



ORDINARY MEETING OF COUNCIL

MINUTES

20 SEPTEMBER 2018



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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 20 SEPTEMBER 2018 IN ST KILDA TOWN
HALL**

The meeting opened at 6:31pm.

PRESENT

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

IN ATTENDANCE

Peter Smith, Chief Executive Officer; Lili Rosic, General Manager Place Strategy and Development; Mary McGorry, Acting General Manager Community and Economic Development; Peter Benazic, Acting General Manager Infrastructure and Amenity; Chris Carroll, General Manager Customer and Corporate Services; Kylie Bennetts, Director Office of the CEO, Marc Jay, Coordinator City Permits, Donna D'Alessandro, Manager City Development, Susan Strano, Coordinator Arts.

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 Baxter/Simic

That the minutes of the Ordinary Meeting of Council of the Port Phillip City Council held on 5 September 2018 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



4. PETITIONS AND JOINT LETTERS

Nil.

5. SEALING SCHEDULE

Nil.

6. PUBLIC QUESTION TIME

Kate Richardson

Ms Richardson spoke on behalf of 'Resident Action St Kilda' and described her concerns in relation to the lack of benefits of the summer foreshore events in St Kilda.

Ms Richardson asked the following questions:

On what basis is Council making the claim that St Kilda outdoor events are beneficial in relation to economic benefits, health and wellbeing and local business development as stated in the Outdoor Events Strategy 2018-2022?

- What actual figures or studies can Council provide to substantiate this?
- Are any such studies based on continual and regular events that occur in populated areas?
- Will Council commit to surveying the residents within the immediate noise catchment zone to better determine whether these events are warranted/wanted by City of Port Phillip residents?
- Will Council commit to preparing a detailed questionnaire in conjunction with members of various local resident groups to measure the true impact of events in this area and implement a plan that takes in the real wants and needs of residents?

Mayor Voss advised that the questions would be taken on notice.

Geoffrey Conaghan

Mr Conaghan spoke to his concerns around the diminished resident amenity during outdoor events held on the St Kilda foreshore and described his frustrations when trying to raise noise complaints with Council.

- Can Council please advise on continuous improvement initiatives with resident amenity in mind, not on the successful delivery of a particular event?
- Would the review on continuous improvement initiatives include complaints mechanisms?
- Will Council consider the invitation for noise level monitoring to occur in resident homes?



Mayor Voss responded that the City of Port Phillip Events Strategy is released for consultation each year and it is widely discussed in the community. Mayor Voss requested that Mr Conaghan provide feedback to this strategy as it would be very appreciated. The remaining questions were taking on notice.

Bill Phelan

Mr Phelan spoke to his concerns in relation to the upcoming closure of the slip lane at Graham Street and Albert Street and asked why Council has not considered the Andrew O'Brien proposal?

Mayor Voss responded that the petition was not ignored and was heard by whole of Council and a decision was made by Council.

Lili Rosic, General Manager Place Strategy and Development, advised that the Andrea O'Brien proposal was considered on the 14th of June prior to Council endorsing the pedestrian safety improvement project at the corner of Albert and Graham Streets. Ms Rosic stated that she had met with Mr Phelan and Council traffic engineers to look at the alternative proposal. According to engineering advice provided, the proposal didn't provide any extra protection for pedestrians and that the option endorsed by Council is the preferred option as it removed pedestrians away from Graham Street and reduces traffic in Albert Street. Works are delayed because the proposal was planned in 2017 and funded for this financial year.

PRESENTATION OF AWARDS

The Mayor, Cr Voss, advised that the Chief Executive Officer had requested, and she has consented to, the adding of an agenda item relating to the presentation of an award.

The City of Port Phillip was recently awarded the 'Corporate Certification Standard', awarded by the Chartered Institute of Procurement and Supply.

Peter Smith, Chief Executive Officer, stated that this award recognises the standard of our Procurement processes and is a difficult standard to achieve with the City of Port Phillip being the first Council in Australia to receive the award. Mr Smith called on Wayne Moore, Coordinator Contracts and Procurement, to present the award to Cr Voss.

The Mayor, Cr Voss, then accepted the award from Mr Moore, on behalf of Council.

7. COUNCILLOR QUESTION TIME

Councillor Copey asked what is the City of Port Phillip doing to ensure there is a sufficient supply of affordable and livable housing in City of Port Phillip

Kylie Bennetts, Director Office of the CEO, responded that the City of Port Phillip has a landmark policy document called 'In Our Back Yard' which outlines a range of strategies and policies to support the provision of affordable housing in the City of Port Phillip. The city is moving forward with a project on Marlborough Street to provide a number of affordable units in our community and currently in the process of developing a 12-18 month action plan.



8. PRESENTATION OF CEO REPORT

Nil.

9. PEOPLE AND COMMUNITY

Nil.

10. TRANSPORT AND PARKING

10.1 Endorsement of Move, Connect, Live (Integrated Transport Strategy) 2018-2028

Purpose

- 1.1 This report presents the *MOVE, CONNECT, LIVE* (Integrated Transport Strategy) 2018-2028 for endorsement by Council.

MOVED Crs Simic/Copsey

That Council:

- 3.1 Endorses *MOVE, CONNECT, LIVE* (Integrated Transport Strategy) 2018-2028 (**Attachment 1**);
- 3.2 Delegates to the CEO the ability to make minor editorial changes to the Strategy, including the addition of a Proposed Public Transport Network Map, to ensure it is easily understood by Council's partner organisations and the community;
- 3.3 Notes that endorsing Move, Connect, Live will supersede Council's current *Sustainable Transport Strategy 2014, Bike Plan 2011-2020, Parking Plan Towards 2010, Public Transport Advocacy Statement 2009, Safer Streets Strategy 2013-2020, Tram Stop Refurbishment Strategy 2007-2017* and *Walk Plan 2011-2020*; and
- 3.4 Thanks the community for participating in the engagement activities and providing feedback on the Draft Strategy.

A vote was taken and the MOTION was CARRIED.

Cr Bond called for a DIVISION.

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

AGAINST: Crs Bond and Pearl

A vote was taken and the MOTION was CARRIED.



11. SUSTAINABILITY

11.1 Don't Waste It!: Waste Management Strategy 2018 - 2028 - Consideration of submissions and adoption

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

Jillian Sokol

Ms Sokol stated that she endorsed the general direction of the strategy, however would like clarity on words and phrases such as 'we will set guidelines and 'explore and educate' used in attachment 3 and asks what they are in terms of actions?

Purpose

- 1.1 To present the 'Don't Waste It!': Waste Management Strategy 2018-2028 for adoption, following community consultation.

MOVED Crs Simic/Gross

That Council:

1. Defers this item and that it be brought back to Council at the earliest opportunity.

A vote was taken and the MOTION was CARRIED.



12. PLANNING

12.1 Delegation to the CEO - Placemaking Activities

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

Jennifer Edge

Ms Edge sought clarity of the term 'placemaking' as used in the report. Ms Edge discussed concerns around signage and clarity of opening times of the public toilets around the foreshore area. Ms Edge also raised issues regarding the Jim Duggan reserve and an increase in littering, lack of lighting and policing of this area which are in turn increasing safety issues.

Councillor Pearl asked for a definition of placemaking in the context of this motion.

Kylie Bennetts, Director Office of the CEO, advised that placemaking is an approach of working with the community to create a common vision for the place together. Councils role is as a facilitator and delivering on those parts that are in councils direct control. It's a deep engagement process and has been practiced by a number of cities across the world successfully for a number of years.

Councillor Pearl asked if the budget allocation per precinct, per year, had changed since decided during the budget process.

Kylie Bennetts, Director Office of the CEO, advised that this question would be taken on notice.

Purpose

To seek Council endorsement for a twelve-month trial of more flexible governance arrangements so that officers can quickly respond to new ideas that come from the community who are involved in Council's placemaking activities.

MOVED Crs Copsey/Gross

That Council:

- 3.1 Delegates to the Chief Executive Officer (CEO) the authority to make any decision or to do any act or thing, on behalf of the Council, to achieve the objectives of the placemaking program within the designated precincts of Fitzroy Street and Waterfront Place.
- 3.2 Delegates to the CEO the ability to define the designated precinct of South Melbourne together with the community and councillors, and once defined, make any decision or to do any act or thing, on behalf of the Council, to achieve the objectives of the placemaking program within that precinct.

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- 3.3 Notes that the CEO has the power under an Instrument of Delegation granted by Council on 6 September 2017, to give directive to a member of Council staff to carry out any of the powers delegated to the CEO.
- 3.4 Determines that participants of the placemaking program, where assessed as appropriate by the CEO, may be exempt from the requirements for a permit to be issued under the Local Law.
- 3.5 Delegates to the CEO the specific ability to waive, fix or reduce charges and exempt permits for Footpath Trading within the designated placemaking precincts between 21 September 2018 and 21 September 2019.
- 3.6 Amends Part 5 of its Procedures and Protocols Manual to include the CEO as a delegated officer for all the powers delegated to officers under clause 73 of the Local Law, and causes notice to be published in the Government Gazette of that inclusion, and publishes the amended document on the Council website.
- 3.7 Designates for the purposes of this delegation, the placemaking precincts of Fitzroy Street and Waterfront Place, as per Attachment 2, and determines that this authority may be executed within these precincts.
- 3.8 Notes that following community feedback from the first placemaking meeting in South Melbourne, that this precinct will be further refined by the community and councillors and once defined, this authority may be executed within this precinct.
- 3.9 Determines that this delegation expires on 21 September 2019, and notes that an interim report will be presented to Council in March 2019 detailing the progress of this trial.
- 3.10 Reserves the ability to withdraw this delegation, either in part or in full, at any time.
- 3.11 Notes that this delegated authority is subject to the following limitations and conditions:
- 3.11.1 In enacting any delegated power, the CEO (and any officer carrying out a directive of the CEO) must:
- Only make decisions that are legal and ethical;
 - Make decisions that are affordable and financially realistic;
 - Declare and effectively manage real, perceived and potential conflicts of interest;
 - Maintain confidentiality and security of information.
- 3.11.2 Projects and activities implemented for testing by the program must:
- Be safe and low-risk to Council;
 - Include no permanent capital works, unless these are part of the already scheduled Council asset renewal and maintenance approach;
 - Be able to be quickly and easily reversed if there is significant community feedback, i.e. reversed within 24 hours.
- 3.11.3 Regular updates will be provided to Councillors on the implementation of activities, and the use of this delegation, through the life of the trial program.

A vote was taken and the MOTION was CARRIED.



12.2 Draft Footpath Trading Fee Policy for Community Consultation

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

Jennifer Edge

Ms Edge expressed concerns over the ability to engage with Council due to a lack of accessibility in relation to Council surveys and meeting agendas.

Mayor Voss responded that this will be taken on notice.

Purpose

- 1.1 To present options for amending the current footpath trading fee structure for implementation in 2019/20, that includes engagement with traders and to present additional outdoor dining incentives to support traders and increase the vibrancy of our streets.

MOVED Crs Copsey/Brand

That Council:

- 3.1 Notes the contribution of outdoor dining to the vibrancy of our streets and the opportunity to support business by reviewing the current 4-tier footpath trading fee structure adopted by Council in 2003.
- 3.2 Endorses engagement and consultation to be conducted with traders with outdoor dining permits, the Port Phillip Business Association and trader associations on Option 3, which proposes the introduction of a 22-tier precinct-based fee structure, charging a rate of 20% of average retail rents and a rate of 30% for the use of glass screens.
- 3.3 Endorses the following outdoor dining incentives to support businesses and encourage vibrancy including:
 - a) Discounting fees by 50% for the first year for new businesses at properties where outdoor dining has not previously occurred.
 - b) Providing discounts to outdoor dining permit holders 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.
- 3.4 Receives a future report on the outcomes of the consultation on Option 3.
- 3.5 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. This may include more flexible governance arrangements for footpath trading fees to increase business vibrancy and sustainability.



A vote was taken and the MOTION was CARRIED.

Cr Bond called for a DIVISION.

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

AGAINST: Cr Bond

A vote was taken and the MOTION was CARRIED.

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 Baxter/Copsey

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

Item 15.1

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

Jennifer Stone

Ms Stone addressed Council as President of the St Kilda Historical Society and thanked Cr Copsey for bringing the motion to the chamber for discussion. Ms Stone provided some background of Mirka Mora and her contribution and importance to the St Kilda community.

Jennifer Edge

Ms Edge agreed with Jennifer Stone and agreed that she is pleased the motion has come to Council for discussion.

MOVED Crs Copsey/Crawford

That Council:-

1. Awards a cultural grant of \$10,000 to the St Kilda Historical Society to develop and realise their project Mirka Mora's St Kilda.
2. Requests Council officers to advise on appropriate ways to recognise the life of Mirka Mora in the City of Port Phillip by November 2020.

A vote was taken and the MOTION was CARRIED.



16. REPORTS BY COUNCILLOR DELEGATES

Councillor Gross reported to Council in his capacity as a Municipal Association of Victoria (MAV) representative that there is currently litigation with the Supreme Court in relation to a board director suing the MAV over a decision in relation to the qualifications of the president of the MAV. Councillor Gross provided an affidavit in support of the president Mary Lalios and the matter has now been fully heard in the Supreme Court. Judgement is due to be released in the next few days.

Councillor Copsey reported to Council as delegate to the Metropolitan Transport Forum. The City of Port Phillip held a candidate forum on the issue of transport which was well attended with more questions than able to fit into the time. Councillor Copsey stated that there were questions that lined up with the integrated transport strategy that was endorsed tonight.

17. URGENT BUSINESS

PROCEDURAL MOTION

MOVED Crs Simic/Baxter

That Council consider two items of urgent business relating to two proposed motions to be presented to the upcoming Municipal Association of Victoria State Council meeting.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Gross/Copsey

That Council:

- Submits the following motion to the 19 October 2018 Municipal Association of Victoria State Council meeting:
- That the Municipal Association of Victoria recognises the risk of homelessness of the Aboriginal and Torres Strait Islander people, and calls on the State Government to provide targeted support, including supportive accommodation, to address those needs.

A vote was taken and the MOTION was CARRIED unanimously.

MOVED Crs Gross/Simic

That Council:

- Submits the following motion to the 19 October 2018 Municipal Association of Victoria (MAV) State Council meeting:
- That the Municipal Association of Victoria calls on the State Government to deliver the greatest social and economic benefits from their investment in metro rail infrastructure by ensuring that the proposed Suburban Rail Loop business case



investigates the best staging and development options for both the Melbourne Metro Rail 2 and the Suburban Rail Loop.

AMENDMENT

MOVED Crs Copsey/Brand

That the following words be added to the second paragraph:

and that the Melbourne Metro Rail 2 business case is not delayed by the Suburban Rail Loop.

A vote was taken and the AMENDMENT was CARRIED unanimously.

SUBSTANTIVE MOTION

MOVED Crs Gross/Simic

That Council:

- Submits the following motion to the 19 October 2018 Municipal Association of Victoria (MAV) State Council meeting:
- That the Municipal Association of Victoria calls on the State Government to deliver the greatest social and economic benefits from their investment in metro rail infrastructure by ensuring that the proposed Suburban Rail Loop business case investigates the best staging and development options for both the Melbourne Metro Rail 2 and the Suburban Rail Loop and that the Melbourne Metro Rail 2 business case is not delayed by the Suburban Rail Loop.

A vote was taken and the MOTION was CARRIED.



18. CONFIDENTIAL MATTERS

MOVED Crs Pearl/Gross

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 Amendments to Contract No. 2015/3 for the Recyclables Processing Services Contract

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.

The meeting was closed to the public at 8.55pm.

The meeting was re-opened to the public at 9.11pm.

As there was no further business the meeting closed at 9.11pm.

Confirmed: 3 October 2018

Chairperson _____