



ORDINARY MEETING OF COUNCIL

MINUTES

6 NOVEMBER 2019

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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 6 NOVEMBER 2019 IN SOUTH MELBOURNE
TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Chris Carroll, Acting Chief Executive Officer; Damian Dewar, Acting General Manager City Strategy and Sustainable Development; Tony Keenan, General Manager Community and Economic Development; Fiona Blair, General Manager Infrastructure and Amenity; Joanne McNeill, Acting General Manager Customer and Corporate Services; Rachel Russell, Acting Director Office of the CEO; Marc Cassanet, Manager Environmental Sustainability, Anthony Traill, Manager Open Space and Recreation Services; Kirsty Pearce, Senior Governance Advisor.

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 Simic/Voss

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 16 October 2019 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



4. PETITIONS AND JOINT LETTERS

Item 4.1 Joint Letter - Domain Precinct Public Realm Masterplan - a further submission from G12+ Domain Precinct Residents Group

A Joint Letter containing 6 signatures was received from Domain Precinct Residents Group.

MOVED Crs Voss/Simic

That Council:

1. Receives and notes the Joint Letter.
2. Considers the questions and comments of the joint letter and brings a report back to a future Council meeting.

A vote was taken and the MOTION was LOST.

Cr Voss called for a DIVISION.

FOR: Crs Voss, Brand, Pearl and Simic

AGAINST: Crs Bond, Baxter, Copsey, Crawford and Gross

The MOTION was LOST.

MOVED Crs Copsey/Bond

That Council:

Receives and notes the Joint Letter.

A vote was taken and the MOTION was CARRIED.

Cr Pearl called for a DIVISION.

FOR: Crs Bond, Baxter, Brand, Copsey, Crawford and Gross

AGAINST: Crs Voss, Pearl and Simic

The MOTION was CARRIED.

Item 4.2 Petition - Establishing a Community Garden in Port Melbourne

A Petition containing 80 signatures was received from resident Sandra Pullman.

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

Sandra Pullman:

Ms Pullman spoke in support of the petition and talked to a presentation containing photographs and a proposal for the requested community garden.



Cr Voss asked due to there being nothing regarding compost in the public open space documentation, how can we get our compost up and running when all of the public compost are at capacity?

Damian Dewar, Acting General Manager Strategy and Sustainable Development, took the question on notice.

MOVED Crs Gross/Baxter

That Council:

1. Receives and notes the Petition.
2. Council encourages all members of the community who have an interest in engaging with our public spaces to become involved in the next stage of the consultation after the meeting on the 4 December 2019.

AMENDMENT

MOVED Crs Simic/Voss

3. Asks officers to consider how we can respond to this specific request and other similar requests within a short time frame.

A vote was taken and the MOTION was CARRIED.

SUBSTANTIVE MOTION

That Council:

1. Receives and notes the Petition.
2. Council encourages all members of the community who have an interest in engaging with our public spaces to become involved in the next stage of the consultation after the meeting on the 4 December 2019.
3. Asks officers to consider how we can respond to this specific request and other similar requests within a short time frame.

A vote was taken and the MOTION was CARRIED.

5. SEALING SCHEDULE

Nil.



The Mayor advised of the addition of a condolence motion to the meeting agenda.

CONDOLENCE MOTION

Alexis 'Lexie' Elizabeth Bown

MOVED Crs Crawford/Baxter

That Council

- Expresses its deep regret on the passing of Alexis 'Lexie' Elizabeth Bown.
- Offers its sincere condolences to her family.
- Places on record its appreciation for her service to the City of Port Phillip Council.

A vote was taken and the MOTION was CARRIED unanimously.

6. PUBLIC QUESTION TIME

James Woollett:

Mr Woollett presented the Middle Park Library Action Group report and commented on how City of Port Phillip's libraries compare. Mr Woollett asked questions relating to the progression of Council's library review plan.

Tony Keenan, General Manager Community and Economic Development, noted the report tabled by Mr Woollett and offered to further investigate should Councillors request.

Isaac Hermann:

Mr Herman referenced the CEO report and noted the Elwood Esplanade Oval Upgrade in Albert Park at \$315,000, and asked are there any water sensitive urban design or integrated water management features incorporated in this design? Parts of Elwood Esplanade are prone to flooding but they wouldn't have to be if Council lowered the surface of those ovals. Has the plan complied with the stated policy of embedding water sensitive urban design into all asset upgrades?

Fiona Blair, General Manager Infrastructure and Amenity, took the questions on notice.

Bill Phelan:

Mr Phelan spoke to the recent closure of a slip road in Graeme Street to Albert Street, Port Melbourne and recent correspondence he had received from Council regarding the project.

Steve Phillips:

Mr Phillips spoke to Council's recent declaration of a climate emergency and asked a number of questions relating to emissions created by the St Kilda Festival. Mr Phillips asked if the generators used at the festival are used as back up or running consistently throughout the event?

Marc Cassanet, Manager Environmental Sustainability took Mr Phillips' question on notice.



7. COUNCILLOR QUESTION TIME

Cr Copsey:

Cr Copsey asked about dredging in the bay, and contamination management during this season of high levels of recreational use of the bay, and highlighted that the Little Penguins are currently frequenting the bay with their new born chicks.

Marc Cassanet, Manager Environmental Sustainability advised that the dredging is approved by the Department of Environment, Land, Water and Planning as the delegate for the Minister for Environment, Climate Change and Water. This is approved through the dredging program of the Environmental Management Plan 2012-2022 which has a comprehensive plan around how the dredging is managed, and includes a requirement for monitoring for contamination of sediments. Mr Cassanet advised that Council does not have any role in managing the program, but could ask the dredging authorities how they propose to respond to upcoming changes to EPA regulations.

Cr Pearl:

Cr Pearl asked about jet skis in the bay and what residents should do if they notice inappropriate behavior such as excessive noise pollution, speeding or have any general complaints regarding activity in the bay over the summer months.

Fiona Blair, General Manager Infrastructure and Amenity, took the question on notice.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 60

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

Cr Simic referred to page 9 of the CEO report 'Our organisational scorecard', noting the three bench marks all have crosses against them, and asked what is being done to address this, and what steps is Council taking to resolve some of the issues in this reporting.

Joanne McNeill, Acting General Manager Customer and Corporate Services, took the question on notice.

Purpose

- 1.1 To provide Council with a regular update from the Chief Executive Officer regarding Council's activities and performance.

MOVED Crs Bond/Voss

That Council:

- 3.1 Notes the CEO Report Issue 60 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in September 2019.

A vote was taken and the MOTION was CARRIED unanimously.



9. PEOPLE AND COMMUNITY

9.1 Neighbourhood Ngargees and the Consumption of Alcohol

Purpose

- 1.1 To provide advice to Council on the ability to update the Local Law No. 1 to enable the public consumption of alcohol at Neighbourhood Ngargee events.

MOVED Crs Voss/Pearl

That Council:

1. Notes that no action is required by Council to enable the public consumption of alcohol at Neighbourhood Ngargee events as the provisions of Local Law No. 1 allow for the public consumption of alcohol in the street for permitted special events.

A vote was taken and the MOTION was CARRIED unanimously.

9.2 Friends of Suai/Covalima Annual Report

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

Megs Alston, Chair of Friends of Suai/Covalima:

Ms Alston presented the Friends of Suai/Covalima Annual Report and highlighted sections of the annual report including the installation of a village lighting scheme, scholarships for students, infrastructure advocacy and training for math and science teachers working in secondary schools.

Purpose

- 1.1 To inform Council on the 2018-19 achievements of the Friends of Suai/Covalima Community Reference Committee.

MOVED Crs Pearl/Baxter

That Council:

- 3.1 Endorses the 2018-19 Friends of Suai/Covalima (FoSC) Annual Report (Attachment 1).
- 3.2 Acknowledge the contribution of the FoSC Community Reference Committee.
- 3.3 Acknowledge the work of the Covalima Community Centre and the role it plays enhancing the lives of the Suai – Covalima community.

A vote was taken and the MOTION was CARRIED unanimously.



10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

11.1 The Vineyard - Redevelopment Proposal and new lease Community Consultation Results

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

Cr Pearl asked how much money Council has spent in total on fees, consulting and officer time, roughly, on this lease project?

Joanne McNeill, Acting General Manager Customer and Corporate Services, took the question on notice.

Purpose

- 1.1 To present the results of the community engagement activities undertaken relating to The Vineyard PTY Ltd.'s (TVPL) redevelopment proposal and proposed key lease terms.

MOVED Crs Bond/Crawford

That Council:

- 3.1 Notes the findings of the community engagement activities undertaken in relation to the proposed redevelopment and new lease of The Vineyard.
- 3.2 Note the proposed approach to consider the findings, and any additional commentary received upon presentation of this report, with TVPL and Councillors, prior to proceeding to a formal decision.

A vote was taken and the MOTION was CARRIED unanimously.

12. PLANNING

Nil.

13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.



14. ORGANISATIONAL PERFORMANCE

14.1 Status of Council Decisions and Questions Taken on Notice recorded by Council: 1 July - 30 September 2019

Purpose

- 1.1 To provide Councillors with an update on the status of all Resolutions passed by Council at Council and Planning Committee Meetings between 1 July and 30 September 2019, and the status of actions that were previously reported as outstanding in the last quarterly status report.
- 1.2 To provide Council with an update on the status of Questions Taken on Notice during Council Meetings from 1 July to 30 September 2019.

MOVED Crs Bond/Voss

That Council:

- 3.1 Notes the implementation status of Council and Planning Committee Resolutions as contained in Attachments 1 - 3.
- 3.2 Notes the response status of questions taken on notice during Council Meetings as contained in Attachment 4.

A vote was taken and the MOTION was CARRIED unanimously.

14.2 Council and Planning Committee meeting timetable for 2020

Purpose

- 1.1 To present to Council a proposed timetable for Council and Planning Committee meetings for 2020.

MOVED Crs Pearl/Brand

That Council:

- 3.1 Adopts the Ordinary Council and Planning Committee meeting timetable for 2020 as contained in Attachment 1
- 3.2 Notes that under the Meetings Procedure Local Law No. 2/2019 the Chief Executive Officer, after consultation with the Mayor, in the case of an administrative matter or an emergency situation, may alter the location of or cancel a Council meeting by giving such notice to the Councillors and the public as is practicable.
- 3.3 Authorises the Chief Executive Officer, after consultation with the Mayor, in the case of an administrative matter or an emergency situation, to vary the time of Council and/or Planning Committee meetings by giving such notice to the Councillors and the public as is practicable.

A vote was taken and the MOTION was CARRIED unanimously.



14.3 Proposed Discontinuance of Road Abutting 285-287 Inkerman Street and 3-7 Nelson Street, Balaclava

Purpose

- 1.1 This report seeks Council's approval to:
 - 1.1.1 consider removing the road abutting 285-287 Inkerman Street and 3-7 Nelson Street, Balaclava (**Road**) from Council's Register of Public Roads; and
 - 1.1.2 commence statutory procedures pursuant to the *Local Government Act 1989 Vic (Act)* to consider discontinuing the Road. If the Road is subsequently discontinued, the Road is proposed to be sold to the adjoining owner for market value.

MOVED Crs Bond/Pearl

That Council:

- 3.1 Acting under section 17(4) of the Road Management Act 2004 (Vic), resolves that the road abutting 285-287 Inkerman Street and 3-7 Nelson Street, Balaclava (**Road**), be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in the report.
- 3.2 Acting under clause 3 of Schedule 10 of the Local Government Act 1989 (Vic) (Act),
 - a) resolves that the statutory procedures be commenced to discontinue the Road;
 - b) directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance of the Road be given in the Port Phillip Leader newspaper;
 - c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for its previously assessed market value of \$529,200 plus GST;
 - d) notes that the adjoining owner has agreed to purchasing the bluestone pitchers within the Road at the current market value of \$216 per square metre;
 - e) notes that proceeds from the proposed sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio;
 - f) authorises the Chief Executive or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter and
 - g) resolves to hear and consider any submissions received pursuant to section 223 of the Act at a Council meeting to be determined at a later date.

A vote was taken and the MOTION was CARRIED unanimously.



14.4 Proposed Discontinuance and Sale of Road at the Rear of 225 Page Street, Middle Park

Purpose

- 1.1 This report seeks Council's approval to complete the statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) and finalise the discontinuance and sale of the road at the rear of 225 Page Street, Middle Park, being the whole of the land contained in certificate of title volume 2368 folio 519 (**Road**) and shown marked as lot '1' on the Title Plan attached as Attachment 1 to this report, to the owner of 225 Page Street, Middle Park (**225 Page Street**).

MOVED Crs Pearl/Voss

That Council, having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue the road shown marked as lot '1' on the Title Plan attached as Attachment 1 to this report (**Road**), being the whole of the land contained in certificate of title volume 2368 folio 519:

- 3.1 resolves to discontinue the Road as it considers that the Road is not reasonably required for public use;
- 3.2 resolves to sell the discontinued Road, for the market value of \$54,000 plus GST, to the registered proprietor of 225 Page Street, Middle Park (**225 Page Street**);
- 3.3 notes that proceeds from the sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio;
- 3.4 directs that any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale;
- 3.5 directs that a notice pursuant to clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) is published in the *Victoria Government Gazette*;
- 3.6 directs that the Chief Executive Officer or delegate signs an authorisation allowing Council's solicitors to execute transfer documents and any other documents required to be signed on Council's behalf in connection with the transfer of the discontinued Road to the registered proprietor of 225 Page Street; and
- 3.7 directs that the registered proprietor of 225 Page Street be required to consolidate the title to the Road with the title to their property within 12 months of the date of the transfer of the discontinued Road.

A vote was taken and the MOTION was CARRIED unanimously.

15. NOTICES OF MOTION

Nil.



16. REPORTS BY COUNCILLOR DELEGATES

Cr Gross:

Cr Gross advised Councillors of the MAV campaign for a review of exemption from rate payments for certain organisations. Cr Gross recommended that Councillors review documentation about the campaign.

Cr Pearl:

Cr Pearl advised Councillors of the appointment of the new Executive Manager South Melbourne Market, Danielle Bleazby. Cr Pearl recognised Mark Edmonds' for his terrific work during his interim role as the Market Executive Manager.

17. URGENT BUSINESS

MATTER OF URGENCY

MOVED Crs Voss/Brand

That Council consider a matter of urgent Business 'Port Phillip Trial Electric Shared Bicycles'.

A vote was taken and the MOTION was CARRIED.

Cr Pearl called for a DIVISION.

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

AGAINST: Cr Pearl

ABSTAINED Crs Bond and Simic

The MOTION was CARRIED.

17.1 Port Phillip Trial Electric Shared Bicycles

MOVED Crs Voss/Brand

That Council:

1. Authorises the Chief Executive Officer or his delegates to support a trial of dockless electric bicycles on Council land.
2. Authorises the Chief Executive Officer to work in partnership with other Councils and organisations to manage and respond to shared transport service providers including entering into a Memorandum of Understanding (MOU) with City of Melbourne, other neighbouring councils and service providers.

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3. Notes that an open and competitive Expression of Interest process would be conducted prior to entering into an MOD with up to two electric bicycles operators to operate for the duration of the trial.
4. Notes the trial will be undertaken in geographically defined areas of the municipality, such as the foreshore, business activity centres or public transport routes. Defined locations to be determined by Council officers.
5. Notes that the e-bike trial aligns with the Council's Move Connect Live Strategy - Outcome 5 - Our community benefits from new transport options and technology.

A vote was taken and the MOTION was CARRIED.

Cr Pearl called for a DIVISION.

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

AGAINST: Crs Bond and Pearl

The MOTION was CARRIED.

18. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 8.25pm.

Confirmed: 20 November 2019

Chairperson _____