



# ORDINARY MEETING OF COUNCIL

21 MARCH 2018



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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP  
CITY COUNCIL HELD 21 MARCH 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; Brett Walters, Acting General Manager Place Strategy and Development; Carol Jeffs, 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; Sharyn Cox, Senior Community Health and Safety Officer; Lili Rosic, Manager Safety and Amenity; Anthony Traill, Manager Open Space and Recreation Services; Katrina Terjung, Manager Strategy and Growth; Carol Tu, Interim Manager Communications and Engagement; Damian Dewar, Manager Cultural and Economic Development; Damian Tyquin, Coordinator Library Services.

*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 Bond/Baxter**

That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 7 March 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

### Item 4.1

A Petition was received on 22 November 2017 from 75 seniors attending the Betty Day Centre calling on Council to install a zebra crossing (with flashing lights) on Chapel Street, near Argyle Street, St Kilda.

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

#### Lilia Tchornei

Spoke in favour of the petition, and stated that there are many residents over the age of 80 years with limited mobility who require access to safe crossings.

#### Alexandre Rozin

Spoke in favour of the petition, stating that it is the city's responsibility to take care of all of its residents, and compared the cost of implementing a crossing to the cost of a human life.

### **MOVED Crs Copsey/ Bond**

That Council:

1. Acknowledges the community request for the installation of a formal pedestrian crossing (or similar) on Chapel Street near Argyle Street, St Kilda.
2. Notes that no warrants have been met, nor repeat accident history identified, for the installation of pedestrian operated signals.
3. Notes that officers have organised for the installation of two 'Pedestrians' warning signs on Chapel Street, one for each approach to the Argyle Street intersection, to advise drivers of pedestrians crossing near this intersection.
4. Notes potential of additional traffic treatments at this location in future budgets.
5. Advises the petition organisers Alexandre Rozin and Safiye Vurdu of the outcome.

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

### Item 4.2

A Petition was received by Council on 29 November 2017 from Rohan Cresp regarding the management of heavy vehicle parking and heard at the Ordinary Meeting of Council on 6 December 2017 at the St Kilda Town Hall.

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

#### Rohan Cresp

Strongly endorsed the officer's recommendation, and commended the councillors for a favourable determination.



**MOVED Crs Pearl/Copsey**

That Council:

- Endorses Council Officers to develop a proposed local law governing the keeping or storing of any heavy vehicle on private property or Council land within the City of Port Phillip;
- Notes that the new proposed local laws and the community engagement plan will be presented to the Ordinary Meeting of Council on 4 April 2018, to seek approval to commence a statutory process for inclusion of these laws into the City of Port Phillip Local Law No.1 (Community Amenity).

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

**Item 4.3**

A Joint Letter was received from the Melbourne Ports Stop Adani Group and heard at the Ordinary Meeting of Council on 7 March 2018.

**MOVED Crs Copsey/Baxter**

That Council resolves that officers provide a comprehensive report to Council in April 2018, after obtaining appropriate legal advice, outlining available mechanisms, risks, costs and necessary policy or procedure changes that enable Council to make a more detailed response to the specific actions requested in the petition.

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

**Cr Simic called for a DIVISION**

<b>FOR:</b>	<b>AGAINST:</b>
Cr Baxter	Cr Bond
Cr Simic	Cr Crawford
Cr Copsey	Cr Gross
Cr Brand	Cr Pearl
	Cr Voss

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



**5. SEALING SCHEDULE**

Nil.



## 6. PUBLIC QUESTION TIME

### Helen Halliday

- What action is the Council proposing in light of the City of Bayside reconsidering their decision on Elsternwick Park North's flood mitigation?
- What action has been undertaken by Council in the past year to ensure that Elsternwick Park North is operating at its optimal level as a flood retarding basin?
- Regarding information circulated by Melbourne Water, what action has Council taken to be aware of what possibilities there are?

*Brett Walters, Acting General Manager Place Strategy and Development, thanked Ms Halliday for her questions and her provision of information to officers. The Council has responded to feedback from its community and set up Elster Creek Catchment Working Group, with any findings from this group being shared with the four catchment Councils and Melbourne Water.*

*At officer-level there has been a significant amount of work performed on Elster Creek and Elsternwick Park North in the past year with a dedicated officer working on these specific issues and other officers working on water and drainage-related issues within the city.*

*A potential retention of 18,000 m<sup>3</sup> at Elsternwick Park North has been identified and discussed with Bayside City Council, however to impact major flooding of the area retention of 110,000 m<sup>3</sup> is needed. Consequently, any retention works at the park would contribute to reducing Elster Creek flooding issues, however they would not solve all problems. In regards to Council's response to Bayside City's Council's decision, this will be addressed later in the meeting's agenda.*

*The Mayor, Cr Voss, clarified that there would be an item of urgent business raised for councillor's consideration later in the agenda.*

### John Webster

Proposed to ask a question regarding the CCTV Cameras on Fitzroy Street.

*The Mayor, Cr Voss, told Mr Webster that he would need to raise his question at the agenda item.*

### Pam O'Neil

- When will the Council consider the joint letter and questions asked by the Melbourne Ports Stop Adani Group at the previous council meeting?
- Why did councillors speaking against the motion for item 4.3 of the agenda not consider this in alignment to their council plan?

*The Mayor, Cr Voss, responded that Council had resolved tonight not to consider the joint letter from item 4.3 any further, subsequently any follow-up processes were not required.*

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- The Council only decided not to accept an officers report, and didn't consider the motion?

*Peter Smith, Chief Executive Officer, responded that Council had resolved not to progress to a further report, however a formal response to the joint letter will come back to Council at a later date.*

- Will Council consider the other points of the petition?

*Peter Smith, Chief Executive Officer, replied a response to the questions in the joint letter would be provided, but further work would not be performed by officers based on the direction from Council.*

- Will Council vote again on the petition?

*Peter Smith, Chief Executive Officer, responded that there would be no further vote on the joint letter, however there will be a vote on accepting the formal response to the joint letter when it returns to Council.*

## Peter Moraitis

- When will Council decide upon whether it will support or not support the other aspects of the requests outlined in the petition?

*Peter Smith, Chief Executive Officer, responded that procedurally, the item has previously been addressed in the meeting agenda and comments should have been addressed at the relevant time.*

*Chris Carroll, General Manager Customer and Corporate Experience, responded that council officers have stated that further analysis of the questions in the joint letter were required, however the recommendation from officers to undertake further work was not agreed to by Council tonight.*





## 7. COUNCILLOR QUESTION TIME

### Cr Pearl

- How do residents obtain a copy of the report from Council's audit on flammable cladding?

*Brett Walters, Acting General Manager Place Strategy and Development, responded that he would take that question on notice.*

### Cr Simic

- Can officers elaborate on what the Council is doing to celebrate Cultural Diversity Week?

*Carol Jeffs, General Manager Community and Economic Development, responded that officers celebrated Harmony Day internally by sharing food from across the globe, and that a henna workshop was being held at the St Kilda Library on the weekend. The Council's local partner, Space2b is holding their Laneway Festival this Sunday 25 March.*

- Can officers provide an update on the Fishermans Bend Framework and Planning Control and if the City of Port Phillip's submission has been received?

*Katrina Terjung, Manager Strategy and Growth responded that the hearing of submissions started on 1 March 2018, and today was day eight of 42 hearing days. Yesterday and today have been days in which City of Port Phillip has presented stage 1 of its submission.*

- What is the timeline for this process to be complete?

*Katrina Terjung, Manager Strategy and Growth replied that the last scheduled hearing of the Panel is late May, after which it has 40 days to release its report to the Minister. There is no timeline for the report being publicly released.*



**8. PRESENTATION OF CEO REPORT**

Nil.



## 9. PEOPLE AND COMMUNITY

### 9.1 Proposed Alcohol Restrictions - Public Spaces and Foreshore

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

#### Martin Lynch

Voiced opposition to any extension of the ban. Mr Lynch agreed Christmas Day was a disaster but felt tourists were blamed unfairly.

#### Kevin Donovan

Agreed with the ban and stated that the current ban had been an effective tool in managing alcohol consumption in public spaces.

#### Mathew Butta

Spoke in favour of the motion, and stated that Luna Park had seen a 40% drop in aggressive behaviours since the interim implementation of the alcohol ban without any drop of business.

#### Angela Dawson

As a local resident, parent and trader agreed with the ban and urged Councillors not to underestimate the risk of people drinking in large groups near water.

#### Frank van Haandel

Agreed with the ban, emphasising the need for public expectations to change with the times. Stated that he was disappointed that Councillors had requested more data on issues arising from public drunkenness in the area as this would not further assist decision making.

#### Roger Wyndam

As a local resident and trader spoke in favour of the ban, and stated that the Council was an unlicensed supervisor of Australia's largest open-air drinking venue.

#### Matt Francis

Discussed how the nature of the beach use has changed over the period of five years, and that live-music events spurned raving behaviour from young people, where in past years alcohol wasn't the problem. Proposed that council officers and police had to prevent spontaneous beach parties to address current issues.

#### Jason Kelly

On behalf of Victoria Police highlighted the results of the alcohol ban with a 19% decrease in offences in the area from the previous year, and spoke in strong support of Victorian Police's submission for a total alcohol ban.

#### Travis Atkins

Stated that the issue wasn't isolated to just alcohol, but was the combination of many different social and demographic groups occupying a public space and being fuelled by alcohol, and asked the Council to consider giving the beach back to the people by providing a safe and alcohol-free public space.

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## Edwina Green

Spoke in favour of the ban, and highlighted the unsavoury ambience that is now associated with current beach usage. Stated disappointment that the report doesn't consider elderly residents.

## Ciara Berigan

As a local resident and daily beach goer stated that she had never experienced an incident where she has felt unsafe along the beach. Stated that there are many more issues happening in St Kilda than merely down at the beach.

## Teresa Warren

Spoke in favour of the ban, stating that there were many licensed venues where people could buy alcohol if they wanted to consume it in the area. Asked Council to liaise with backpacker venues to publicise regulations.

## Krystyna Kynst

Spoke in favour of the ban and stated that as a local resident for 30 years, the balance between responsible and irresponsible drinkers on the beach had changed, particularly in recent years with social media escalating event attendances.

## Mary Stewart

As a resident of the area for nearly 50 years supported constructive compromise and supports the recommendation of the officers, and emphasised the Council's responsibility to its residents and visitors.

Cr Crawford left the Chamber at 9.08 pm and returned at 9.10 pm.

Cr Pearl left the Chamber at 9.21 pm and returned at 9.23 pm.

## **Purpose**

- 1.1 To provide Council with information relating to the recent trial of extended alcohol restrictions on the foreshore, and the results of community engagement.
- 1.2 To propose the introduction of permanent alcohol restrictions on the foreshore during peak season, to be combined with a range of other actions aimed at reducing risks, maintaining amenity and minimising harm from alcohol consumption.



**MOVED Crs Brand/Crawford**

That Council:

- 3.1 Notes that considering alcohol restrictions policy setting is highly complex and based primarily on anecdotal evidence, with various forms of supporting evidence and benchmarking to support a long term policy position of Council.
- 3.2 Notes that the consideration of options included a review against assessment criteria, community engagement feedback, written submissions from key stakeholders (including Victoria Police, Port Phillip traders, Life Saving Victoria, Ambulance Victoria and VicHealth), the data and observations from the current trial restrictions and assessment of resources to implement.
- 3.3 Notes that Option 1 is the option advocated for by Victoria Police; however, it is not recommended as the risks do not merit an all-year-round total foreshore alcohol restriction, given the escalation of risks is in the peak season when visitation to the foreshore also peaks.
- 3.4 Notes that Option 2 - A peak season alcohol restriction along the entire foreshore from 1 November to 31 March is the option that best meets the criteria adopted by Council, as it prevents displacement of the risks from the St Kilda foreshore to other foreshore locations. However, it has a negative impact on the right to enjoy responsible alcohol consumption on the foreshore away from the higher risk St Kilda foreshore.
- 3.5 Implements Option 5 – A peak season alcohol restriction along the St Kilda foreshore precinct from 12.01 am on 1 November to 11.59 pm on 31 March inclusive. The St Kilda foreshore is defined as waters and Crown land within the municipality boundary up to the adjoining road, and includes all beaches, reserves and parkland from Langridge Street to Wordsworth Street, St Kilda.
- 3.6 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1(d), to designate alcohol restrictions throughout the municipal district, in any year, on road and Council land, between the hours of 8 pm and 12 pm on the following day.
- 3.7 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1(f), to designate alcohol restrictions apply on Australia day within the whole of the municipality between the hours of 12.01 am and 11.59 pm.
- 3.8 Publishes the amendments to its Procedures and Protocols Manual 1 September 2013 in the Victoria Government Gazette and updates Council's website with these changes.
- 3.9 Notes that Council is implementing various additional strategies in combination with alcohol restrictions, including investigating a Christmas season event, delivering a backpacker establishment forum, increasing visitor and summer management program services and further developing strategies that minimise harm to vulnerable people.



- 3.10 Extends its gratitude to all Port Phillip residents, traders and visitors who contributed to the community engagement process, made written submissions or verbally presented to Council.

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

### **MOVED Crs Gross/Bond**

That Council:

- 3.1 Notes that considering alcohol restrictions policy setting is highly complex and based primarily on anecdotal evidence, with various forms of supporting evidence and benchmarking to support a long-term policy position of Council.
- 3.2 Notes that the consideration of options included a review against assessment criteria, community engagement feedback, written submissions from key stakeholders (including Victoria Police, Port Phillip traders, Life Saving Victoria, Ambulance Victoria and VicHealth), the data and observations from the current trial restrictions and assessment of resources to implement.
- 3.3 Notes that Option 1 is the option advocated for by Victoria Police; however, it is not recommended as the risks do not merit an all-year-round total foreshore alcohol restriction, given the escalation of risks is in the peak season when visitation to the foreshore also peaks.
- 3.4 Notes that Option 2 - A peak season alcohol restriction along the entire foreshore from 1 November to 31 March is the option that has been assessed by officers as best meeting the criteria adopted by Council, as it prevents displacement of the risks from the St Kilda foreshore to other foreshore locations. However, it has a negative impact on the right to enjoy responsible alcohol consumption on the foreshore away from the higher risk St Kilda foreshore.
- 3.5 Implements the base case option 8, being no change to the restrictions currently in place, with the following:
- 3.5.1 Amends the City of Port Phillip Procedures and Protocols Manual to designate alcohol restrictions along the St Kilda foreshore precinct from 12.01 am on 24 December to 11.59 pm on 26 December inclusive. The St Kilda foreshore is defined as waters and Crown land within the municipality boundary up to the adjoining road, and includes all beaches, reserves and parkland from Langridge Street to Wordsworth Street, St Kilda.
- 3.5.2 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1(d), to designate alcohol restrictions throughout the municipal district, in any year, on road and Council land, between the hours of 8 pm and 12 pm on the following day.



- 3.5.3 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1(f), to designate alcohol restrictions apply on Australia Day within the whole of the municipality between the hours of 12.01 am and 11.59 pm.
- 3.6 Publishes the amendments to its Procedures and Protocols Manual 1 September 2013 in the Victoria Government Gazette and updates Council's website with these changes.
- 3.7 Notes that Council is implementing various additional strategies in combination with alcohol restrictions, including investigating a Christmas season event, delivering a backpacker establishment forum, further developing strategies that minimise harm to vulnerable people and considers an increased budget and summer management services levels as part of the 2018/19 budget process.
- 3.8 Extends its gratitude to all Port Phillip residents, traders and visitors who contributed to the community engagement process, made written submissions or verbally presented to Council.

#### **AMENDMENT**

##### **MOVED Crs Brand/Crawford**

##### **To amend the wording of 3.5.1 to**

- 3.5.1 Amends the City of Port Phillip Procedures and Protocols Manual to designate alcohol restrictions along the St Kilda foreshore precinct from 12.01 am on 18 December to 11.59 pm on 31 January inclusive. The St Kilda foreshore is here defined as waters and Crown land within the municipality boundary up to the adjoining road (ie. Beaconsfield Parade, Pier Road, Jacka Boulevard, Marine Parade), and includes the beaches, reserves and parkland so inscribed from Langridge Street to Wordsworth Street, St Kilda.

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

##### **MOVED Crs Gross/Bond**

That Council:

- 3.1 Notes that considering alcohol restrictions policy setting is highly complex and based primarily on anecdotal evidence, with various forms of supporting evidence and benchmarking to support a long-term policy position of Council.
- 3.2 Notes that the consideration of options included a review against assessment criteria, community engagement feedback, written submissions from key stakeholders (including Victoria Police, Port Phillip traders, Life Saving Victoria, Ambulance Victoria and VicHealth), the data and observations from the current trial restrictions and assessment of resources to implement.
- 3.3 Notes that Option 1 is the option advocated for by Victoria Police; however, it is not recommended as the risks do not merit an all-year-round total foreshore alcohol restriction, given the escalation of risks is in the peak season when visitation to the foreshore also peaks.

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- 3.4 Notes that Option 2 - A peak season alcohol restriction along the entire foreshore from 1 November to 31 March is the option that has been assessed by officers as best meeting the criteria adopted by Council, as it prevents displacement of the risks from the St Kilda foreshore to other foreshore locations. However, it has a negative impact on the right to enjoy responsible alcohol consumption on the foreshore away from the higher risk St Kilda foreshore.
- 3.5 Implements the base case option 8, being no change to the restrictions currently in place, with the following:
- 3.5.1 Amends the City of Port Phillip Procedures and Protocols Manual to designate alcohol restrictions along the St Kilda foreshore precinct from 12.01 am on 24 December to 11.59 pm on 26 December inclusive. The St Kilda foreshore is defined as waters and Crown land within the municipality boundary up to the adjoining road, and includes all beaches, reserves and parkland from Langridge Street to Wordsworth Street, St Kilda.
- 3.5.2 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1(d), to designate alcohol restrictions throughout the municipal district, in any year, on road and Council land, between the hours of 8 pm and 12 pm on the following day.
- 3.5.3 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1(f), to designate alcohol restrictions apply on Australia Day within the whole of the municipality between the hours of 12.01 am and 11.59 pm.
- 3.6 Publishes the amendments to its Procedures and Protocols Manual 1 September 2013 in the Victoria Government Gazette and updates Council's website with these changes.
- 3.7 Notes that Council is implementing various additional strategies in combination with alcohol restrictions, including investigating a Christmas season event, delivering a backpacker establishment forum, further developing strategies that minimise harm to vulnerable people and considers an increased budget and summer management services levels as part of the 2018/19 budget process.
- 3.8 Extends its gratitude to all Port Phillip residents, traders and visitors who contributed to the community engagement process, made written submissions or verbally presented to Council.

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

**Cr Bond called for a DIVISION**

<b>FOR:</b>	<b>AGAINST:</b>
Cr Baxter	Cr Brand
Cr Simic	Cr Crawford
Cr Copsey	Cr Pearl
Cr Gross	Cr Voss
Cr Bond	

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





The Mayor, Cr Voss, adjourned the meeting for a short break at 10.08 pm.

The meeting resumed at 10.19 pm.

## 9.2 Fitzroy Street CCTV - Year One Interim Findings

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

### Kevin Treacy

On behalf of Victoria Police thanked Council for the ongoing trial and increased signage stating that the CCTV installation had unequivocally helped them serve the community by providing a safe environment.

### John Webster

Spoke in favour of the recommendation as a strong contributor to public safety, and asked for the trial to be extended to Carlisle and Acland Streets.

### **Purpose**

- 1.1 To provide Council with interim findings for the Fitzroy Street CCTV Trial Evaluation. These findings are largely inconclusive at this time.
- 1.2 For Council to consider the Victorian Government proposal to extend CCTV into the Grey Street and Little Grey Street area. On Thursday 8 March, 2018, Minister Foley announced funding for CCTV for the extended precinct and for it to be fed straight into the St Kilda police station. The details of this funding are yet to be confirmed.
- 1.3 For Council to consider the need for a City of Port Phillip CCTV Policy.

### **MOVED Crs Crawford/Bond**

That Council:

- 3.1 Agrees to progress the opportunity to extend the Fitzroy Street CCTV Trial to include the Grey Street and Little Grey Street area by accepting the Victorian Government offer of funding with the conditions as above, and includes this in the Fitzroy Street CCTV Trial Evaluation Plan with full results presented to Council in March 2019.

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

### **Cr Pearl called for a DIVISION**

<b>FOR:</b>	<b>AGAINST:</b>
Cr Pearl	Cr Baxter
Cr Bond	Cr Gross
Cr Crawford	Cr Simic
Cr Voss	Cr Copsey
	Cr Brand

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



**MOVED Crs Copsey/Brand**

That Council:

1. Notes the Fitzroy Street CCTV Trial Evaluation Year One Interim Findings.
2. Continues to evaluate the Fitzroy Street CCTV Trial, assessing the impact of the system after two years of implementation according to the endorsed Fitzroy Street CCTV Trial Evaluation Plan and full results presented to Council in March 2019.
3. Requests Council officers to further consider evidence based approaches to improving community safety in street based precincts.
4. Requests that community consultation, such as the planned Community Safety Audits, ensure community views are considered with regard to community safety initiatives.
5. Develops a City of Port Phillip CCTV Policy, after the Fitzroy Street CCTV trial evaluation period has concluded, that presents a framework for the consideration of other CCTV systems for a range of site specific contexts.
6. Notes the State Government announcement regarding proposed additional CCTV cameras in Grey and Little Grey Streets.
7. Notes that Council consideration of any additional CCTV system in the Grey Street and Little Grey Street precinct would be contingent on the Victorian Government meeting the full infrastructure planning, purchase, project management, operating and installation costs of the additional CCTV system, and the system's installation being temporary in nature.
8. With regard to the State Government funding announcement for additional CCTV cameras in Grey and Little Grey, requests the State Government and Victoria Police discuss with Council alternative evidence based approaches to improving community safety in that area, including whether the amount of funding offered for CCTV could be invested in more effective and immediate ways - for example, an additional police resource for immediate patrols in Grey and Little Grey Street.
9. Requests that the matter be brought back to Council at the earliest opportunity following the discussion as described in part 8 above.

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

**Cr Bond called for a DIVISION**

<b>FOR:</b>	<b>AGAINST:</b>
<b>Cr Baxter</b>	<b>Cr Pearl</b>
<b>Cr Gross</b>	<b>Cr Bond</b>
<b>Cr Simic</b>	<b>Cr Crawford</b>
<b>Cr Copsey</b>	<b>Cr Voss</b>
<b>Cr Brand</b>	

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



**10. TRANSPORT AND PARKING**

Nil.

**11. SUSTAINABILITY**

Nil.

**12. PLANNING**

Nil.



## 13. ARTS CULTURE AND ECONOMIC DEVELOPMENT

### 13.1 Response to Community Consultation and Petition - Middle Park Library

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

#### Michael Sabada

Spoke strongly against the recommendation, and made a presentation to Councillors regarding library visitor numbers, emphasising that data used to inform the officer's recommendation was incorrect. Also highlighted ineffectual signage at the facility.

#### Charles Bare

On behalf of the West St Kilda Resident's Association emphasised how poorly the community consultation had been performed, and urged councillors to only adopt the recommendation with amendments to community consultation and involvement.

#### Eve Collins

Questioned if there had been any analysis of alternative properties for a creative space for which the Middle Park Library had been proposed for redevelopment. Questioned the demographic statistics and logistics used in the report for the proposed repurpose.

#### James Woollett

Expressed dissatisfaction that the report did not mention the petition of 959 signatures requesting to retain library services. Questioned the inaccurate statistics used by in the report, and stated these figures were a result of inadequate resourcing.

#### Brenda Forbath

On behalf of the Community Alliance of Port Phillip supports the recommendation at paragraph 2.17, but feels the report does not adequately address community concern. Emphasised the poor community consultation in the recommendation and the inadequate resourcing of the library.

#### Carolyn Hutchens

Agreed with the points made by the previous speakers and emphasised disappointment at the community consultation process. Urged the Council to consider the importance of the valuable information being enthusiastically given by the community, and to resolve this issue in a positive way.

### **Purpose**

- 1.1 To update Council on the feedback from the community engagement process on proposed changes to Middle Park Library.
- 1.2 Propose next steps for Council to consider in response to the community feedback, and future options in the context of the growth of the city.



**MOVED Crs Simic/Copsey**

That Council:

- 3.1 Notes the feedback received through the community consultation process indicating significant opposition to the proposed changes at Middle Park Library.
- 3.2 Develops a forward plan for the whole library service to address the impact of growth in the municipality, equitable access, local and future community need and identify future service delivery options across the whole municipality. The development of the plan would include an appropriate amount, type and timing of engagement with local communities and difficult to reach user groups, with a draft for Council consideration ready within 12 months.
- 3.3 Acknowledges the petition presented at the Ordinary meeting of Council on 21 February 2018 in relation to the Middle Park Library and notes that this report responds to the issues and concerns raised in the petition.
- 3.4 Advises the petitioner of the outcome of Council's decision.
- 3.5 Implements increased library usage data collection across all library branches to be used as one of the evidence bases for the future planning of equitable library access and diverse usage across the whole municipality.
- 3.6 Seeks to implement some of the interim changes to Middle Park Library received through community feedback, specifically:
  - 3.6.1 Appoint a dedicated librarian to be responsible for Middle Park Library.
  - 3.6.2 Increase opening hours and coordinate them with the neighbouring kindergarten and primary school.
  - 3.6.3 Start weekly storytimes in the community hall above the library.
  - 3.6.4 Double the quantity of books on display, especially books for children.
  - 3.6.5 Increase awareness of Middle Park Library news and activities.
  - 3.6.6 Fix electronic door counters immediately.
  - 3.6.7 Establish the Middle Park Library Advisory Group to coordinate and consult with local residents.
  - 3.6.8 Review successes and failures after twelve months in line with the plan requested above.
- 3.7 Considers an increase to the library budget for middle Park to fund the interim changes in 3.6 as part of the 2018/19 budget process.

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



**Cr Copsey called for a DIVISION**

<b>FOR:</b>	<b>AGAINST:</b>
<b>Cr Simic</b>	<b>Cr Pearl</b>
<b>Cr Copsey</b>	<b>Cr Bond</b>
	<b>Cr Baxter</b>
	<b>Cr Gross</b>
	<b>Cr Crawford</b>
	<b>Cr Voss</b>
	<b>Cr Brand</b>

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

**MOVED Crs Brand/Bond**

That Council:

- 3.1 Notes the feedback received through the community consultation process indicating significant opposition to the proposed changes at Middle Park Library.
- 3.2 Notes that there was some support for the proposal around the development of a creative working space in the City of Port Phillip.
- 3.3 Acknowledges the petition presented at the Ordinary meeting of Council on 21 February 2018 in relation to the Middle Park Library and notes that this report responds to the issues and concerns raised in the petition.
- 3.4 Advises the petitioner of the outcome of Council's decision.
- 3.5 Develops a forward plan for the whole library service to address the impact of growth in the municipality, equitable access, local and future community need and identify future service delivery options across the whole municipality. The development of the plan would include an appropriate amount, type and timing of engagement with local communities and difficult to reach user groups, with a draft for Council consideration ready within 12 months.
- 3.6 Include in the municipal wide library plan development, consideration of local potentialities for:
  - 3.6.1 A specialist library branch model. For example, a specialist children's library at Middle Park Library; and
  - 3.6.2 Working with branch level community groups to develop our libraries as successful community assets.
- 3.7 Implements increased library usage data collection across all library branches to be used as one of the evidence bases for the future planning of equitable library access and diverse usage across the whole municipality.
- 3.8 Within the current budget, and given the relatively high cost per user at Middle Park Library, implements some interim changes to Middle Park branch library in response to community feedback, specifically:



- 3.8.1 Re-aligning the existing spread of opening hours to a more consistent block across weekday afternoon to better suit the needs of local families and children;
  - 3.8.2 Improving locational signage and branch 'visibility' to promote local awareness;
  - 3.8.3 Supplementing the current practice of proportional allocation of collection items at Middle Park with a focus on strengthening the children's collection.
- 3.9 Until at least the time Council has completed its forward plan (outlined in section 3.5), the Middle Park Library continues to operate generally in its present branch-library format.

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



## 17. URGENT BUSINESS

### **MOVED Crs Baxter/Copsey**

That Council consider an item of Urgent Business relating to Elsternwick Park North.

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

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

#### Geoffrey Love

Spoke in support of the motion, and thanked the Council for its commitment to protecting its residents from flood devastation.

#### Marcus Gwynne

Made a presentation to councillors demonstrating findings of a local resident survey of 1300 people.

#### Jo Samuel-King

Made a presentation to councillors on flooding in Elwood and emphasised the damage suffered by residents. Spoke strongly in recommendation of the motion and stated that it would be a great outcome for all.

#### Isaac Hermann

Agreed with points made by the previous speakers and was pleased to support a recommendation that had a positive outcome for many people.

### **MOVED Crs Crawford/ Gross**

That Council:

1. Supports the general approach of adopting an Urban Forest and Wetland in Elsternwick Park North (Bayside City Council Option 1a of the Deliberative Panel Recommendations).
2. Notes that the City of Port Phillip commitment to co-funding the Urban Forest and Wetland in Elsternwick Park North is conditional on any proposal being subject to an evidence-based assessment that will deliver:
  - reduced downstream flooding
  - improved water quality
  - improved opportunity and capacity for water harvesting and distribution
  - improved public amenity
  - protected and enhanced biodiversity.
3. Enters into dialogue with Bayside City Council and other stakeholders regarding co-funding of Option 1a and the method for obtaining an evidence-based assessment of the Option.
4. Requests that the Mayor relay this resolution on behalf of Council in a letter to the Mayor of Bayside City Council ahead of their Special Council Meeting of 28th March 2018.

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





## 14. ORGANISATIONAL PERFORMANCE

### En Bloc Motion

#### MOVED Crs Brand/Pearl

That the following six items are moved *en bloc*:

- 14.1 Proposed Lease to Multicultural Arts Victoria - Completion of Statutory Procedures
- 14.2 Proposed Lease to Resolution Independent - Completion of Statutory Procedures
- 14.3 Proposed Discontinuance and Sale of Road at the Rear of 47 Fawkner Street, St Kilda
- 14.4 Proposed Discontinuance and Sale of Road Part R3517 Adjoining 316-320 St Kilda Road, St Kilda
- 14.5 Proposed Discontinuance and Sale of Road R3257 Abutting 91-95 Montague Street, South Melbourne
- 14.6 Assembly of Councillors

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



#### 14.1 Proposed Lease to Multicultural Arts Victoria - Completion of Statutory Procedures

##### Purpose

- 1.1 This report seeks Council's approval to complete the statutory procedures under the Local Government Act 1989 (Vic) (**Act**) and finalise the proposed lease to Multicultural Arts Victoria Inc (MAV) for Part Level 1, 208 Bank Street, South Melbourne (South Melbourne Town Hall).

##### MOVED Crs Brand/Pearl

That Council:

- 3.1 Not having received any submissions in response to the Notice of Intention to Lease Part Level 1, 208 Bank Street, South Melbourne (South Melbourne Town Hall) to Multicultural Arts Victoria, resolves to conclude the statutory procedures under sections 190 and 223 of the Local Government Act 1989.
- 3.2 Authorises the Chief Executive Officer or delegate to execute a new lease agreement on the terms outlined below:
  - Tenant: Multicultural Arts Victoria Inc.
  - Premises: Part Level 1, 208 Bank Street, South Melbourne
  - Commencement: 22 March 2018
  - Permitted Use: Office, meeting and rehearsal space and events as part of a community and cultural arts hub
  - Term: Three (3) years
  - Commencement Rental: \$20,135 per annum + GST per annum with annual CPI increases
- 3.3 Notes that the proposed rent of \$20,135 per annum represents a discount of \$62,865 (75.75%) on the market rental valuation of \$83,000 per annum in recognition of the Council support for the community benefits provided by the tenant.

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



## 14.2 Proposed Lease to Resolution Independent - Completion of Statutory Procedures

### Purpose

- 1.1 This report seeks Council's approval to complete the statutory procedures under the Local Government Act 1989 (Vic) (**Act**) and finalise the proposed lease to Resolution Independent P/L for Level 1, 202 Bank Street, South Melbourne.

### MOVED Crs Brand/Pearl

That Council:

- 3.1 Not having received any submissions in response to the Notice of Intention to Lease Level 1, 202 Bank Street, South Melbourne to Resolution Independent P/L, resolves to conclude the statutory procedures under sections 190 and 223 of the Local Government Act 1989.
- 3.2 Authorises the Chief Executive Officer or delegate to execute a new lease agreement on the terms outlined below:
  - Tenant: Resolution Independent P/L
  - Premises: Level 1, 202 Bank Street, South Melbourne
  - Commencement: 22 March 2018
  - Permitted Use: Offices and administration
  - Term: One (1) Year and eight months
  - Further Term: One (1) Year
  - Commencement Rental: \$48,500 per annum + GST per annum with 3% increases November 2018 and November 2019
- 3.3 Notes that the proposed rent of \$48,500 + GST per annum represents a commercial market rental.

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



**14.3 Proposed Discontinuance and Sale of Road at the Rear of 47 Fawkner Street, St Kilda**

**Purpose**

- 1.1 To seek Council's approval to complete the statutory procedures pursuant to the *Local Government Act 1989 (Vic) (Act)* and finalise the discontinuance and sale of road at the rear of 47 Fawkner Street, St Kilda, being part of the land contained in book 52 number 004 (**Road**).

**MOVED Crs Brand/Pearl**

That Council:

- 3.1 Resolves that, having followed all the required statutory procedures pursuant to sections 207A and 233 of the *Local Government Act 1989 (Vic) (Act)* pursuant to its powers under clause 3 of Schedule 10 of the Act, and having considered that there are no submissions received in response to the public notice, it discontinues the Road.
- 3.2 Is of the opinion that the Road is not reasonably required for public access as:
  - 3.2.1 the Road is enclosed within the fenced boundaries of 47 Fawkner Street, St Kilda;
  - 3.2.2 the Road is not available for public use and
  - 3.2.3 there is no evidence that the Road is used for public access purposes.
- 3.3 Directs that a notice pursuant to the provisions of Clause 3 (a) of Schedule 10 of the Act is published in the Government Gazette.
- 3.4 Directs that, once discontinued, the Road is transferred to the registered proprietor of 47 Fawkner Street, St Kilda (Owner) for \$7,500 plus GST (adjusted annually to Consumer Price Index from the date of Council's Discontinuance and Sale of Roads Policy) plus Council's costs incurred in the discontinuance and sale process.
- 3.5 Directs that the common seal of Council is affixed to any transfer of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the adjoining Owner.
- 3.6 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.
- 3.7 Directs that the adjoining Owner be required to consolidate the title to the Road with the title to the Owner's respective property within 12 months of the date of transfer of the discontinued Road.

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



**14.4 Proposed Discontinuance and Sale of Road Part R3517 Adjoining 316-320 St Kilda Road, St Kilda**

**Purpose**

- 1.1 To seek Council's approval to commence the statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) to consider discontinuing the road adjoining the property at 316-320 St Kilda Road, St Kilda, being part of the land contained in general law conveyance book U number 983 (**Road**).

**MOVED Crs Brand/Pearl**

That Council:

- 3.1 That Council acting under section 17 (4) of the *Road Management Act 2004* (Vic) resolves that the road adjoining the property at 316-320 St Kilda Road, St Kilda, being part of the land contained in general law conveyance book U number 983 (Road) be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for public use for the reasons set out in the report.
- 3.2 That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) (**Act**)
  - 3.2.1 resolves that the statutory procedures be commenced to discontinue the Road;
  - 3.2.2 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. The public notice should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value;
  - 3.2.3 authorises the Chief Executive Officer 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
  - 3.2.4 resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

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



**14.5 Proposed Discontinuance and Sale of Road R3257 Abutting 91-95  
Montague Street, South Melbourne**

**Purpose**

- 1.1 To seek Council's approval to commence the statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) to consider discontinuing the road abutting the property at 91-95 Montague Street, South Melbourne, being the land contained in certificate of title volume 403 folio 592 (**Road**).

**MOVED Crs Brand/Pearl**

- 3.1 That Council acting under section 17(4) of the *Road Management Act 2004* (Vic) resolves that the road abutting the property at 91-95 Montague Street, South Melbourne, being the land contained in certificate of title volume 403 folio 592 (Road) be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for public use for the reasons set out in the report.
- 3.2 That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) (Act)
  - 3.2.1 resolves that the statutory procedures be commenced to discontinue the Road;
  - 3.2.2 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. The public notice should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value;
  - 3.2.3 authorises the Chief Executive Officer 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;
  - 3.2.4 resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

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



#### **14.6 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 Brand/Pearl**

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.**



**15. NOTICES OF MOTION**

Nil.

**16. REPORTS BY COUNCILLOR DELEGATES**

Nil.





## 18. CONFIDENTIAL MATTERS

### MOVED Crs Pearl/Bond

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 Urgent Rectification Works to the Station Pier Promenade Pilings

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 members of the public at 12.59 pm.

Cr Crawford left the Chamber at 12.59 pm.

The meeting reopened at 1.05 am.

As there was no further business the meeting closed at 1.05 am.

Confirmed: 4 April 2018

Chairperson \_\_\_\_\_