City Strategy and Sustainable Development, responded that Council is aware of this building site and did not issue a stop notice as there was no reason to do so due to the Municipal Building Surveyor advising that the site does not meet the criteria for such action. Ms Rosic advised that site inspections have occurred recently, including on 7 November, by a licensed asbestos assessor and WorkSafe. A clearance certificate has been provided to WorkSafe in accordance with legislative requirements. WorkSafe advises that the site does not pose a danger to the public. Council is satisfied with the information provided by WorkSafe. Any new information or further requests for information relating to the clearance of the site should be directed to WorkSafe, as advised previously.

MINUTES - ORDINARY MEETING OF COUNCIL - 5 DECEMBER 2018



Deborah Holland

Ms Holland spoke regarding the large drumming group gatherings on the St Kilda foreshore area and asked what is Council going to do to stop these events from occurring each Thursday night?

Fiona Blair, General Manager Infrastructure and Amenity, responded that Council has had issues in the past with the drumming groups and that the Local Laws team have been working in collaboration with the Police to address amenity issues caused by the drumming. Ms Blair stated that Yvonne Hansen, Manager Safety and Amenity, would be in contact with Ms Holland to discuss ongoing issues.

Jennifer Edge

Ms Edge asked the following questions:

- When will the City of Port Phillip provide the community with an announcement regarding the return of the children's play equipment to the Rotary children's park next to the Stokehouse? Together with the reinstallation of safety lighting near the play area, and sign posting of the seasonal static closing times for both disabled and women's toilets, especially at South Beach opposite Luna Park?
- Are Councillors are aware of, and having input to, City of Port Phillip policy by improving community engagement and consultation in response to the recently passed Local Government Act changes effective on the 1st of January?
- What changes and actions are City of Port Phillip committed to to enable community education, timely and effective enforcement, follow up and if needed prosecution, in relation to the new residential noise regulations, effective 13 October 2018 via the Environmental Protection Amendment Bill 2018?

Anthony Traill, Manager Open Space and Recreation Services, responded that Council Officers have been working directly with Rotary to develop a program to return the area to a playground facility and will undertake community consultation for development of the area in 2019.

Kylie Bennetts, Director Office of the CEO, advised that in early 2018 an Amendment Bill was introduced to Parliament to significantly overhaul the Local Government Act however the Bill was not passed in the previous term of Parliament and we are waiting to see if the Bill is reintroduced in the next term of Parliament.

Lili Rosic, General Manager City Strategy and Sustainable Design, advised that there are noise regulations under the EPA that are investigated by Council Officers but would take the question on notice in regards to the particular clause raised by Ms Edge.



7. COUNCILLOR QUESTION TIME

Councillor Voss asked for clarification around who is responsible for the bit of wood that is next to the Kerferd Road Pier, which is next to the Albert Park Angling Club. Who is fixing it and at what cost?

Anthony Traill, Manager Open Space and Recreation Services, responded that the piece of wood is part of Council's sewerage network and is a Council asset. Fixing the issue will occur at the end of the Kerferd Road Pier works that are currently occurring. The budget to fix this will be built into the next budget cycle.

Councillor Pearl asked why extra security guards were present for tonight's Council Meeting?

Kylie Bennetts, Director Office of the CEO, responded that a security assessment occurs prior to each Council Meeting to ensure the safety of Councillors, staff and the public is carefully considered. Due to the high number of items on the agenda, together with the increase in expected turnout of the community, extra security was requested as part of safety planning for tonight. Ms Bennetts stated that she is happy to provide more information to Councillors outside of the meeting forum.

8. PRESENTATION OF CEO REPORT

Nil.



9. PEOPLE AND COMMUNITY

9.1 JL Murphy Reserve Pavilion Upgrade Tender Award

Purpose

- 1.1 To seek Council's approval to enter into contract number 2165 between City of Port Phillip and Ausbuild Pty Ltd for the construction of the JL Murphy Reserve Pavilion Upgrade.

MOVED Crs Simic/Voss

That Council:

- 3.1 Notes that Ausbuild's Construction's Best and Final Offer price increased by \$37,675, bringing their total tendered price to \$3,381,620 (inclusive of GST).
- 3.2 Enter into Contract 2165 with Ausbuild Constructions Pty Ltd for the construction of the JL Murphy Pavilion Upgrade.
- 3.3 Note that the contract value is \$3,381,620 inclusive of GST (\$3,074,200 excluding GST) and is made up of the following:
 - 3.3.1 a fixed lump sum of \$3,326,620 inclusive of GST (\$3,024,200 excluding GST)
 - 3.3.2 a provisional sum price of \$55,000 inclusive of GST (\$50,000 excluding GST)
- 3.4 Notes that works are expected to take approximately 14 months, with the building ready to be reoccupied in February-March 2020.
- 3.5 Affixes the Common Seal of the Port Phillip City Council to Contract 2165 between the Council and Ausbuild Construction Pty Ltd.

A vote was taken and the MOTION was CARRIED.



9.2 In Our Backyard Action Plan - Consultation outcome

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

Frank O'Connor

Mr O'Connor addressed Council as Chair of HousingFirst Ltd. Mr O'Connor congratulated Council on its commitment of \$30million dollars over 10 years to go towards affordable housing and talked to the history of the Council's commitment to providing affordable housing. Mr O'Connor also addressed the submissions from HousingFirst to Council on this issue.

Brenda Forbath

Ms Forbath spoke on behalf of the Community Alliance of Port Phillip and spoke to the submission provided by the Alliance for the In Our Backyard Action Plan. Ms Forbath spoke to the principles the Alliance believes Council should be considering in decision making.

The following question was taken on notice during the discussion of the item:

Councillor Simic asked how many staff are currently engaged in the social housing area and how much has been spent on consultation so far. Councillor Simic also asked what proposal is in place for appropriate capability, in terms of experience required and cost.

Tony Keenan, Interim General Manager Community and Economic Development, took the question on notice.

Purpose

1.1 For Council to consider:

- Submissions received during the 4-week community consultation on the draft *In Our Backyard Action Plan 2018-2019*, prepared in response to the findings and recommendations of the SGS loBY Review.
- Adoption of the *In Our Backyard Action Plan 2018-2019*, updated to respond to feedback received during the community consultation phase.

MOVED Crs Gross/Crawford

That Council:

- 3.1 Adopts the In Our Backyard Action Plan 2018-2019, as provided at Attachment 2, inclusive of updates that respond to feedback during consultation.
- 3.2 Writes to thank HousingFirst Ltd, South Port Community Housing Group, St Kilda Community Housing and the Community Alliance of Port Phillip for their contribution during the loBY review process, and to all submitters for their response to the draft Action Plan.
- 3.3 Authorises the Chief Executive Officer to make minor editorial updates to the adopted Plan, if required.

A vote was taken and the MOTION was CARRIED unanimously.



9.3 Draft Community Safety Plan - public exhibition

Purpose

- 1.1 To seek Council endorsement for the public exhibition of the draft Community Safety Plan 2018-2022.

MOVED Crs Simic/Baxter

That Council:

- 3.1 Approves the draft Community Safety Plan (Attachment A) for public exhibition for a minimum of six weeks; and
- 3.2 Authorises the Chief Executive Officer to make the following substantive editorial amendments:
 - 3.2.1 Including further articulation and emphasis on actual crime data;
 - 3.2.2 Removing overemphasis on perception of safety as key measure;
 - 3.2.3 Strengthening priority area 2 which talks about crime prevention to outline some of the preventative measures council has control over, including outreach workers.

In addition to any other minor editorial amendments, which don't substantially change the Community Safety Plan, prior to the exhibition of the draft Community Safety Plan.

- 3.3 Notes that the Community Safety Plan is a draft intended to inform an engagement process with the community and stakeholders, including Victoria Police, academic institutions, peak bodies and networks such as the Older Persons Consultative Committee.
- 3.4 Notes that the completed draft plan will be considered by Council after community engagement process in April 2019.

AMENDMENT

MOVED Crs Voss/Gross

That Council removes line item 3.2.2.

A vote was taken and the AMENDMENT was CARRIED.



The AMENDMENT became the SUBSTANTIVE MOTION:

MOVED Crs Simic/Baxter

That Council:

- 3.1 Approves the draft Community Safety Plan (Attachment A) for public exhibition for a minimum of six weeks; and
- 3.2 Authorises the Chief Executive Officer to make the following substantive editorial amendments:
 - 3.2.1 Including further articulation and emphasis on actual crime data;
 - 3.2.2 Strengthening priority area 2 which talks about crime prevention to outline some of the preventative measures council has control over, including outreach workers.

In addition to any other minor editorial amendments, which don't substantially change the Community Safety Plan, prior to the exhibition of the draft Community Safety Plan.

- 3.3 Notes that the Community Safety Plan is a draft intended to inform an engagement process with the community and stakeholders, including Victoria Police, academic institutions, peak bodies and networks such as the Older Persons Consultative Committee.
- 3.4 Notes that the completed draft plan will be considered by Council after community engagement process in April 2019.

A vote was taken and the MOTION was CARRIED.



9.4 CCTV: Acland Street and the St Kilda Entertainment precinct

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

Jason Rouda

Mr Rouda thanked Cr Voss for her three years of service of Mayor and spoke in support of the implementation of CCTV in the Acland Street precinct.

Jenni Roper

Ms Roper spoke in support of the implementation of CCTV in St Kilda particularly in order to support local police to ensure community safety.

Paul Rudd

Mr Rudd, Senior Sergeant of the St Kilda police station, spoke in support of CCTV and raised the importance of technology in the policing role. Mr Rudd discussed the areas in which CCTV would greatly assist police to successfully carry out their role in the community. Mr Rudd stated that Victoria Police are looking forward to working collaboratively with Council and State government to address the drivers and causes of risk, harm and crime in the area.

Janet Rosenberg

Ms Rosenberg requested that Council accept the state government funding offer for CCTV in the Acland Street precinct and spoke to the perceived benefits of CCTV in the precinct.

Mary Stewart

Ms Stewart spoke in support of Council accepting the State Government funding offer for CCTV in the Luna Park forecourt, Palais Theatre area, Acland street and surrounds. Ms Stewart noted that many local traders made submissions to State Government for allocation of this funding to CCTV provision.

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

Councillor Pearl asked if it was possible to tap into the number of CCTV Vic Roads has across the city, and if there ever been an investigation to see if we could use that existing infrastructure for this purpose?

Councillor Voss asked if the term target hardening could be elaborated in terms of open space.

Purpose

- 1.1 To inform Councillors of the offer of funding presented to the City of Port Phillip by the Victorian State Government to support and extend CCTV from the St Kilda Foreshore to the Upper Esplanade, Acland Street, the entertainment precincts of the Palais and National Theatres and the Luna Park forecourt, and to recommend a Council response.



MOVED Crs Bond/Pearl

That Council:

- 3.1 Notes that the Port Phillip Municipal Health and Wellbeing Plan identifies Crime Prevention Through Environmental Design (CPTED) and Community Safety Audits in partnership with local communities as one of the primary methods to address community safety concerns
- 3.2 Notes that the first year Fitzroy Street Evaluation findings did identify significant improvements around perceptions of safety since the installation of CCTV but the two-year Fitzroy Street CCTV trial will not be complete and fully evaluated until March 2019.
- 3.3 Notes that as much data as possible from the CCTV installation on Little Grey Street, resolved on 4 April 2018, and recently installed, will be included in the Fitzroy Street evaluation.
- 3.4 Acknowledges the increasing concern of some residents and Victoria Police regarding community safety in parts of the City of Port Phillip including the Upper Esplanade, Acland Street, the entertainment precincts of the Palais and National Theatres and the Luna Park forecourt, and the increasing requests for CCTV to be installed.
- 3.5 Accepts the offer from the Victorian Government to fund additional CCTV to the Upper Esplanade, Acland Street and the entertainment precincts of the Palais and National Theatres and Luna Park forecourt, as a part of the broader package of public safety initiatives.

A vote was taken and the MOTION was CARRIED.

Cr Pearl called for a DIVISION.

FOR: Crs Bond, Voss, Brand, Crawford, Gross and Pearl

AGAINST: Crs Baxter, Copsey and Simic

A vote was taken and the MOTION was CARRIED.

The Mayor called for a break in the meeting at 8.26pm.

The meeting resumed at 8.38pm.



9.5 Submissions requesting alcohol restrictions and glass enforcement at St Kilda foreshore

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

Jennifer Edge

Ms Edge requested that Council gives local laws patrols, coupled with more State funding, the opportunity to effect positive cultural change.

Paul Shannon

Mr Shannon spoke as the General Manager of Life Saving Victoria and stated that a third of drowning deaths are alcohol related. Mr Shannon spoke in support of an alcohol ban on the St Kilda foreshore area and provided Council with information in relation to the benefits of a ban.

Corey Lovell

Mr Lovell spoke as President of St Kilda Life Saving Club. Mr Lovell spoke to the need of cultural change to enable positive effect on the foreshore and to his belief that restricting alcohol and introducing CCTV will take steps to achieve this change. Mr Lovell stated that he understands that an alcohol ban is not the ultimate solution but it's the right step for the community for now.

Angela Dawson

Ms Dawson thanked Council for considering banning alcohol on the foreshore for another season and requested that Council reinstate the alcohol ban.

Matt Butta

Mr Butta spoke as the General Manager of Luna Park and described the activities on the foreshore as a unregulated party. Mr Butta strongly urged Council to introduce a permanent alcohol ban on the foreshore.

Travis Atkins

Spoke in support of enforcing a permanent alcohol ban on the St Kilda foreshore and spoke to the detrimental effects of unregulated alcohol in the foreshore area.

Roy Trkulja

Mr Trkulja described his experiences witnessing gang violence in the area and advised local residents are feeling unsafe in their own community. Mr Trkulja spoke in support of measures to address safety in the St Kilda foreshore area.

David Blakeley

Mr Blakeley spoke in support of the introduction of an alcohol ban on the foreshore and stated that he is happy to forego his right to drink on the beach if it empowers Police to return enjoyable amenity to the area.

MINUTES - ORDINARY MEETING OF COUNCIL - 5 DECEMBER 2018



Fran Van Haandel

Mr Van Handel spoke on behalf of the Stokehouse restaurant and stated that an alcohol ban is no longer enough to tackle the antisocial behaviour occurring in the foreshore area. Mr Van Handel expressed his concerns that Council is not doing enough to support the police to do their jobs in keeping the community safe.

Kathryn McKay

Ms McKay described her experiences of witnessing glass on the foreshore and the various antisocial activity that she has noticed in the St Kilda foreshore area recently. Ms McKay stated her hope that Council and State Government strategies can curtail the antisocial behaviour.

Local Area Inspector Jason Kelly

Inspector Kelly spoke as the local area Police Inspector for the City of Port Phillip. Inspector Kelly thanked Council for the work that has been done to increase safety on the foreshore in the last 12 months. Inspector Kelly requested that Council introduces a alcohol ban on the foreshore in order to curtail the increasing antisocial behaviour occurring in the St Kilda Foreshore area. Inspector Kelly stated that Police need more support from Council in order to ensure community safety.

Gary Mink

Mr Mink described his experiences as a business owner in the foreshore area. Spoke to his belief that more police on patrol would be more effective than alcohol bans and that a permanent alcohol ban would have a detrimental effect on foreshore traders due to reduced customer numbers.

Jason Rouda

Mr Rouda stated that he fully supports an alcohol ban and is currently unwilling to spend time on the foreshore with his family due to safety concerns from alcohol induced people.

Jane Bersin

Ms Bersin described her negative experiences with antisocial behaviour on the foreshore and spoke in support of the alcohol ban together with the need for a higher police presence.

Jenni Roper

Ms Roper stated that she would easily give up her right to drink a glass of wine on the beach in order to increase public safety for the community on the foreshore. Ms Roper spoke in support of the proposed alcohol ban.

Darren Robinson

Mr Robinson spoke to the antisocial behaviour occurring within St Kilda and encouraged Council to introduce a permanent alcohol ban on the foreshore.



Mary Stuart

Ms Stuart spoke in favour of the officers recommendation and described the benefits felt during the alcohol ban that was in force during the last summer period.

Purpose

- 1.1 To respond to submissions from St Kilda Tourism and Events (joint letter), Victoria Police and St Kilda Life Saving Club requesting consideration of greater alcohol restrictions on St Kilda foreshore, provided as Attachment 1.
- 1.2 To respond to submission from St Kilda Tourism and Events (joint letter) to provide appropriate resources at appropriate times of the day to enforce the existing glass restriction on the foreshore.

MOVED Crs Bond/Crawford

That Council:

- 3.1 Implements alcohol restriction Option 3 – Ongoing seasonal restriction for St Kilda Foreshore.
- 3.2 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1, to designate alcohol restrictions along the St Kilda foreshore precinct from 12.01 am on 1 November to 11.59 pm on 31 March inclusive. The St Kilda foreshore is defined as waters and Crown land within the municipality boundary up to the adjoining road, and includes all beaches, reserves, parkland and carpark from Langridge Street to Thackeray Street, St Kilda.
- 3.3 Further amends the City of Port Phillip Procedures and Protocols Manual section 54.1, sections (a) to (k), to reflect this resolution of Council, to remove the provisions of that section that are made redundant by this resolution, and to reorder the clauses of section 54.1 to simplify and clearly define the intent of the section.
- 3.4 Publishes the amendments to its Procedures and Protocols Manual 1 September 2013 in the Victoria Government Gazette and updates Council's website with these changes.
- 3.5 Notes that a Community Safety Plan is being developed that prioritises:
 - Safer Places, streets and activity centres,
 - Crime prevention and harm minimisation, and
 - A welcoming, inclusive and resilient community.
- 3.6 Notes the Community Safety Plan will take a holistic, multi facet approach to community safety and that the community will have the opportunity to provide feedback on the plan along with industry experts, stakeholders, traders and visitors.



- 3.7 Notes alcohol restrictions are a key component of ensuring that the St Kilda foreshore is a safe and welcoming place for all and the proposed alcohol restrictions will be implemented in combination with a range of other actions that are currently underway.
- 3.8 Notes Council has additional resources as part of the Visitor and Summer Management program to implement the existing by-law pertaining to glass ban on the foreshore at appropriate times of the day.

AMENDMENT

Moved Crs Brand/Copsey

That Council add an additional 3.9

- 3.9 Conduct an interim review of the effectiveness of the alcohol restrictions after March 2019 and before August 2019.

Cr Bond called for a DIVISION.

FOR: Crs Baxter, Brand, Copsey, Gross and Simic

AGAINST: Crs Bond, Voss, Crawford and Pearl

A vote was taken and the AMENDMENT was CARRIED.

The AMENDMENT became the SUBSTANTIVE MOTION:

MOVED Crs Bond/Crawford

That Council:

- 3.1 Implements alcohol restriction Option 3 – Ongoing seasonal restriction for St Kilda Foreshore.
- 3.2 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1, to designate alcohol restrictions along the St Kilda foreshore precinct from 12.01 am on 1 November to 11.59 pm on 31 March inclusive. The St Kilda foreshore is defined as waters and Crown land within the municipality boundary up to the adjoining road, and includes all beaches, reserves, parkland and carpark from Langridge Street to Thackeray Street, St Kilda.
- 3.3 Further amends the City of Port Phillip Procedures and Protocols Manual section 54.1, sections (a) to (k), to reflect this resolution of Council, to remove the provisions of that section that are made redundant by this resolution, and to reorder the clauses of section 54.1 to simplify and clearly define the intent of the section.

MINUTES - ORDINARY MEETING OF COUNCIL - 5 DECEMBER 2018



- 3.4 Publishes the amendments to its Procedures and Protocols Manual 1 September 2013 in the Victoria Government Gazette and updates Council's website with these changes.
- 3.5 Notes that a Community Safety Plan is being developed that prioritises:
 - Safer Places, streets and activity centres,
 - Crime prevention and harm minimisation, and
 - A welcoming, inclusive and resilient community.
- 3.6 Notes the Community Safety Plan will take a holistic, multi facet approach to community safety and that the community will have the opportunity to provide feedback on the plan along with industry experts, stakeholders, traders and visitors.
- 3.7 Notes alcohol restrictions are a key component of ensuring that the St Kilda foreshore is a safe and welcoming place for all and the proposed alcohol restrictions will be implemented in combination with a range of other actions that are currently underway.
- 3.8 Notes Council has additional resources as part of the Visitor and Summer Management program to implement the existing by-law pertaining to glass ban on the foreshore at appropriate times of the day.
- 3.9 Conduct an interim review of the effectiveness of the alcohol restrictions after March 2019 and before August 2019.

Cr Pearl called for a DIVISION.

FOR: Crs Bond, Voss, Brand, Crawford, Gross and Pearl

AGAINST: Crs Baxter, Copsey and Simic

A vote was taken and the MOTION was CARRIED.

The Mayor called for a break in the meeting at 10.22pm.

The meeting resumed at 10.30pm.



10. TRANSPORT AND PARKING

10.1 Managing Dockless Electric Scooters

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

George Morrison

Mr Morrison spoke on behalf of 'Lime', an electric scooter company and requested that Council remove item 3.3 from the officers recommendation due to current outdated regulations. Mr Morrison asked Council to revisit and redesign the current regulatory framework surrounding dockless electric scooters.

Robert Morrison

Mr Morrison spoke on behalf of 'Ride' electric scooters and discussed the work the company has been doing with State Government to establish their electric scooter product within Victoria.

Purpose

- 1.1 To seek a Council endorsement of the proposal to manage shared electric scooters that may be deployed in the municipality.

MOVED Crs Crawford/Copsey

That Council:

- 3.1 Notes that electric scooter operators may commence service provision within the municipality;
- 3.2 Endorses the Chief Executive Officer to work in partnership with other councils and organisations to manage and respond to shared transport services providers;
- 3.3 Writes to Victorian Government Transport Minister and agencies including VicRoads and Transport for Victoria advocating to rapidly progress the introduction of regulations under the *Road Safety Act 1986* in 2019 to establish minimum and enforceable service standards for shared transport services such as dockless electric scooters. Noting these regulations are required to protect the safety of pedestrians and to provide certainty to prospective new shared transport service businesses.

A vote was taken and the MOTION was CARRIED.



9.6 Children's Services Policy Development

Cr Pearl declared a direct conflict of interest in item 9.6 and left the chamber at 10.55pm, and took no part in the discussion or vote on the item.

Pursuant to section 80C(2) of the Local Government Act 1989, Danielle Fraser Program Manager Service Transformation declared in the Council report a direct conflict of interest.

Purpose

- 1.1 To update Council on the progress of the Children's Services Policy development, Stage 1.
- 1.2 To seek Councillor's endorsement of the critical success factors and parameters for each policy objective that will guide the preparation of the draft Early Years' Service Response. The critical success factors and parameters are a cascade from the policy objectives that will narrow and focus the options and recommendations that will be outlined in the draft Early Years' Service Response.
- 1.3 To note the next steps in the Children's Services Policy development, which are:
 - 1.3.1 To return with a draft Early Years' Service Response report in early February 2019, with the intention of going out to Stage 2 community consultation in February/March 2019.
 - 1.3.2 To return to Council with a new Children's Services Policy report in May 2019 which will be informed by the Stage 2 consultation as well as service and facility analysis.
 - 1.3.3 The new Children's Service Policy once endorsed will guide the development of the Implementation Plans, which will include an Early Years' Services Facility Strategy.

MOVED Crs Gross/Crawford

That Council:

- 3.1 Note the progress report on the development of the Children's Service Policy.
- 3.2 Approves the critical success factors and parameters for decision making in relation to each policy objective, as detailed in Attachment A and Attachment C, to guide the development of the draft Early Years' Service Response report.
- 3.3 Note the next steps in the Children's Services Policy Development project:
 - 3.3.1 To return with a draft Early Years' Service Response report in early February 2019, with the intention of going out to Stage 2 community consultation in February/March 2019.



- 3.3.2 To return to Council with a new Children's Services Policy report in May 2019 which will be informed by the Stage 2 consultation as well as service and facility analysis.
- 3.3.3 The new Children's Service Policy once endorsed will guide the development of the Implementation Plans, which will include an Early Years' Services Facility Strategy.

A vote was taken and the MOTION was CARRIED unanimously.

Cr Pearl returned to the chamber at 10.59pm.

MOVED Crs Gross/Pearl

That the following items be moved en bloc:

- 11.2 Alma Park Stormwater Harvesting Scheme Tender Award
- 12.1 Change to planning delegations (6 Dec 2018 - 5 Feb 2019)
- 13.1 Key Arts Organisations Funding Recommendations
- 14.1 Extension and Variation of Valuation Contract #1910
- 14.2 Appointment of Audit and Risk Committee Chair

A vote was taken and the MOTION was CARRIED unanimously.

11. SUSTAINABILITY

11.2 Alma Park Stormwater Harvesting Scheme Tender Award

Purpose

- 1.1 To seek Council approval to increase the budget allocation for the Alma Park Storm Water Harvesting Scheme; and recommend the acceptance of a tender for the construction and installation works.



MOVED Crs Gross/Pearl

That Council:

- 3.1 Allocates an additional \$324,000 to the total project budget for Alma Park Storm Water Harvesting Scheme, in the 2019/20 financial year.
- 3.2 Subject to 3.1, that Council:
 - 3.2.1 Accepts the tender and enters into Contract number 2164 between Port Phillip City Council and Simpson Construction Pty Ltd for the construction of the Alma Park Storm Water Harvesting Scheme for a contract lump sum price of \$2,732,403 (including GST, \$2,484,003 excluding GST).
 - 3.2.2 Affixes the Common Seal of the Port Phillip City Council to Contract 2164 between Port Phillip City Council and Simpson Construction Pty Ltd.
 - 3.2.3 Notes that the total project cost will be \$3,239,000 to be funded by Port Phillip City Council (\$2,939,000) and Melbourne Water (\$300,000).
 - 3.2.4 Notes that works are due to commence on site in late December and that it is planned to complete all works at the Alma Park Oval by 1 April 2019, and for the entire scheme by 28 June 2019.

A vote was taken and the MOTION was CARRIED unanimously.



12. PLANNING

12.1 Change to planning delegations (6 Dec 2018 - 5 Feb 2019)

Purpose

- 1.1 To delegate to the Manager City Development powers to enable specific activities to be undertaken during the period of time between the last Council meeting of 2018 and the first Council meeting of 2019.

MOVED Crs Gross/Pearl

That Council:

- 3.1 Delegates to the Manager City Development the power effective for the period 6 December 2018 to 5 February 2019 only:
 - 3.1.1 To provide comments to the Minister for Planning where the Minister is the Responsible Authority for a statutory planning application.
 - 3.1.2 To instruct Council's Statutory Planners and/or Council's solicitors in relation to any application for review lodged with VCAT.
 - 3.1.3 To determine planning permit applications or amendments or requests for extensions of time to planning permits within the Fishermans Bend Urban Renewal Area including applications relating to accommodation.
 - 3.1.4 To determine planning permit applications that exceed six storeys in height in the area covered by Sub Precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North Precinct.
 - 3.1.5 In relation to the St Kilda Seabaths to determine all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
- 3.2 All determinations made during the period 6 December 2018 to 5 February 2019, will be reported to Council in the December/January Planning Delegations Council Report.

A vote was taken and the MOTION was CARRIED unanimously.



13. ARTS CULTURE & ECONOMIC DEVELOPMENT

13.1 Key Arts Organisations Funding Recommendations

Purpose

- 1.1 To present a list of recommended Key Arts Organisations multi-year funding recipients for 2019 - 2021 for Council's consideration and approval.

MOVED Crs Gross/Pearl

That Council:

- 3.1 Endorses the Cultural Development Fund Committee recommendations for awarding the Key Arts Organisations \$30,000 per year for three years (2019 – 2021).
- 3.2 Makes public the list for the Cultural Development Fund grants by publishing on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.

14. ORGANISATIONAL PERFORMANCE

14.1 Extension and Variation of Valuation Contract #1910

Purpose

- 1.1 To seek Council's approval to extend and vary Valuation Contract 1910 for a five-month period (1 February 2019 to 30 June 2019), to enable Council to raise rates, charges, Fire Services Property Levy and provision of other statutory valuations on behalf of Council.

MOVED Crs Gross/Pearl

That Council:

- 3.1 Endorses the use of *Section 186(5)(a)* emergency provisions of the *Local Government Act 1989*, to extend and vary the current valuation Contract 1910 from 1 February 2019 to 30 June 2019, to ensure the continuance of statutory valuation services.
- 3.2 Notes that due to changes to the *Valuation of Land Act 1960*, Victorian Councils have been advised that they must continue to perform all statutory valuation functions related to the 2018 Valuation Cycle ending June 2019. The Valuer General is responsible for the 2019 Valuation Cycle onwards. That the Valuer General has appointed our current contractors Matheson Stephen Valuations for the 2019, 2020 and 2021 Valuation Cycles (commencing 1 July 2018).



- 3.3 Notes that Council will not be in breach of the procurement requirements under *Section 186 of the Local Government Act 1989*, pending endorsement of 3.1 (above).
- 3.4 Notes that the projected value of the contract extension (including variation) is based on indicative volumes for services subject to a schedule of rates is \$ 370,000 (ex gst) to 30 June 2019.

A vote was taken and the MOTION was CARRIED unanimously.

14.2 Appointment of Audit and Risk Committee Chair

Purpose

- 1.1 The purpose of this report is to appoint a Chairperson of the Audit and Risk Committee for 2019.

MOVED Crs Gross/Pearl

That Council appoints Helen Lanyon to the position of Chairperson of the City of Port Phillip Audit and Risk Committee for 2019.

A vote was taken and the MOTION was CARRIED unanimously.



Councillors resumed discussion on individual reports.

11.1 Contract No's 1747, 1748, 1749 Kerbside Waste, Recycling, Hardwaste Booked Collection and Dumped Rubbish Services - Options to exercise year 7 (final 1 year extension)

Purpose

- 1.1 The purpose of this report is for Council to consider endorsing the One (1) year contract extension provision for the Residential kerbside waste collection Contract Number 1747, Residential recycling collection Contract Number 1748 and Hard waste booked collection and proactive dumped rubbish collection services Contract Number 1749.

MOVED Crs Voss/Pearl

That Council:

- 3.1 Exercises the One (1) year extension to the value of \$2,628,764 excluding GST (\$2,891,640.4 including GST), for the provision of the Residential Kerbside Waste Collection Contract Number 1747, to Four Seasons Waste Pty Ltd.
- 3.2 Exercises the One (1) year extension to the value of \$2,373,509 excluding GST (\$2,610,859.9 including GST), for the provision of the Residential Recycling Collection Contract Number 1748, to Four Seasons Waste Pty Ltd.
- 3.3 Exercises the One (1) year extension to the value of \$1,138,611 excluding GST (\$1,252,472.1 including GST), for the provision of the Hard Waste Booked Collection and Proactive Dumped Rubbish Collection Services Contract Number 1749, to Four Seasons Waste Pty Ltd.
- 3.4 Notes a procurement process using a public open tender model for the residential kerbside waste collection, residential kerbside recycling collection and hard waste booked collection and proactive dumped rubbish collection services will be undertaken in 2019.

A vote was taken and the MOTION was CARRIED unanimously.



14.3 Proposed Lease Linden Gallery

Purpose

- 1.1 To seek the Council's approval to commence the statutory procedures in relation to granting a new lease for 26 Acland Street, St Kilda, with Linden New Art Inc.

MOVED Crs Brand/Voss

That Council:

- 3.1 Resolves that the statutory procedures be commenced under Section 190 of the *Local Government Act 1989* (Act) for the proposed lease with Linden New Art Incorporated at 26 Acland Street, St Kilda by publishing a notice in the local newspaper inviting persons to make a submission under Section 223 of the Act, with the proposed lease terms outlined below;
 - 3.1.1 Proposed Tenant: Linden New Art Incorporated
 - 3.1.2 Demised Premises: 26 Acland Street, St Kilda
 - 3.1.3 Permitted Use Arts related purposes
 - 3.1.4 Commencement date: 1 July 2018
 - 3.1.5 Term: 2 years
 - 3.1.6 Rental: \$104 per annum plus GST discounted from \$340k per annum ex GST.
- 3.2 Acknowledges that the tenant intends to sub-lease a portion of the building for the purposes of providing affordable space and collaborative opportunities for local artists and organisations.
- 3.3 Resolves that any rent generated through sub-leasing to provide affordable space and collaborative opportunities for local artists and organisations will be retained by the tenant, but that if a commercial sub-lease is entered into for the purposes of generating income, Council reserves the right to a portion of the rental return, with the percentage to be negotiated with the tenant.
- 3.4 Authorises the Chief Executive Officer to delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act and;
- 3.5 Resolves to hear and consider any submissions received pursuant to Section 223 of the Act at a future Council meeting.

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

MOVED Crs Voss/Pearl

That in accordance with Section 77(2)(a) of the Local Government Act 1989 (as amended), the meeting be closed to members of the public in order to deal with the following matters, that are considered to be confidential in accordance with Section 89(2) of the Act, for the reasons indicated:

18.1 Award Contract 2175 - Provision of Maintenance of Parking Meters and Associated Services

The information in this report is considered to be confidential in accordance with the Local Government Act 1989 (as amended), as it relates to:

89(2)(d). Contractual matters.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting was closed to the public at 11.16pm

The meeting was reopened to the public at 11.19pm

As there was no further business the meeting closed at 11.19pm.

Confirmed: 6 February 2019

Chairperson _____