



ORDINARY MEETING OF COUNCIL

AGENDA

18 JULY 2018



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ORDINARY MEETING OF COUNCIL 18 JULY 2018



Welcome

Welcome to this Meeting of the Port Phillip City Council.

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision making process of Council.

About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

Public Question Time

Provision is made at the beginning of the meeting for general question time from members of the public. Questions relating to a topic on the agenda are not permitted during this time but can be asked prior to the discussion of that item.

If you would like to ask a question during Public Question Time, please fill in the blue 'Do You Wish to ask a Question or make a Public Comment' form located outside the chamber and give it to the Administrative Officer.

Public Comment / Question

Any person who has made a written submission on an item and requested that she or he be heard in support of that written submission pursuant to section 223 of the Local Government Act will be entitled to address Council.

If you would like to address the Council and / or ask a question on any of the items being discussed tonight, please fill in the blue 'Do You Wish to ask a Question or make a Public Comment' form located outside the chamber and give it to the Administrative Officer.

When your item is being discussed the Chairperson will call your name and ask you to address the Council. The length of time available to each speaker will be at the Chairpersons discretion.





PORT PHILLIP CITY COUNCIL ORDINARY MEETING OF COUNCIL

To Councillors

Notice is hereby given that an **Ordinary Meeting** of the **Port Phillip City Council** will be held in **St Kilda Town Hall** on **Wednesday, 18 July 2018 at 6.30pm**. At their discretion, Councillors may suspend the meeting for a short break at 8pm and 10pm as required.

AGENDA

- 1 **APOLOGIES**
- 2 **MINUTES OF PREVIOUS MEETINGS**
Minutes of the Ordinary Meeting of the Port Phillip City Council held on 4 July 2018.
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **PETITIONS AND JOINT LETTERS 6**
- 5 **SEALING SCHEDULE**
Nil
- 6 **PUBLIC QUESTION TIME**
- 7 **COUNCILLOR QUESTION TIME**
- 8 **PRESENTATION OF CEO REPORT**
Nil
- 9 **PEOPLE AND COMMUNITY**
We Embrace Difference, and People Belong
 - 9.1 *Community Grants Program 2018-19 Recommendations for Funding. 13*
 - 9.2 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 1..... 21*
 - 9.3 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 2..... 25*
 - 9.4 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 3..... 29*

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10 TRANSPORT AND PARKING

We are Connected and it's Easy to Move Around

Nil

11 SUSTAINABILITY

We Have Smart Solutions for a Sustainable Future

11.1 *Elster Creek Catchment 2018 Action Plan - Q2 Update* 35

12 PLANNING

We are Growing and Keeping our Character

12.1 *Local Law: Clause for Storing Heavy Vehicles - Adoption* 47

13 ARTS, CULTURE & ECONOMIC DEVELOPMENT

We Thrive by Harnessing Creativity

Nil

14 ORGANISATIONAL PERFORMANCE

Our Commitment to You

14.1 *Ferrars Street Education and Community Project Streetscape - Tender Award*..... 119

14.2 *Proposed Discontinuance and Sale of Roads: Part R3517 Adjoining 316-320 St Kilda Road, St Kilda and R3257 Abutting 91-95 Montague Street, South Melbourne*..... 131

14.3 *Proposed Discontinuance and Sale of Road Abutting 26 Moore Street, Elwood* 141

14.4 *Status of Council Decisions: 7 March - 6 June 2018*..... 157

14.5 *Lifting of the confidentiality status of information considered by Council in closed meetings of Council*..... 199

14.6 *Outcomes of the Audit and Risk Committee Meeting 10 May and 21 June 2018 and review of Audit and Risk Committee Charter*..... 205

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15 NOTICES OF MOTION

Nil

16 REPORTS BY COUNCILLOR DELEGATES

17 URGENT BUSINESS

18 CONFIDENTIAL MATTERS

Nil



3. DECLARATIONS OF CONFLICTS OF INTEREST



4. PETITIONS AND JOINT LETTERS

Item 4.1 TT Buckingham Reserve - Response

A Petition containing 60 signatures was received from residents and presented to a Council Meeting on 16 May 2018.

The Petition states the following:

- As originally planned when the Fishermans Bend Estate was founded in the 1940s, TT Buckingham Reserve acts as a social hub for neighbours.
- The vast majority of users of the park are families and residents who live in the immediate vicinity of the Reserve and many of these people have dogs. Daily, before and after work, neighbours meet in the Reserve with their dogs to socialise.
- There are also a number of mobility-impaired residents with dogs who live in the immediate vicinity of the Reserve. These residents rely on the relatively easy and safe access to the Reserve to socialise with neighbours and exercise their dog. They are not able to access the dog-off-leash beach nor the other off-leash Reserves further afield because they are wheelchair users and/or frail.
- Although there is a very small sign advising that dogs must be on leashes in TT Buckingham Reserve, in practice this has not been enforced. We gather that one member of the public has complained to the City of Port Phillip and requested Rangers enforce bylaws regarding dogs and leashes. Temporary signs were recently affixed to sign posts and poles around the Reserve referring to the requirement for dogs to be leashed.
- Dogs are permitted off-leash at the other Reserve in the Fishermans Bend Estate, Julier Reserve. We see no reason why families and residents around our Reserve should be treated differently.

We hereby request that:

1. Users of TT Buckingham Reserve be allowed to continue to use the Reserve as a social hub and for their dogs to be allowed in the Reserve off-leash.
2. Disabled residents be given the opportunity to easily access an off-leash area for their dogs – thereby enabling them to socialise with their neighbours.

OFFICER COMMENT

Buckingham Reserve

Buckingham Reserve is local reserve in Port Melbourne's Garden City neighbourhood which primarily serves the local community. The reserve includes a large open area with a cricket pitch in the centre of the reserve ringed by a paved pathway and a playground in the south west corner of the reserve adjacent to the pathway. The areas to the four sides of the central open area and playground to the adjacent streets are interspersed with mature trees. As part of the 2018-2019 budget money has been allocated for design work for upgrades to the reserve, and construction is scheduled for 2019-2020.

The sports oval on the reserve is also regularly used by organised sports groups for training. Buckingham Reserve is currently not included as a designated off-leash area under Council's Order No. 3, Section 26(2) of the *Domestic Animals Act 1994* (the Act) The nearest off leash reserve is Julier Reserve, which is approximately 360 metres away to the east.



Domestic Animal Management Plan (DAMP)

In 2017 Council reviewed its Domestic Animal Management Plan (DAMP) which included extensive community consultation on a broad range of issues including off-leash areas. One particularly relevant point of the community feedback was in response to the following question: “Do Dog off leash park areas provide a good balance for all users?”

1511 (86.8%) respondents reported “Yes” with 230 (13.2%) reporting “No”.

Of the “No’s”:

- 58 (3.2%) wanted more off leash areas
- 50 (2.8%) wanted more safe / appropriate / fenced off-leash areas

Most of the comments provided related to issues with mixed use parks and reserves in general (e.g. off leash / sports fields / playgrounds etc.), and the need to fence dog off leash areas.

The DAMP does not include actions to investigate further off-leash areas within the municipality other than in a portion of the St Kilda Botanical Gardens and along various sections of the beaches. (Low-Medium priorities)

Council can make an order by resolution imposing conditions on the presence of dogs in any public place of the municipal district, including off leash areas and times, pursuant to Section 26 (2) of the Act.

An order made by the Council pursuant to S.26 (2) of the Act must be published in the Government Gazette and local newspaper.

Community consultation is important prior to considering any changes to Council’s current Order No.3, Section 26(2) of the *Domestic Animals Act* 1994.

The DAMP includes an action to investigate fencing on Council owned and managed reserves as part of Council’s development of the new Public Space Strategy. (Medium priority)

OFFICER RECOMMENDATION

That Council:

Notes resident’s desire to have Council include Buckingham Reserve as a designated off-leash area under Council’s Order No. 3, Section 26(2) of the *Domestic Animals Act* 1994.

Endorses the following action plan in response to the petition:

1. Concurrently consult with the local community, including users of the reserve and sports clubs, on the request to make the reserve a dog off leash area when public consultation occurs on the upgrades to the reserve in 2018-2019.
2. Investigate opportunities to support universal access and implement accessibility improvements in the reserve through the design of the upgrades to the reserve in 2018-2019.
3. Advise the petition organiser Mr Charlie Heerey of the action plan and any subsequent developments and outcomes as they arise.

TRIM FILE NO: 16/16/36
ATTACHMENTS Nil



Item 4.2 Renaming of Newton Court, St Kilda

A Petition containing 97 signatures was received from residents.

The Petition was received along with the following email: -

"Ernie Smith died earlier this year but in 1993 he published a short biography where he described his sense of mission to the local community and ministering to its members while "meeting them at the level of their gift"; see Miracles do Happen: a priest called Smith (Minuteman Press 1993 republished 1994, 2010). He was appointed parish priest for the St Kilda West parish in 1982. As the Sacred Heart parish priest, he ministered to the needs of members of the local community which included the de-institutionalised, marginalised and homeless while respecting the dignity and individuality of each. As part of this mission, he established the Sacred Heart Mission which provided and continues to provide care, shelter, sustenance and support for the frail and elderly, disabled, abused women, street workers, drug addicts, HIV/AIDs sufferers and the homeless. The establishment of the Sacred Heart Hostel was part of this provision of care and support. The current upgrade of the Hostel continues Smith's initiative by endeavouring to meet the ever-increasing needs of a growing audience of need in the wider society.

Apart from this mission of care, the Sacred Heart Mission, with its hostels, outreach services, health clinic, women's house and daily provision of meals to the needy, has created and continues to create significant employment as well as employment and training opportunities within the local community and beyond, with all the economic benefits that this entails

The site of the Newton Court Reserve is close to the centre of Ernie Smith's activities while he was the parish priest in St Kilda. The Reserve is near the Mission Sacred Heart Church and Hall. The church bell tower is an icon dominating the Reserve.

Ernie Smith died earlier this year. It would therefore be timely to recognise his good works and achievements especially on a site close to the heart of his community activities. That recognition could embrace naming the Reserve the Ernie Smith Memorial Reserve and include a bench in the timber bench area (number 5 in the diagram of the CoPP brochure) sculptured by a local artist from reclaimed timber such as the memorial to the homeless in the Peanut farm in St Kilda. Art in the community was one of the many initiatives undertaken by Ernie Smith.

The Petition states the following: -

"We the undersigned support the public recognition and commemoration of the good works of Ernie Smith undertaken on behalf of members of the local community and society generally, each of whom he treated with respect and dignity.

***As part of that recognition, we support –
the renaming of the Newton Court Reserve as the Ernie Smith Reserve; and
the dedication of a timber bench in the reserve to his memory."***



OFFICER COMMENT

Background

Fr Ernie Smith played a major role in establishing Sacred Heart Mission, which aids Melbourne's homeless and vulnerable, in 1982 when he was the parish priest at St Kilda West.

In January 2018 the Archdiocese of Melbourne notified Sacred Heart Mission that complaints had been made against Fr Ernie Smith under the Melbourne Response. The Melbourne Response assists people who have been abused sexually, physically or emotionally. Complaints of sexual and other abuse by priests, religious and lay persons under the control of the Archbishop of Melbourne are made to and investigated by the Independent Commissioner, Mr Jeff Gleeson QC.

The Archdiocese upheld the complaints and stated, "that while Fr Smith is still technically a priest entitled to be called Father, they have adopted legal advice that he "no longer be considered a priest in good standing and his faculties to exercise public ministry be withdrawn".

The Sacred Heart Mission released a public response in February 2018, a copy of their statement is attached to this report.

Assessment

Officers have assessed the requests contained within the Petition against the Naming Rules for places in Victoria – the State's Statutory requirements for naming roads, features and localities, and Council's Memorials and Monuments Policy 2008.

Principle (H) of the Naming Rules - Using Commemorative Names, requires that if something is proposed to be named after a person, naming authorities should consider the person's relevant history and association to the area, and that person be held in strong regard by the community.

In applying this principle, Council would need to satisfy themselves that Fr Smith was held in strong regard by all parts or a significant majority of the community. An initial assessment by officers has determined that the progression of this naming proposal to community consultation is not recommended because it does not comply with this Principle (H) - Using Commemorative Names.

This assessment was determined based on the conflicting information that was made available to officers, and very different and strong views held by different parts of the community.

OFFICER RECOMMENDATION

That Council:

1. Receives and notes the Petition.
2. Does not progress the proposal to rename Newton Court Reserve the 'Ernie Smith Memorial Reserve'.
3. Thanks the Petitioner for their request, and notifies them of this resolution.

TRIM FILE NO: F18/1

ATTACHMENTS Sacred Heart Mission Statement February 2018



5. SEALING SCHEDULE

Nil

6. PUBLIC QUESTION TIME

7. COUNCILLOR QUESTION TIME

8. PRESENTATION OF CEO REPORT

Nil

9. PEOPLE AND COMMUNITY

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10. TRANSPORT AND PARKING

Nil

11. SUSTAINABILITY

11.1 *Elster Creek Catchment 2018 Action Plan - Q2 Update* 35



12. PLANNING

12.1 *Local Law: Clause for Storing Heavy Vehicles - Adoption*.....47



13. ARTS, CULTURE & ECONOMIC DEVELOPMENT

Nil

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15. NOTICES OF MOTION

Nil

16. REPORTS BY COUNCILLOR DELEGATES

17. URGENT BUSINESS

18. CONFIDENTIAL MATTERS

Nil