



## **MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 17 APRIL 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 Crawford, Cr Pearl, Cr Simic, Cr Voss.

### **IN ATTENDANCE**

Peter Smith, Chief Executive Officer; Lili Rosic, General Manager City Strategy and Sustainable 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; Dennis O’Keeffe, Chief Financial Officer; Anthony Traill, Manager Open Space & Recreation Services; Brett Walters, Manager Environmental Sustainability; Yvonne Hansen, Manager Safety & Amenity; Dirk Cummins, Coordinator Local Laws & Animal Management; Tim Graffen, Sustainable Design Planner; Joanne McNeill, Manager Asset Management & Property; Steven Ross, Manager Organisational Performance; Peter Liu, Coordinator Management Accounting & 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**

Nil

### **2. CONFIRMATION OF MINUTES**

#### **MOVED Crs Pearl/Simic**

That the minutes of the Ordinary Meeting of Council of the Port Phillip City Council held on 3 April 2019 be confirmed.

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

### **3. DECLARATIONS OF CONFLICTS OF INTEREST**

Cr Pearl declared that in relation to item 18.1 Award Contract 2186 – Provision of Internal Audit and Core Assurance Services, that he has a direct conflict of interest in this matter..

### **4. PETITIONS AND JOINT LETTERS**

#### **Item 4.1 – Parking and street access affected by the Melbourne Grand Prix**

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

#### **Maurita Harney**

Ms Harney spoke in support of the petition, and asked for a change in parking from unlimited time to 2-hour, permits to be sent out by addressed mail through Australia Post and enforcement over the Grand Prix.

#### **Adrian Jackson**

Mr Jackson spoke against the petition, stating that there was plenty of parking available and the public roads were for the public to use, not just residents.

A Petition containing 29 signatures, was received from residents living in Richardson Street, between McGregor and Langridge Streets, Middle Park.

#### **MOVED Crs Simic/Copsey**

That Council receives the petition and requests a report be presented to the next Council meeting.

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

**Item 4.2 – Petition requesting defensive root barriers on Nimmo Street,  
Middle Park**

A Petition containing 10 signatures was received from residents of Nimmo Street, Middle Park.

**MOVED Crs Pearl/Baxter**

That Council:

- Receives and notes the Petition.
- Notes that Council policy is retain trees and protection root systems and to only consider removal or remedial works if there are no other viable options and evidence is provided of damage to private property.
- Does not install a tree root barrier as requested in the petition.
- Notes that officers will continues to monitor the trees and assesses alleged root damage upon request from property owners, and undertakes any tree root pruning or barrier installation when provided with physical evidence of damage.

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

## **5. SEALING SCHEDULE**

Nil.

## **PRESENTATION OF AWARD**

The Mayor, Cr Gross, advised that, pursuant to Council's Meetings Procedure Local Law, the CEO has requested the adding of an agenda item to the meeting tonight relating to a PRESENTATION OF AN AWARD.

Ms Lili Rosic, General Manager City Strategy and Sustainable Development, presented the award to the Mayor, Cr Gross, stating the Cooperative Research Centre for Water Sensitive Cities (CRC) has awarded the City of Port Phillip with the inaugural Water Sensitive Cities Award.

The award recognises our application of water sensitive principles to manage water in adaptive and collaborative ways.

Council recently benchmarked progress against the goals of a Water Sensitive City and rated the highest in Australia to date, out of 21 cities who have undertaken the process.

Our key strengths include a strong vision and commitment to Integrated Water Management, a high level of skills across the organisation and collaboration with our partners and the community. The CRC specifically mentioned our work on managing flooding in Elwood and planning for Fishermans Bend.

## **6. PUBLIC QUESTION TIME**

### Alan West

Mr West asked if the results of the audit into potentially dangerous cladding in City of Port Phillip will be released to the public.

The Mayor, Cr Gross, deferred to Lili Rosic, General Manager City Strategy and Sustainable Development, who responded that Council is completing audits but I just wanted to clarify that we have not completed all the audits and we are working cooperatively with the Victorian Building Authority (VBA). We are not proposing to release the information publicly of all the audit information which is consistent with the approach of the State Government and it protects the residents and ensures no untoward behaviours occur. The VBA is taking over management of any high risk properties, as far as Council's Municipal Building Surveyor is concerned we do notify and issue orders if required to Body Corporates who are required under law to notify all occupants of those buildings any orders that Council issues under the Building Act, so residents are protected. Council building staff are happy to provide information to anyone enquiring about potential risks.

### Adrian Jackson

Mr Jackson asked that Council write to the Melbourne International Comedy Festival, advising that the Comedy Festival have made an error in relation to Barry Humphries, by removing his name from their awards.

The Mayor, Cr Gross, gave an undertaking that the matter would be discussed at next week's Councillor briefing.

## **7. COUNCILLOR QUESTION TIME**

Cr Pearl asked about the rollout of the National Broadband Network (NBN) and damage to footpaths and nature strips, particularly in South Melbourne, which has not been repaired to a sufficient standard.

The Mayor, Cr Gross, deferred to Fiona Blair, General Manager Infrastructure and Amenity, who responded that the NBN rollout is guided by the Telecommunications Act and they are not required to get permits or permission from Council, so our ability to control what they do and where they do it is limited. In relation to South Melbourne, our officers have been in contact with the NBN who have been in contact with the residents and have advised they will be reinstating the area, particularly the grass area, which will be re-seeded.

Cr Voss said that they tended to put the NBN down the centre of the footpath and then cover it with a different quality of asphalt, so what resources do we have to get the whole path done?

The Mayor, Cr Gross, deferred to Chris Carroll, General Manager Customer and Corporate Services, who advised that the inspections program for footpaths renewal is based on asset condition, which Council tries to keep assets in a set condition over a period of time. In these cases they generally reinstate the footpath to a decent condition, but not necessarily the same condition it was beforehand, but still functional. If it is not functional, then Council will go in and undertake additional works to tidy it up. Utilities companies and the NBN cost Council thousands of dollars a year to fix up footpaths.

Cr Pearl commented that Gasworks Arts Park representatives did not attend the previous meeting of Council when they had an item on the agenda, however it transpires they were unaware that the item was on the agenda. Is it possible for Council to change procedures whereby when lease type documents, council motions relating to community groups or other entities can be advised once something has been put on the agenda?

The Mayor, Cr Gross, deferred to Chris Carroll, General Manager Customer and Corporate Services, who advised that there is a standard whereby organisations are notified and encouraged and invited to attend meetings. Mr Carroll undertook to investigate and provide an answer on what happened in this particular instance.

Cr Voss asked, in relation to South Melbourne Primary School, when the basketball/netball courts would be fully repaired and available?

The Mayor, Cr Gross, deferred to Anthony Traill, Manager Open Space and Recreation Services who advised that the courts would be available from Term 2, later this month.

Cr Voss asked if there was any information Council could provide to the community about the progress of Melbourne Renewal Energy Project (MREP)?

The Mayor, Cr Gross, deferred to Brett Walters, Manager Environmental Sustainability who advised that Council was currently in the process of transferring all the electricity accounts to the new provider, Tango Energy. Once this process is completed there will be a launch event that Council will be invited to attend.

Cr Voss asked if the windmills were up and generating power?

The Mayor, Cr Gross, deferred to Brett Walters, Manager Environmental Sustainability who advised that they were still under construction, he will check the schedule and take that part of the question on notice.

## **8. PRESENTATION OF CEO REPORT**

Nil.

## **9. PEOPLE AND COMMUNITY**

Nil.

## **10. TRANSPORT AND PARKING**

Nil.

## **12. PLANNING**

### **12.1 Review of Dogs off Leash areas along Port Phillip Beaches and St Kilda Botanical Gardens**

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

#### Amanda Levi

Ms Levi spoke on behalf of the Bayside Dog Alliance, which welcomes and supports greater access to off leash space and asked, as well as the trial at South Melbourne beach, to open up part of Elwood beach for 24/7 access for dogs.

#### Elizabeth Morrison

Ms Morrison stated that the survey said 77.8% of respondents were satisfied with congestion, however congestion is given as a reason for change, which is difficult to comprehend. Dog owners were vastly over represented in the residents survey and the need for change is not indicated.

#### Patricia Goldie

Ms Goldie stated the change to South Melbourne beach would not be fair to people who wanted to swim or walk before the heat of the day and there are off leash areas either side of South Melbourne beach.

#### Jennifer Bishop

Ms Bishop thanked Council for their actions and the resourcing into the investigation of off leash areas, which are shrinking in both Bayside and Port Phillip and dog walkers have been particularly impacted by no longer having access to Elsternwick Park South. Ms Bishop supported any trial giving dogs access to off leash areas.

#### Susan Taylor

Ms Taylor spoke about the beaches, not the Botanical Gardens, and the weaknesses in the research – a significant amount of residents do not go to the beach in November and December. Asked Councillors to consider opening up Elwood beach to dog walkers in the mornings, even if it is only until 9am.

### **Purpose**

- 1.1 To provide Council with the findings of research undertaken of the Port Phillip community and visitors relating to a review of dog off-leash zones on our beaches and St Kilda Botanical Gardens and seek endorsement to commence a morning trial of a new off-leash zone at South Melbourne Beach from 1 November 2019 to 31 March 2020.

**The Mayor advised the meeting that this item will be disaggregated into five separate motions.**

**MOVED Crs Crawford/Bond**

That Council:

- 3.1 Notes the extensive consultation undertaken between 24 November and 4 December 2018 and involving 1471 respondents for the purposes of reviewing dog off-leash areas along Port Phillip beaches and St Kilda Botanical Gardens.

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

**MOVED Crs Simic/Baxter**

That Council:

- 3.2 Retains current restrictions at South Melbourne Beach given the current satisfaction rating of off-leash areas.

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

**Cr Bond called for a DIVISION.**

**FOR: Crs Baxter, Brand, Copsey, Pearl and Simic**

**AGAINST: Crs Bond, Voss, Crawford and Gross**

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

**MOVED Crs Baxter/Bond**

That Council:

- 3.3 Retains the current restrictions during the summer months at Point Ormond to the rock groyne at Elwood Sailing Club given the high volume of residents and visitors using the beach until sunset.

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

**Cr Voss called for a DIVISION.**

**FOR: Crs Bond, Baxter, Copsey, Pearl and Simic**

**AGAINST: Crs Voss, Brand, Crawford and Gross**

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

**MOVED Crs Crawford/Bond**

- 3.4 Retains the current dog on-leash zones located in the lawn area in the South West corner of the St Kilda Botanical Gardens.

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

**MOVED Crs Copsey/Voss**

3.5 Retains current restrictions at Sandridge Beach, Middle Park Beach, New Beach, West Beach, Port Melbourne Beach, St Kilda Beach, Elwood Beach.

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

Cr Voss left the Chamber at 8.19pm.

Cr Pearl left the Chamber at 8.20pm.

Cr Voss returned to the Chamber at 8.20pm.

Cr Pearl returned to the Chamber at 8.22pm.

## **11. SUSTAINABILITY**

### **11.1 Elster Creek Catchment 2018 Action Plan - January-March 2019 Update**

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

Helen Halliday

Ms Halliday stated the officers' report provided was broad and refers to information in the Action Plan which itself has big gaps relating to Elsternwick Park and at a catchment wide level.

#### **Purpose**

- 1.1 To provide Councillors and the community with an update on delivery of the Elster Creek Catchment Project and other water-related activities occurring within the Elster Creek Catchment during the January to March 2019 period.

#### **MOVED Crs Gross/Copsey**

That Council:

- 3.1 Notes the information contained within this report on water related actions to reduce flooding and progress on the Elster Creek Action Plan 2018 for January to March 2019.
- 3.2 Continues to support CEO representation on the Elster Creek Catchment CEO Forum, Council Officer involvement in the Elster Creek Catchment Working Group and other related activities that support the identification and implementation of deliverables that are required to mitigate flood impacts in the catchment.

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

Cr Copsey left the Chamber at 8.33pm.

Cr Copsey returned to the Chamber at 8.34pm.

## 12. PLANNING

### 12.2 St Kilda Marina Project Stage Three Community Engagement Report

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

#### Jenya Khvatsky

Mr Khvatsky was a participant on the Community Panel and is very concerned about the replacement of the current petrol station and car park with a 12-15 metre high shopping centre on the beach next to the Marina. This proposal needs to be re-thought as it will be strenuously opposed by the community and will be a repeat of the St Kilda Triangle.

Joanne McNeill, Manager Property and Assets clarified that there is not a design proposed for the site, there are areas where we will be recommending to Council, as part of a site brief, which is based on the work done through the Community Panel, areas where building is appropriate and not appropriate. Tonight we are not asking for a decision from Council, we are noting the work that has been done through the Community Panel and wider community consultation.

#### Peter Tanner

Mr Tanner was a participant on the Community Panel and sees six critical issues that should receive significant consideration including the bridge over the channel, boatshed size and footprint, perimeter fence removal, car parking for boats and the launching area, commercial uses and park recreation.

#### **Purpose**

- 1.1 To note the release of the St Kilda Marina Project Stage Three Community Engagement Report (Attachment 3), published on Council's Website on 12 April 2019.

#### **MOVED Crs Voss/Bond**

That Council:

- 3.1 Notes the release of the findings of the St Kilda Marina Project Stage Three Community Engagement Report (Attachment 3), published on Council's Website on 12 April 2019.

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

## **13. ARTS CULTURE & ECONOMIC DEVELOPMENT**

Nil.

## **14. ORGANISATIONAL PERFORMANCE**

### **14.1 Council Plan and Budget 2019/20: Release of draft document for public consultation**

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

#### April Seymore

Ms Seymore is the Executive Officer of the Port Phillip Eco Centre based in St Kilda Botanical Gardens and partners with the City of Port Phillip since 1999. Ms Seymore requested an increase in the current funding agreement from \$243,000 to \$408,000 to ensure that the Centre can continue to deliver the programs and sustain their volunteers.

#### Campbell Spence

Mr Spence spoke on behalf of the Ratepayers of Port Phillip Incorporated, a group of 500 members who object to the cost of rates and the unsustainable increase in rates year on year. Further there is no statutory obligation to provide some of the services Council currently provides, Councillors should reject the budget papers and ask officers to find cost savings of \$4million to keep rates rises to zero.

#### Adrian Jackson

Mr Jackson stated ratepayers must come first and Council is not here to finance the lifestyles of the arts community or duplicating State functions like housing. Council has an excessive five libraries, get rid of two of them, also I shouldn't be paying to mind other people's children. Events, such as the St Kilda Festival are put on, which ratepayers contribute to for non-residents to enjoy. Additionally there should be a 30% reduction in Council staff over three years.

### **Purpose**

- 1.1 For Council to consider release of the draft updated Council Plan 2017-27, including the draft Budget 2019/20, for public consultation

### **MOVED Crs Copsey/Crawford**

That Council:

- 3.1 Releases the draft updated Council Plan 2017-27, inclusive of the Municipal Health and Wellbeing Plan, 10-year Financial Plan, Strategic Resource Plan and draft Budget 2019/20 for a 28-day period of public consultation (refer to Attachment 1)
- 3.2 Authorises a Public Notice to be published in The Age and an advertisement in the Port Phillip Leader, a display of the draft updated Council Plan 2017-27 including the draft Budget 2019/20 on Council's website, and availability of the Plan for inspection at town halls and municipal libraries, to ensure broad community awareness and invite public submissions pursuant to section 223 of the *Local Government Act 1989* (refer to Attachment 2).
- 3.3 Notes the findings resulting from community engagement at markets and venues between October and December 2018.
- 3.4 Notes the activities that will be undertaken to support the draft updated Council Plan and draft Budget 2019/20.
- 3.5 Agrees to receive and hear submissions from the public at the Special Council meeting on 4 June 2019, commencing 6.30 pm at the St Kilda Town Hall, prior to considering adoption of the updated Council Plan 2017-27, including Budget 2019/20, at the Ordinary Council Meeting on 19 June 2019 commencing 6.30 pm at the St Kilda Town Hall.

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

### **Crs Copsey/Brand**

**That items 14.2 and 14.3 be moved "en bloc".**

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

## 14.2 Proposed Tenancy Agreement - Linden Art Gallery

### Purpose

- 1.1 To seek Council's approval to complete the statutory procedures and finalise a new tenancy agreement for 26 Acland Street, St Kilda with Linden New Art Incorporated ("Tenant").

### MOVED Crs Copsey/Brand

That Council:

- 3.1 Not having received any submissions in response to a Notice of Intention to Lease the property at 26 Acland Street, St Kilda to Linden New Art Incorporated ("Tenant"), resolves to conclude the statutory procedures under sections 190 and 223 of the *Local Government Act 1989* (Act) 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:
  - 3.1.1 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
- 3.3 Notes that whilst the assessed market rent is \$340,000 per annum plus GST, a discounted rent of \$104 per annum plus GST is proposed to support provision of art, cultural and creative programs and services to the community.
- 3.4 Notes that the proposed tenancy agreement will include Council's right to amend the rent and any other terms of the proposed tenancy agreement allowing any rent obtained from sub-letting opportunities to be shared with Council (as appropriate).

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

### **14.3 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 Copsey/Brand**

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**

#### **MOVED Crs Voss/Baxter**

That Council consider four items of urgent business in relation to proposed motions to the State Council of the Municipal Association of Victoria on 17 May 2019.

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

#### **17.1 Australian Packaging Covenant – Litter Management**

#### **MOVED Crs Copsey/Voss**

That Council:

Submits the following motion to the 17 May 2019 State Council of the Municipal Association of Victoria :

That the Municipal Association of Victoria (MAV) State Council:

- Formally endorses the MAV 'Rescue our Recycling' policy, and congratulate the Association on this necessary policy;
- Notes the critical importance of product stewardship and polluter pays principals advocated within the 'Rescue our Recycling' policy;
- Advocates for the 'Australian Packaging Covenant' to alter its Strategic Plan (2017-2022), insisting on a larger focus on litter and post-consumer waste management, in addition to existing goals, including the allocation of funds to local councils and not for profits organisations who are involved in litter management.

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

**Cr Copsey 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.**

## **17.2 OVGA Review of Facilities in Public Spaces and Road Reserves**

**MOVED Crs Voss/Gross**

That Council:

Submits the following motion to the 17 May 2019 State Council of the Municipal Association of Victoria:

That MAV advocates for the Office of the Victorian Government Architect (OVGA) to conduct a review of the cumulative effect of "low impact" facilities (covered under the Telecommunications Act 1997) and other State/Federal facilities, such as PTV/Yarra Trams substations, on public space / road-reserve, and present a series of recommendations for improving amenity and the (co-location /underground) placement of facilities to the Victorian Government.

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

## **17.3 Landfill Revenue and Site Contamination Management**

**MOVED Crs Gross/Brand**

That Council:

Submits the following motion to the 17 May 2019 State Council of the Municipal Association of Victoria:

That the Municipal Association of Victoria (MAV) calls on the State Government to commit to an allocation of Landfill Levy revenue for use by councils, to assist with the ongoing management of contaminated land (owned and managed by Councils), as required under the new Environmental Protection Amendment Act 2018 (the Act) (effective July 2020).

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

#### **17.4 State Regulation of E-Scooters**

##### **MOVED Crs Voss/Crawford**

That Council:

Submits the following motion to the 17 May 2019 State Council of the Municipal Association of Victoria:

That the Municipal Association of Victoria advocate to the Victorian Government to create a regulatory framework that sets and enforces standards for technology enabled shared transport services, such as e-scooters, that protect the safety of pedestrians and road users, and enable the creation of a new marketplace with consistent rules for prospective new shared transport service businesses.

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

## 18. CONFIDENTIAL MATTERS

Cr Pearl declared that in relation to item 18.1 Award Contract 2186 – Provision of Internal Audit and Core Assurance Services, that he has a direct conflict of interest in this matter and left the Chamber at 9.52pm and took no part in the discussion of this item.

### **MOVED Crs Voss/Copsey**

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 2186 - Provision of Internal Audit and Core Assurance 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.**

The meeting was closed to the public at 9.53pm

The meeting reopened to the public at 9.54pm

As there was no further business the meeting closed at 9.54pm.

Confirmed: 1 May 2019

Chairperson \_\_\_\_\_