



ORDINARY MEETING OF COUNCIL

MINUTES

6 MARCH 2019



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted



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

The meeting opened at 6:30pm.

PRESENT

Cr Gross (Chairperson), Cr Baxter (arrived 6.43pm), 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, 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, Joanne McNeill, Manager Asset Management and Property, Anthony Traill, Manager Open Space and Recreation, Brett Walters, Manager Environmental Sustainability, Zoe O'Mahoney, Coordinator Sustainable Policy, 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 Voss/Crawford

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 20 February 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 Request for Cooling Fans at South Melbourne Market

A Petition containing 126 signatures was received from a shopper of the South Melbourne Market.

MOVED Crs Voss/Pearl

That Council:

Receives and notes the Petition and requests that the matter be brought to the attention of the South Melbourne Market Committee for noting and consideration.

A vote was taken and the MOTION was CARRIED unanimously.

5. SEALING SCHEDULE

Nil.

6. PUBLIC QUESTION TIME

Alan West

In relation to the concrete bollards at Luna Park and the Palais theatre area, Mr West asked is the City of Port Phillip still renting the bollards? If so, could accurate figures be provided along with the name of the renter?

Joanne McNeill, Manager Asset Management and Property, advised that Council is still renting the bollards. They have been put in place as a temporary measure whilst planning is undertaken for a more permanent measure. Ms McNeill took the question on notice in relation to the rental costs associated with the bollards.

Councillor Baxter entered the chamber at 6.43pm.

Peter Holland

Mr Holland asked the following questions:

- At Council Meeting on 20 February Council said '*If there are any proponents with a viable alternative offer, they should make a submission as part of the consultation process and Council would then need to consider how to proceed*'. However on 4 March I received an email that said '*Council will not be considering alternative offers for a short-term lease as part of the current submissions process for the proposed short-term lease*



through private treaty for the St Kilda Marina with the existing tenant'. Why has the Council changed its position?

- Have any parties contacted Council following the 20 February meeting regarding the possibility of taking an interim lease?
- Does the March 4 position mean that Council refuses to consider an alternative proposal, even if demonstrably superior?
- Was the March 4 decision by 'Council' made at officer level or by the elected Councillors?
- The State Government's *Leasing Policy for Crown Land* (2010) states that a competitive selection process will apply to the leasing of Crown Land, unless there are special circumstances where direct negotiation is permitted (subject to Ministerial approval). Has Ministerial approval been given for direct negotiation with the current tenant?
- Can any such approval be extended to direct negotiation with a potentially superior alternative?

Joanne McNeill, Manager Asset Management and Property, advised that her most recent correspondence via email to Peter Holland and her comments on 20 February are consistent, the difference being that further clarification was provided regarding the situation in her correspondence. Council has not asked for bids for a short-term lease, Council has asked for feedback on the proposed lease, and this is all that can be considered as part of this process. If anyone chooses to submit a bid as part of the submission process, it won't be considered as a bid, but as additional information for Council to consider in determining how to move forward with the proposed lease. Council will consider all information received when making their decision regarding whether to proceed with the current proposed lease, or direct officers to take another course of action. Council has three options through the current process, and Council will need to decide on how to proceed once all submissions have been considered at the next Council meeting.

In relation to question two, yes Council has been contacted by an interested party and they have been advised that they are welcome to make a submission to Council regarding the proposed lease, that Council will consider all information provided in making their decision, that the current process does not allow Council to award the lease to a different party given it is not a competitive process being considered, and that a separate process would be required if Council decided not to agree to the lease being consulted on at the moment.

Council is considering the current proposal to enter into a lease with Australian Marinas. If Council receives information that leads them to decide not to endorse the current proposal, then Council is able to abandon the process and seek other offers. Ms McNeill clarified that this process is about receiving submissions on a proposed lease and is not a competitive process for a new lease.

On March 4, the correspondence in question stated that there was no decision made but that the process was clarified along with what Council can and can't do under that process. Council will then need to decide at a further meeting, whether to endorse the proposed lease or instruct officers to undertake alternative action.

In relation to the question on Ministerial approval, Officers have been working closely with our State Government partners and legal advisors to ensure that the proposed short-term lease complies with all relevant legislation. Council is currently working through a process of steps with our State Government partners, including DELWP, with the intent to achieve



Governor in Council Approval. One of these steps is approval by the Minister for the lease to be sent to Governor in Council. DELWP officers are briefing the Minister as required.

In relation to the final question, as stated, the process underway is considering the proposed lease. No other consideration can be made at this time. Council will need to decide whether or not to proceed with that lease. If Council did decide to abandon this process and undertake a different process, it would likely need to be a commercial competitive process that allows all interested parties to submit a bid with an equal playing field. There would need to be a compelling reason for Council abandon the current process.

7. COUNCILLOR QUESTION TIME

Councillor Pearl asked whether Council is engaging with State Government as to their intentions regarding the South Melbourne Police station building and what role the Council will be playing in the future of the site?

Peter Smith, CEO, advised that preliminary enquiries have been made in relation to vacancy dates and future use for the site.

Councillor Copsey asked when the lighting on the bike/pedestrian path along the 109 tram line would be restored?

Fiona Blair, General Manager Infrastructure and Amenity, advised that some sections of this path have been experiencing an intermediate fault and it has been difficult to identify the root cause. Officers have been working to resolve this issue and act quickly when the issue occurs to ensure there is no safety risk to the community. Agreement has been reached with the designer of the lights to replace entire sections of the cabling and the electrical control gear at no cost to Council. This work is likely to occur within the next month and will hopefully resolve the issue long term.

Councillor Simic asked if officers could provide an update on the progress of the Fishermans Bend framework? In particular, the governance structure and the finance and funding plan.

Peter Smith, CEO, responded that he recently attended the Mayors forum with Councillor Voss and that Councillor Voss would be sending an update to Councillors shortly. Mr Smith advised that the timing of the infrastructure contributions plan was discussed together with the funding and finance strategy. More time has been requested for consideration of the infrastructure contributions plan so that Council has adequate time to consider its position on it. Councillors will be briefed on this shortly.



8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 52

Purpose

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

MOVED Crs Voss/Copsey

That Council:

- 3.1 Notes the CEO Report Issue 52 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in January 2019.

A vote was taken and the MOTION was CARRIED unanimously.

9. PEOPLE AND COMMUNITY

Nil.

10. TRANSPORT AND PARKING

10.1 Community and Stakeholder Engagement Approach - Move, Connect, Live - Parking Policy

Purpose

- 1.1 To present the proposed community and stakeholder engagement approach for Move, Connect, Live – Parking Policy, for endorsement by Council.

MOVED Crs Voss/Crawford

That Council:

- 3.1 Endorses the community and stakeholder engagement approach for Move, Connect, Live – Parking Policy.

A vote was taken and the MOTION was CARRIED unanimously.



11. SUSTAINABILITY

Nil.

12. PLANNING

Nil.

13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.



14. ORGANISATIONAL PERFORMANCE

14.2 Review of Council's Strategic Memberships

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

Dominique La Fontaine

Spoke on behalf of the South East Councils Climate Change Alliance (SECCCA) and outlined the benefits of Councils membership of SECCCA.

Martine Letts

Spoke on behalf of Committee for Melbourne and outlined the benefits of Council's membership with Committee for Melbourne.

Rebecca Rennie

Spoke on behalf of Resilient Melbourne and outlined the benefits of Council's membership with Resilient Melbourne. Ms Rennie stated that membership fees are due to cease from the beginning of the 2020/2021 financial year.

Helen Halliday

Ms Halliday spoke in support of Council retaining memberships with SECCCA and Resilient Melbourne.

Purpose

- 1.1 To consider whether Council should retain its membership of Council's 19 strategic memberships.

That Council resolves:

MOVED Crs Gross/Baxter

- 3.1 to maintain its membership of:
 - Association of Bayside Municipalities
 - Cooperative Research Centre for Water Sensitive Cities
 - Green Building Council of Australia
 - International Council for Local Environmental Initiatives Partnership Program
 - Local Government Professionals
 - Mainstreets Australia
 - Metro Transport Forum.

A vote was taken and the MOTION was CARRIED unanimously.



MOVED Crs Crawford/Pearl

- 3.2 not to renew its membership of:
- Committee for Economic Development of Australia
 - Economic Development Australia
 - International Association for Public Participation
 - Place Leaders Asia Pacific
 - Victoria Chamber of Commerce & Industry.

A vote was taken and the MOTION was CARRIED unanimously.

MOVED Crs Crawford/Simic

- 3.3 to maintain its membership of Resilient Melbourne.

A vote was taken and the MOTION was CARRIED.

MOVED Crs Crawford/Copsey

- 3.4 to maintain its membership of the Municipal Association of Victoria (MAV), but does not renew its subscription to the MAV Technology Group.

A vote was taken and the MOTION was CARRIED unanimously.

MOVED Crs Pearl/Bond

- 3.5 to **not to renew** its Committee for Melbourne membership.

A vote was taken and the MOTION was LOST.

Cr Bond called for a DIVISION.

FOR: Crs Bond, Gross and Pearl

AGAINST: Crs Voss, Baxter, Brand, Copsey, Crawford and Simic

A vote was taken and the MOTION was LOST.

Moved Crs Copsey/Voss

- 3.5 to **maintain** its Committee for Melbourne membership.

A vote was taken and the MOTION was CARRIED

Cr Bond called for a DIVISION.

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

AGAINST: Crs Bond, Gross and Pearl

A vote was taken and the MOTION was CARRIED.



MOVED Crs Gross/Voss

3.6 to **maintain** its Inner South Metropolitan Mayors Forum membership, providing an opportunity to test recent changes to the governance arrangements to see if they deliver greater alignment of projects with Council priorities and reduce the current resource commitment from Council (financial and staff time).

A vote was taken and the MOTION was CARRIED

Cr Bond called for a DIVISION.

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

AGAINST: Crs Bond, Pearl and Brand

A vote was taken and the MOTION was CARRIED.

MOVED Crs Copsey/Brand

3.7 to **maintain** its Inner Melbourne Action Plan membership, subject to seeking improved governance arrangements, greater alignment of projects with Council priorities and a reduced resource commitment from Council (financial and staff time).

A vote was taken and the MOTION was CARRIED

Cr Pearl called for a DIVISION.

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

AGAINST: Crs Bond, Crawford and Pearl

A vote was taken and the MOTION was CARRIED.

MOVED Crs Baxter/Simic

3.8 to **maintain** its South East Councils Climate Change Alliance (SECCCA) membership.

A vote was taken and the MOTION was CARRIED

Cr Simic called for a DIVISION.

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

AGAINST: Crs Bond and Pearl

A vote was taken and the MOTION was CARRIED.

MOVED Crs Copsey/Crawford

3.9 to **maintain** its Victorian Local Governance Association membership.

A vote was taken and the MOTION was CARRIED.



Cr Bond called for a DIVISION.

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

AGAINST: Crs Bond and Pearl

A vote was taken and the MOTION was CARRIED.

14.1 Lifting of the confidentiality status of information considered by Council in closed meetings of Council

Purpose

- 1.1 For Council to consider passing a resolution to lift the confidentiality and make public certain confidential information in relation to decisions made by Council during parts of meetings that were closed to members of the public due to confidentiality reasons under the Local Government Act 1989 (the Act).

MOVED Crs Simic/Baxter

That Council:

- 3.1 Resolves that the confidential information, as contained in Attachment 1, be deemed to be not confidential pursuant to section 77 (2) of the Local Government Act 1989 and that this information be publicly released on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.

15. NOTICES OF MOTION

Item 15.1 Cr Bond – Rescission of Urgent Business Item

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

Rhonda Small

Ms Small spoke on behalf of CAPP (Community Alliance of Port Phillip) and spoke against the rescission motion. Ms Small urged Council to uphold the original motion as passed at Council on 20 February 2019.

Stephen Earl

Mr Earl asked the following questions:

MINUTES - ORDINARY MEETING OF COUNCIL - 6 MARCH 2019



- If the purpose of the State Government Social Housing Growth Fund is to partner with bodies such as the Registered Housing Agencies to further social housing, why did the Council elect to allocate \$1,500,000 of rate payer funds as “grants to any Registered Housing Agency” applying for grants from the fund?
- How was the one off payment of \$15,000 per dwelling unit for each “application project” calculated?
- What was the advice of Council officers in relation to the allocation amount of \$1,500,000 and the calculation of the one-off payment of \$15,000?
- Why did the Council approve the allocation without public consultation?
- Does the Council know who intends to apply for allocated funds and have any applications for funds already been received by Council?

Christina Sirakoff

Ms Sirakoff spoke in support of the rescission motion and asked could Council please provide an answer as to why it is making available \$1,500,000 to Registered Housing Agencies “to help fund their application projects”? Where will Council find this \$1,500,000 for housing grants and what will be the impact on Councils financial budget?

Robbie Nyaguy

Mr Nyaguy spoke against the rescission motion and spoke to the history of the City of Port Phillip’s investments in social housing.

Bill O’Loughlin

Mr O’Loughlin spoke to the need of social housing in general and to the history of social housing within the City of Port Phillip. Mr O’Loughlin urged Council to support the allocation of the \$1.5million to social housing initiatives.

Campbell Spence

Mr Spence spoke on behalf of the community group ‘Ratepayers of Port Phillip’. Mr Spence spoke in support of the rescission motion as he believes the original motion involves wasteful spending and a lack of community consultation.

Bruce Armstrong

Mr Armstrong asked for Councillors to be held to account on decisions to allocate unbudgeted funds.

MOVED Crs Bond/Pearl

That the following motion carried by Council at its 20 February 2019 Ordinary Meeting under Urgent Business:

That Council:-

1. *Notes that the Victorian Government is undertaking a tender process to provide funding to registered Housing Associations and Providers under the Build and Operate program of the Victorian Social Housing Fund;*



2. *Notes that this presents the first significant opportunity to increase social housing in the City of Port Phillip and to realise the goals established under In Our Backyard of increasing the number of community housing units in the City.*
3. *Resolves to:*
 - 3.1 *Make available up to \$1.5 million from the City of Port Phillip Community Housing Fund to be provided as grants to any Registered Housing Agency that is applying in the current round of Victorian Government funding to build and operate social housing within the municipality of Port Phillip;*
 - 3.2 *Provides those eligible Registered Housing Agencies a one off payment not exceeding \$15,000 (excluding GST) per dwelling unit to help fund their application project; and*
 - 3.3 *Delegates to the CEO the authority to implement the necessary means to implement this resolution in a transparent and efficient manner, including determining payment arrangements to ensure that grants result in the delivery of dwellings within the City of Port Phillip in line with the objectives of the In Our Backyard strategy.*

Be rescinded.

A vote was taken and the MOTION was LOST.

Cr Bond called for a DIVISION.

FOR: Crs Bond, Voss, Gross and Pearl

AGAINST: Crs Baxter, Brand, Copsy, Crawford and Simic

A vote was taken and the MOTION was LOST.

MOVED Crs Brand/Crawford

In the event an opportunity becomes available for Council to support any Registered Housing Agency that has applied for funding in round one of the Victorian Government Social Housing Fund to build and operate within the municipality of Port Phillip, that Council:

- 1.1 Provides up to \$15,000 of additional support per dwelling up to a limit of \$1.5 million from the City of Port Phillip Community Housing Fund.
- 1.2 Delegates to the CEO responsibility to determine payment arrangements to ensure grants result in the delivery of dwellings within the City of Port Phillip in line with the objectives of In Our Backyard, including delegation to the CEO when the opportunity has been exhausted.

The Mayor called for a break in the meeting at 10.32pm.

The meeting resumed at 10.45pm



Cr Brand requested, as the mover of the motion, that it be withdrawn. Cr Crawford provided consent as the seconder of the motion.

The MOTION was WITHDRAWN.

MOVED Crs Copsey/Simic

That Council:-

1. Notes that the Victorian Government is undertaking a tender process to provide funding to registered Housing Associations and Providers under the Build and Operate program of the Victorian Social Housing Fund;
2. Notes that this presents the first significant opportunity to increase social housing in the City of Port Phillip and to realise the goals established under In Our Backyard of increasing the number of community housing units in the City.
3. Resolves to:
 - 3.1 Make available up to \$1.5 million from the City of Port Phillip Community Housing Fund to be provided as grants to any Registered Housing Agency that is applying in the current round of Victorian Government funding to build and operate social housing within the municipality of Port Phillip;
 - 3.2 Provides those eligible Registered Housing Agencies a one off payment not exceeding \$15,000 (excluding GST) per dwelling unit to help fund their application project; and
 - 3.3 Delegates to the CEO the authority to implement the necessary means to implement this resolution in a transparent and efficient manner (if the offer can be included in the assessment of the Registered Housing Agencies application) including determining payment arrangements to ensure that grants result in the delivery of dwellings within the City of Port Phillip in line with the objectives of the In Our Backyard strategy.

A vote was taken and the MOTION was CARRIED.

Crs Bond and Copsey called for a DIVISION:

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

AGAINST: Crs Bond, Voss, Gross and Pearl

A vote was taken and the MOTION was CARRIED.



9. NOTICES OF MOTION (Cont.)

Item 15.2 Public Concerns over Personal Water Craft

MOVED Crs Baxter/Voss

That Council:-

1. Acknowledges the ongoing public concerns with Personal Water Crafts in relation to safety of swimmers and adherence to boating regulations.
2. Requests the CEO to write to the relevant State ministers advocating for:
 - 2.1 Increased and targeted education of Personal Water Craft (PWC) or Jet Ski licence holders;
 - 2.2 Increased patrols and enforcement of the States waterway regulations at Elwood, St Kilda, Middle Park, South Melbourne, Port Melbourne and Sandridge Beaches;
 - 2.3 The exclusion of Personal Water Crafts (PWC) or Jet Skis within 200 metres adjoining City of Port Phillip beaches to improve safety.

A vote was taken and the MOTION was CARRIED unanimously.



16. REPORTS BY COUNCILLOR DELEGATES

Councillor Simic reported that he recently attended his last meeting of South Melbourne Market Management Committee and thanked Councillors for giving him the opportunity to serve on the committee for the last two years.

17. URGENT BUSINESS

Nil.

Councillor Baxter left the chamber at 11.19pm.

18. CONFIDENTIAL MATTERS

MOVED Crs Voss/Gross

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 Notice of Motion to alter a previous resolution

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)(e). Proposed developments.

18.2 Governance Processes

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)(h). A matter which the Council or special committee considers would prejudice the Council or any person.

A vote was taken and the MOTION was CARRIED.

The meeting was closed to the public at 11.19pm

The meeting reopened to the public at 11.50pm

As there was no further business the meeting closed at 11.50pm.

Confirmed: 20 March 2019

Chairperson _____