



# **ORDINARY MEETING OF COUNCIL**

## **MINUTES**

**1 FEBRUARY 2017**



## MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 1 FEBRUARY 2017 IN PORT MELBOURNE TOWN HALL

The meeting opened at 6:32pm.

### PRESENT

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

### IN ATTENDANCE

Carol Jeffs Interim Chief Executive Officer, Claire Ferres Miles General Manager Place Strategy and Development, Vanessa Schernickau Acting General Manager Community Development, Fiona Blair General Manager Infrastructure and Amenity, Chris Carroll General Manager Organisational Performance, Doron Karliner Chief Governance Officer.

*The City of Port Phillip respectfully acknowledges the Yalukit Willam 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 Bond/Gross

That the minutes of the Statutory Planning Committee Meeting of the Port Phillip City Council held on 6 December 2016 be confirmed.

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 13 December 2016 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

### Meni Christofakis

- Stated she was representing Elwood Floods Action Group (eFLAG).
- Asked if any further consideration had been given to the points she had raised in relation to the Council Plan and Budget at the 13 December 2016 Council meeting.

*The Mayor, Councillor Bernadene Voss, deferred to Mr. Chris Carroll General Manager Organisational Performance who responded that the Councillors as part of their early deliberations on the Council Plan have highlighted stormwater management and flooding as a priority area of focus. Council is currently implementing an asset management improvement project including upgrade of processes and systems. As part of this we are focusing on collecting better information on the condition of our drainage assets to better inform stormwater asset management practices and future investment decisions. We are also continuing to advocate to and work with key stakeholders such as Melbourne Water and other councils on flooding.*

### Isaac Hermann

- Tabled a joint letter relating to flooding in the Elwood area.

*The Mayor, Councillor Bernadene Voss, responded that the joint letter would be considered at the next Council Meeting on 15 February 2017.*

### Geoffrey Love

- Tabled a joint letter relating to increased expenditure in the budget on flood prevention.
- Asked what is Council's site coverage policy when considering applications? (He thought it was 80%). Is this policy discretionary or mandatory? Does this policy take into account permeability considerations? Are there any differences in the Policy between neighbourhoods such as for Elwood where there is an extensive Land Subject to Inundation Overlay (LSIO) overlay given the high flooding risk?
- Stated he was aware of a recent planning application in Elwood which is 88% site coverage and that the application was going to VCAT and a number of community members are very concerned about why this application has been allowed when it appears to be contrary to Council policy.

*The Mayor, Councillor Bernadene Voss, responded that the joint letter would be considered at the next Council Meeting on 15 February 2017.*

*The Mayor, Councillor Bernadene Voss, deferred to Ms Claire Ferres Miles who responded that she would take his questions on notice.*



## 7. COUNCILLOR QUESTION TIME

Cr Copsey asked for an update on the Council Plan process and how Community members could get involved?

*The Mayor, Cr Bernadene Voss, deferred to Mr Chris Carroll General Manager Organisational Performance who responded that the Council has just commenced a month long community engagement process to inform development of the draft Council Plan and Budget. This incorporates a series of four deep dive workshops on dilemmas such as waste management and parking – these have proven to be very popular with registrations outstripping the number of places available. We also have an online survey as well as a series of drop in sessions across the municipality open to all community members. This is just the start of the process – there will a further round of consultation with the community once the draft Council Plan and Budget is developed.*

Cr Simic asked about the measuring of air and water quality in relation to diesel fume emissions and discharges from ships when they dock at Station Pier in Port Phillip Bay.

- What are the permit conditions for all cruise ships, ships and the Spirit of Tasmania in regard to air pollution and water pollution for when they dock at Station Pier?
- What are the permit conditions in regard to turning the ships off whilst they are docked? Community members regularly provide feedback that the docked ships continue to emit fumes throughout their stay at Station Pier, whilst how is it that docked ships in European cities are turned off, with no fumes whilst in dock.
- What is the role of Council and remit of control in respect to air pollution? And if it is not Council, who is the regulator?
- What is the role of Council and remit of control in respect to water bay pollution? And if it is not Council who is the regulator?

*The Mayor, Councillor Bernadene Voss, deferred to Ms Claire Ferres Miles who responded that Station Pier is managed by the Victorian Ports Corporation (Melbourne) as a crown land asset. The Victorian Ports Corporation (Melbourne) (VPCM) also manages commercial shipping in Port Phillip, waterside emergency and marine pollution responses. Council does not have a role in respect to either air or water bay pollution at Station Pier with the Environment Protection Authority (EPA) responsible for responding to air pollution and the VPCM responsible for responding to marine pollution.*

The Mayor, Cr Bernadene Voss, asked in relation to Emerald Hill Library and Heritage Centre how is book stock (volume / number of books) for our City of Port Phillip libraries determined?

*Acting General Manager Vanessa Schernickau responded that the collection is managed using profiles for each branch that have been established in line with Port Phillip library collection development protocols. The protocols are informed by both Victorian public library sector benchmarks, as well as broader National guidelines administered through the Australian Library & Information Association.*

*Stock allocation for branches is informed by circulation statistics, alongside an understanding of the current and emerging context of the community of Port Phillip (via Australian Bureau of Statistics (ABS) data), in-house surveys, borrower requests and suggestions, and community liaison. There are also parallel considerations around how the collection is housed and used at each location in conjunction with branch amenity, available public space, programs and other activities etc.*

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The Mayor, Cr Bernadene Voss, asked how are the children's activities and story time determined for our libraries?

*Acting General Manager Vanessa Schernickau responded that in addition to the general comments noted above, children's services and activities (holiday programs, regular story time program etc.) are informed by a range of factors including stats, feedback and engagement with families, i.e. what do the numbers and the conversation tell us about need and shifts in demand patterns? A good example is the range of adjustments we have made across the last few months to better deal with the increasing attendance numbers and amenity impacts at story times at Albert Park and Emerald Hill in particular. Similarly we are currently trialling a new Baby Rhyme Time program developed by the Children's team in response to an identified gap. We are aiming to be flexible and build in the capacity to be able to accommodate shifts in demand patterns as kids get older and migrate through a range of different services (e.g. Story time through to lightning reader's program, teen book club etc.).*

The Mayor, Cr Bernadene Voss, asked each year we spend significant amounts of money on new stock, as appropriate, where does the old stock go?

*Acting General Manager Vanessa Schernickau responded that good quality withdrawn stock is either managed via periodic book sales (we are planning to conduct 3 or 4 across this year) or else occasionally donated through appropriate channels – such as the PLVN relationship with Timor Leste libraries, homeless shelters/migrant detention centres etc. Stock is withdrawn in line with collection management protocols and is influenced by quality, usage, fit with collection profile etc.*

The Mayor, Cr Bernadene Voss, asked do we have a limit on number of books at any one time?

*Acting General Manager Vanessa Schernickau responded that if this question relates to number of items (books) able to be borrowed at any time, member borrowing entitlements are currently:*

- 4 week loan period on all items unless in high demand
- 2 week loan period for items that are in high demand
- Unlimited books and DVDs
- 4 Blu-Rays
- 30 CDs
- 10 magazines
- 10 graphic novels
- 10 comics
- 10 talking books on CD
- 4 PC and console games

*Items can be transferred from any branch to a designated pick up location at the Port Phillip Library Service, and items can be returned at any branch of the library. In practice borrowers tend to “self-manage” fairly well, we have relatively few issues with problem behaviour in terms of collection use. We are currently working through a process to enable us to charge for long over-due, lost or damaged items that impact on other borrower's enjoyment of the service.*

The Mayor, Cr Bernadene Voss, asked how are the number of public access computers determined at each site?

*Acting General Manager Vanessa Schernickau responded that Port Phillip Library Service currently has forty one public access computers across five libraries. The number of computers allocated to each site is based on:*

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- *the size of the public space at each site, and*
- *previous utilisation rates of the computers.*

*Current monthly utilisation of the public access computers range from thirty five percent (Middle Park) to eighty percent (St Kilda). Since the implementation of the new public network in February 2016, we have had increasingly more people visiting us with their own devices (tablets laptops etc.).*





## **8. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 8.1 Amendment C122 - St Kilda Road South - Consideration of Submissions and Decision to Refer Submissions to Planning Panel
- 8.2 Inner Melbourne Action Plan (IMAP) Committee Update of Delegation



## 8.1 AMENDMENT C122 - ST KILDA ROAD SOUTH - CONSIDERATION OF SUBMISSIONS AND DECISION TO REFER SUBMISSIONS TO PLANNING PANEL

### Purpose

- To consider written submissions received to Amendment C122 to the Port Phillip Planning Scheme (St Kilda Road South) during the public exhibition stage.
- To determine whether to request the Minister for Planning to appoint an independent Planning Panel to consider submissions and the Amendment.
- To consider endorsing a response to issues raised in submissions, including recommended changes to the Amendment, which would form the basis of Council's position at the Panel hearing.

### Moved Crs Brand/Copsey

That Council:

- 1.1 Formally considers all written submissions made to Amendment C122 to the Port Phillip Planning Scheme.
- 1.2 Endorses the officers' response to issues raised by submissions and recommend changes to the Amendment, outlined in Attachment 1, as the basis for Council's submission to the Panel.
- 1.3 Requests the Minister for Planning appoint an independent Planning Panel to review the submissions received to Amendment C122, in accordance with Part 8 of the *Planning and Environment Act 1987*.
- 1.4 Refers all submissions to the Panel to be appointed by the Minister for Planning, including any late submissions.
- 1.5 Writes to all submitters to inform them of Council's decision to proceed to the Panel stage.
- 1.6 Reviews the St Kilda Road South Urban Design and Land Use Framework in 2022.
- 1.7 Advocates for a study with the State Government and other parties which identifies future opportunities and preferred outcomes for the St Kilda Junction as a significant urban node, including traffic flows and an enhanced pedestrian experience and connectivity of the Junction and its surrounds.
- 1.8 Develops a Public Spaces and Linkages Opportunities Study (as a key element of the St Kilda Road South Urban Design and Land Use Framework Implementation Plan) that will recommend a series of small to large scale urban design interventions.



- 1.9 Notes the petition received addressed to the Hon. Richard Wynne MP requesting that he approve C121 immediately so that interim controls can be in place.

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



## 8.2 INNER MELBOURNE ACTION PLAN (IMAP) COMMITTEE UPDATE OF DELEGATION

### Purpose

- To recommend that Council review and approve the Instrument of Delegation from the Council to the Inner Melbourne Action Plan Implementation Committee (“IMAP”) in accordance with Section 86 (6) of the Local Government Act; and
- To reaffirm the exemption of non-Port Phillip City Council members of the IMAP special committee from being required to submit a Primary and / or Ordinary Returns of Interest.

### Moved Crs Gross/Bond

That Council:

- 1.1 Revokes the previous Instrument of Delegation from Council to the Inner Melbourne Action Plan Implementation Committee authorised by a resolution of Council on 25 August 2015 effective immediately following the passing of this resolution by Council.
- 1.2 Reaffirms the establishment of a Special Committee called the Inner Melbourne Action Plan Implementation Committee (“Special Committee”), pursuant to section 86 of the Local Government Act 1989 (“the Act”).
- 1.3 Adopts and affixes the Common Seal to attachment 1 – Instrument of Delegation from Council to the Inner Melbourne Action Plan Implementation Committee.
- 1.4 Adopts the Terms of Reference for the Inner Melbourne Action Plan Implementation Committee as detailed in attachment 1.
- 1.5 Pursuant to section 81(2A and (2B) of the Act exempts the non-Port Phillip City Council members of Council’s Inner Melbourne Action Plan Implementation Committee from being required to submit Primary and / or Ordinary Returns of Interest.

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



## 9. NOTICES OF MOTION

### ITEM 9.1 EMERGENCY LISTING OF ST KILDA ROAD AND ENVIRONS ON THE NATIONAL HERITAGE LIST

#### **Moved Crs Pearl/Gross**

That the matter be deferred for further consideration by Councillors.

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



## 9. NOTICES OF MOTION (Cont.)

### ITEM 9.2 PILL TESTING FACILITIES

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

David Doe

- Spoke in support of the Notice of Motion.

Bill O'Loughlin

- Spoke in support of the Notice of Motion.

Les Rosenblatt

- Spoke in support of the Notice of Motion.

#### **Moved Crs Gross/Simic**

That Council:-

1. Requests officers to assist in facilitating and advising on how this Council might work with the State government to pilot the provision of pill testing facilities at consenting clubs, festivals and dance parties in the City of Port Phillip to minimise the harms associated with illicit drugs in a pill based form;
2. Calls on the State government to pass the requisite legislation to enable these pilot facilities;
3. Communicates these proposed pilot facilities to all residents and visitors to the City;
4. Given this is a State responsibility, the Council receives sufficient funding for the provisions of these pilot measures;
5. As this is a matter of urgency, the strategic planning, legislative amendment and financial accommodation is finalised as quickly as practicable.

#### **AMENDMENT**

##### **Moved Crs Bond/Pearl**

The above Motion with the following change:

That in the event the Motion is supported, that the liability for any ramifications and consequences that result from this illegal pill testing proposal personally lie with any and every Councillor that supports this Notice of Motion, and not with the City of Port Phillip, or its employees.

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



**Cr Bond Requested a DIVISION.**

<b>For</b>	<b>Against</b>
Cr Bond	Cr Simic
Cr Pearl	Cr Copsey
Cr Voss	Cr Baxter
	Cr Crawford
	Cr Gross

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

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

**Cr Bond Requested a DIVISION.**

<b>For</b>	<b>Against</b>
Cr Simic	Cr Bond
Cr Brand	Cr Pearl
Cr Copsey	
Cr Baxter	
Cr Crawford	
Cr Gross	
Cr Voss	

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



## **10. REPORTS BY COUNCILLOR DELEGATES**

Nil.





## II. URGENT BUSINESS

### Moved Crs Pearl/Bond

That Council consider an item of confidential urgent business in relation to a proposed development.

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

### Moved Cr Gross/Bond

That in accordance with S89(2)(e) of the Local Government Act 1989, the meeting be closed to members of the public to consider a proposed development.

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

The meeting was closed to the public and the Chamber vacated at 8.36pm.

The meeting was reopened to the public at 9.20pm.

As there was no further business the meeting closed at 9.20pm.

Confirmed: 15 February 2017

Chairperson \_\_\_\_\_