



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

7 JUNE 2017



MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 7 JUNE 2017 IN PORT MELBOURNE TOWN HALL

The meeting opened at 6:31 pm.

PRESENT

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

IN ATTENDANCE

Peter Smith, Chief Executive Officer; Brett Walters, Acting General Manager Place Strategy and Development; Vanessa Schernickau, Acting General Manager Community Development; Lisa Davis, Acting General Manager Infrastructure and Amenity; Chris Carroll, General Manager Organisational Performance; Dennis O’Keeffe, Chief Financial Officer; Anthony Traill, Manager Open Space and Recreation; Joanne McNeill, Manager Asset Management & Property; Michelle Rysanek, Senior Property Project Manager; Lili James, Manager Safety & Amenity.

The City of Port Phillip respectfully acknowledges the Yalukit Willam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Moved Crs Gross/Simic

That an apology was received and a leave of absence granted to Cr Crawford.

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

Moved Crs Bond/Pearl

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 17 May 2017 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



4. PETITIONS AND JOINT LETTERS

Nil.



5. SEALING SCHEDULE

Nil.



6. PUBLIC QUESTION TIME

Peter Martin

Regarding the approximate 1300 primary school aged children in the vicinities of Port Melbourne Primary School and Ferrars St Primary School:

- What plans does the Council have to improve pedestrian safety in the area?
- What plans does the Council have to improve recreational facilities of the JL Murphy Reserve and improve community access, especially at weekends?

The Mayor, Cr Voss, deferred to Brett Walters, Acting General Manager Place Strategy and Development who responded that there was an intersection upgrade at the intersection of Ferrars St and City Rd which is aimed to improve pedestrian access for that area, as well as school zones in the precinct to reduce traffic speeds to 40 km/hr. There are also long term plans with other significant traffic calming elements to it.

The Mayor, Cr Voss, clarified that the question was specifically around the Port Melbourne Primary School.

The Mayor, Cr Voss, deferred to Brett Walters, Acting General Manager Place Strategy and Development who responded that the question about specific measures around pedestrian safety at the Port Melbourne Primary School would have to be taken on notice.

The Mayor, Cr Voss, deferred to Anthony Traill, Manager Parks and Open Space, who responded that Council has been delivering a masterplan created for the JL Murphy Reserve, encompassing the creation of a new rectangular oval, new pathways, park infrastructure and improved sportsground lighting. A current priority project that the Council is working on with all tenant clubs is the pavilion upgrade project.

Annette Maloney

Regarding graffiti/tagging on the Port Melbourne Colts Football Club at the JL Murphy Pavilion:

- Will Council permit the club to install CCTV facilities to the pavilion at their own cost?

The Mayor, Cr Voss, deferred to Lisa Davis, Acting General Manager Infrastructure and Amenity, who responded that the Council thanks the club for their very generous offer, and that they are similarly disappointed and frustrated with what has been happening.

The offer has to be taken on notice as it has to be taken into consideration with other improvement and deterrent measures that are currently being contemplated in the coming weeks. New lighting towers are being installed in the area this weekend coming, which has proved effective in the past, with an increase in security patrols. Council staff are also meeting with the police to request that they run extra patrols over the long weekend.



7. COUNCILLOR QUESTION TIME

Cr Pearl asked for a follow-up on the previous question that was asked regarding the JL Murphy Reserve, what is the process and timeline for these recommendations coming back to Council, and when a decision will be made on the kind offer that was presented?

The Mayor, Cr Voss, deferred to Lisa Davis, Acting General Manager Infrastructure and Amenity, who responded that officers will be discussing a range of options with Councillors on 28 June through a Councillor Briefing, at which point they'll be able to settle on some of the initiatives and have a view regarding CCTV.

Cr Simic asked a question regarding the Environmental Effects Statement for the Westgate Tunnel Project. Have officers reviewed the EES, and are there any preliminary thoughts on what the impacts of the projects are upon the City of Port Phillip?

The Mayor, Cr Voss, deferred to Brett Walters, Acting General Manager Place Strategy and Development, who responded that officers were preparing an Officer response to the EES and will submit that response before the consultation deadline of 10 July. Broadly speaking, the effects are likely to be positive but short-lived for the City of Port Phillip, as increased road capacity is quickly met by increased demand. More significant impacts are likely for the Maribyrnong and the City of Melbourne where the entry and exit points are, but the development will move truck passage away from the West Gate Bridge which may have a minor positive impact on the City of Port Phillip.

The Mayor, Cr Voss, asked for clarification that this response would be an officer's submission and would come before Council for endorsement, or just for noting?

The Mayor, Cr Voss, deferred to Brett Walters, Acting General Manager Place Strategy and Development, who replied that the response would begin as an officer's submission for noting, but that it could be brought up for endorsement if that was required.

Cr Copsey asked for a report from officers regarding a response to questions that she raised at the previous Council meeting concerning the Commonwealth Bank of Australia and their dealings with the Adani Group.

The Mayor, Cr Voss, deferred to Dennis O'Keeffe, Chief Financial Officer, who responded that Council had engaged with the bank's local government representative in Victoria, however there was no clear guidance given on the specific matters that were raised. The Bank stated that they would not discuss the private nature of client's business transactions, however that they were aware of the community concern regarding this issue. The Bank stated that their investments in renewable energy proposals were four-times the size of their fossil fuel activities. There was not clear statement that they would be in a position to provide guidance around their overall policy - at this point in time – about investment in new fossil fuel projects. The Bank did make the point that they take each investment opportunity on its merit, and it has a significant interest in reviewing projects in light of their social-responsibility and environmental impact. But at this point in time, there has been no specific statement in relation to the Bank's involvement with Adani.

Cr Copsey asked for clarification that in response to the enquiries the Commonwealth Bank had restated its current policy position?

The Mayor, Cr Voss, deferred to Dennis O'Keeffe, Chief Financial Officer, who responded that this was correct, and that after enquiring further about this issue with the Bank, they advised that they were not in a position to offer any additional information.

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Cr Copsey asked if the question was specifically put to the Bank on whether they would consider a new policy that rules out lending to new fossil fuel projects?

The Mayor, Cr Voss, deferred to Dennis O’Keeffe, Chief Financial Officer, who responded that this question was put directly to the representative from the Bank who had responded that the Bank was not in a position to do this.

Cr Copsey stated that she did not consider that a satisfactory response to the City of Port Phillip’s question, and that she would ask that Council would seek a specific response on the question of adopting a new policy to rule out fossil fuel projects in the future.

The Mayor, Cr Voss, deferred to Dennis O’Keeffe, Chief Financial Officer, who responded Council would return to the organisation and escalate the matter to receive a full response through the higher levels of the Bank’s hierarchy.

The Mayor, Cr Voss, asked for an update regarding Council’s position on dilapidated and derelict buildings. She stated that the City of Ballarat is introducing new measures to address the issue of dilapidated and derelict buildings, and asked if there was anything that the City of Port Phillip could learn from this? She also asked for specific information on whether this could be a change in the Municipal Strategic Statement or Local Law, and requested a timeline for the consultation of Councillors and implementation.

The Mayor, Cr Voss, deferred to Lisa Davis, Acting General Manager Infrastructure and Amenity, who responded that the Local Laws are currently being reviewed and that there are two clauses related to the question that has been asked: one under section 57 for dangerous and unsightly land, and the other is regarding fencing. In accordance with clause 57, a property will be determined dangerous or unsightly where the appearance of the land is determined not of character with other land in the vicinity. In relation to fencing, the local law is currently being re-worded so that officers have further enforcing powers to take action. The Council has consulted with Ballarat Council, and the new proposals are consistent with what Council has already done. However the level of penalty rates that Ballarat are contemplating are slightly higher than what is being considered for the City of Port Phillip, nevertheless legal consultation is currently being undertaken for this matter, and Council will be updated accordingly.

The Mayor, Cr Voss, then asked if local law enforcement would be a deterrent, and would actually make people change their behaviors from leaving their building derelict?

The Mayor, Cr Voss, deferred to Lili James, Manager Safety & Amenity, who responded that the Council believes that increasing the strength of the local law and the penalty amount will be a deterrent to people having derelict and unsightly properties in the municipality.

The Mayor, Cr Voss, then asked if officers could please respond to the second part of her original question regarding timelines?

The Mayor, Cr Voss, deferred to Lisa Davis, Acting General Manager Infrastructure and Amenity, who responded that Council was currently reviewing the laws in relation to derelict and unsightly buildings and fencing, as has been discussed, and these reviews will be presented to Council in July at a Council meeting, and then with a proposal to undertake external consultation process in regards to the local law. The laws that relate to derelict and unsightly buildings, and to fencing, are part of Council’s Local Law, not the Municipal



Strategic Statement.



8. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 8.1 Victorian Pride Centre - Public notice, as required by Section 189 of the Local Government Act, for intention to Transfer Site 2 (3/77 Fitzroy Street, St Kilda) to the Victorian Pride Centre
- 8.2 Draft Council Plan 2017-2027 and Budget 2017/18: Submissions
- 8.3 CEO Report - Issue 34 June 2017
- 8.4 City of Port Phillip Draft Reconciliation Action Plan 2017-2019
- 8.5 Elster Creek Catchment - Progress report
- 8.6 Planning Permits Delegate Report – April 2017
- 8.7 Risk Management Policy Framework & Strategic Risk Register
- 8.8 Fixed Asset Accounting Policy
- 8.9 Provision of Security Patrol Services
- 8.10 Assembly of Councillors



8.1 Victorian Pride Centre - Public notice, as required by Section 189 of the Local Government Act, for intention to Transfer Site 2 (3/77 Fitzroy Street, St Kilda) to the Victorian Pride Centre

Purpose

To seek approval to notify the public and invite submissions from interested parties by publishing a notice, as required by Section 189 and Section 223 of the *Local Government Act 1989*, of the City of Port Phillip's intention to sell the land owned by the City of Port Phillip located at 3/77 Fitzroy St, St Kilda to the Victorian Pride Centre.

Moved Crs Gross/Baxter

That Council:

- 1.1 Notes that Council on 13 December 2016 authorised the submission of an expression of interest to the Victorian Pride Centre.
- 1.2 Notes that subsequent to notification by the Victorian Pride Board on 28 February 2017 that Council's submission was preferred.
- 1.3 Under clause 189 and 223 of the *Local Government Act 1989* authorises the CEO or delegate to publish a public notice and invite submissions from interested parties advising of the City of Port Phillip's intention to sell the land owned by the City of Port Phillip located at 3/77 Fitzroy St, St Kilda to the Victorian Pride Centre Limited.
- 1.4 Resolves to hear and consider any submissions received pursuant to Section 223 of the *Local Government Act 1989* at a Council meeting to be held on 19 July 2017.

A vote was taken and the MOTION was CARRIED unanimously.



8.2 Draft Council Plan 2017-2027 and Budget 2017/18: Submissions

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

Karen Bryant

- Representative of Midsumma Festival.
- Advised that the Festival Committee fundraises for 79% of funds independently of state and government funding. With approximately 45,000 people attending the Pride March event, which occurs in the City of Port Phillip, she urged the Council to work in partnership with the Festival Committee to ensure security and sustainability for future events.

Bill Garner

- Spoke in support of Peter Holland's submission requesting \$15,000 for public consultation in regards to Brooke's Jetty.
- Emphasised that there was an enduring sense of loss of a delightful, unique public space, that was part of the character of St Kilda beach, and was part of a great promenade with much social history, and much social memory that has been a feature of St Kilda since 1910.
- Stated that the demolition of the jetty was largely opportunistic, and reasons for demolition which were accepted by the previous Council were reasons which did not stand up upon close examination. If not for an oversight due to heritage protection changes, the site would have been considered a heritage listed site.

Angelo Indovino

- Member of LIVE group, which aims to make apartments more livable and more sustainable through its Smart Blocks Project.
- Stated improved energy efficiency as equating to financial savings and sustainability.
- Implored the Council to invest resources to help drive this project.

John Perkins

- Agreed with the points made by Bill Garner in support of Brooke's Jetty, in particular, advocating the grant for public consultation.
- Suggested improved replacement designs, especially regarding a lower level of the jetty for swimmers, and noted a successful example of this design in Western Australia designed by MP Rogers & Associates.
- Recommended that the Council liaise with MP Rogers & Associates during their public consultation.

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Gary Mink

- On Behalf of the Acland Street Traders Association requested their full submission be included in the minutes. The CEO advised the meeting that a summary of their submission will be included, which is as follows:
 - Highlighted the decline in Acland Street trade, particularly accelerated in the last six months.
 - Emphasised that the decline is directly aligned with the introduction of the Acland St Plaza and tram stop, a development that was implemented against the wishes of the local residents and traders.
 - Thanked Council for the funding that has been provided for Plaza activation, however emphasizes that continued supported is necessary.

Geoffrey Love

- On behalf of the EFLAG group, implored Council to increase the drainage budget by 30%. Acknowledged the group's encouragement of the Memorandum of Understanding of the four catchments of Elster Creek and Melbourne Water.
- Emphasised that it was urgent and important for Council to develop a radical risk management masterplan that encompasses retreat, adapt and defend strategies in preparation for a future of increasing catchment and coastal flooding.
- Stated that Melbourne Water had spent tens of millions of dollars on tide barriers at Patterson Lakes, and advocates that this would be the most effective barrier for Elwood residents.

Meni Christofakis

- Spoke in support of the points made by the previous speaker.
- Questioned the amount of budget allocation of drains maintenance and infrastructure for Elwood, and what the percentage increase was for Elwood compared to the rest of the municipality.

Isaac Hermann

- Following on from his submission emphasised his concerns regarding revenue dedicated specifically to new open spaces incorporating water-sensitive urban design and flood mitigation measures, with suggested sources for additional revenue.
- Suggested that Council refrain from selling laneways in or near to flood zones.
- Requested that flood zones be targeted and turned into new open spaces.

Jack Halliday

- Spoke on behalf of the Port Phillip Alliance for Sustainability, a group formed in 2007 by individuals who were concerned about Council's lack of progress concerning this matter.
- Expressed ongoing concerns for the Council Plan around the vagueness of terms, and stated a need for identifiable and measurable targets, with adequate resources dedicated to targets



that have been set.

- Stated that there was a lack of clarity around how the Council plans to reduce community emissions.

Helen Halliday

- Stated that the Draft Council Plan was an excellent opportunity for the Council to reassess their approach to prevalent topics such as open space, water and population density.
- Suggested Council's should reconsider the proposal for Albert Park Lake with a revision emphasising open space, connectivity, walkways, local parks, regional parks and sub-regional parks, all of which require a linking program.
- Stated that many parts of the municipality are severely lacking in open space.

Brenda Forbath

- Spoke to the Community Alliance of Port Phillip's submission and stated disappointment that the Council Plan did not provide for any further future alliance with the Port Phillip Housing Trust and the Port Phillip Housing Association.
- Stated the annual allocation of \$500,000 is subject to expressions of interest, which has been ineffective, and accumulative total from past two years is one million dollars. The Alliance is concerned that these funds will go to staffing resources rather than actual housing projects.
- Stated that there was a need from the community for an assurance from the Council that childcare and aged care services will not be privatised.

Les Rosenblatt

- Spoke to the Community Alliance of Port Phillip's submission and agreed with the points made by the previous speaker.
- Emphasised that social housing targets needed to be increased to 10%, as a highly achievable outcome with many benefits to the community.
- Stated that the Alliance was fully committed to their cause and looks forward to building a constructive, working relationship with the Council to address these issues.

Tamara Jungwirth

- Thanked Council for the renovations that they had provided for the Gasworks Arts Park.
- Emphasised the importance of the Park for the creative community of the city.
- Stated that there was a year gap in the funding for the 2017/18 year and requested Council to address this.

James McCaughey

- Spoke in support of the previous speaker's points, and thanked the Council for their support of the Gasworks Arts Park.
- Emphasised the importance of the space to the community.



Bradley Mullen

- Spoke regarding the funding of North Port Oval, and questioned Council's budget allocation to flood-proofing the oval.

Stephen Mayne

- Spoke on behalf of the Alliance for Gambling Reform, and stated that 28 million dollars per year was being spent on gambling within the City's limits.
- Advocated for gambling reform, and urged the Council to join the Alliance to make serious reform happen.
- Stated that the Alliance had 20 city councils on-board already, and they welcomed Port Phillip's commitment.

Chris Davey

- Spoke on behalf on of the South Melbourne Symphony Orchestra's submission, beseeching a continuation of their current terms.
- Emphasised the benefits and contributions of the Orchestra to the community.

Purpose

To receive and hear public submissions on the draft Council Plan 2017-27, including the draft Budget 2017/18.

Moved Crs Bond/Gross

That Council:

- 1.1 Receives the report detailing the submissions received on the draft Council Plan 2017-27, including the draft Budget 2017/18.
- 1.2 Hears from those who have requested to speak in support of their submission at the meeting on 7 June 2017.
- 1.3 Notes that further reports on the revised Council Plan and Budget will be presented at the Ordinary Council Meeting on 21 June 2017.

A vote was taken and the MOTION was CARRIED unanimously.



8.3 CEO Report - Issue 34 June 2017

Purpose

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

Moved Crs Simic/Pearl

That Council:

- I.1 Notes the CEO Report Issue 34 (provided as Attachment I) including changes against budget during April 2017 and also changes to the project portfolio for April 2017.

A vote was taken and the MOTION was CARRIED unanimously.



8.4 City of Port Phillip Draft Reconciliation Action Plan 2017-2019

Purpose

To endorse the City of Port Phillip's second Reconciliation Action Plan

Moved Crs Copsey/Brand

That Council:

- 1.1 Endorses the Port Phillip City Council's second Reconciliation Action Plan 2017 – 2019, and the launch of the Reconciliation Action Plan 2017 – 2019 during NAIDOC Week 3 - 10 July, 2017.
- 1.2 Endorses the Statement of Commitment to reconciliation (as set out at page five of the Reconciliation Action Plan 2017 – 2019).

A vote was taken and the MOTION was CARRIED unanimously.



8.5 Elster Creek Catchment - Progress report

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

Isaac Hermann

- On behalf of EFLAG thanked Council for its responses and communications.
- Emphasised the need for a timely response from Council to begin discussions with South East Water about storm water to sewage line infiltration from their own infrastructure, and private storm water to sewage connections.

Helen Halliday

- Acknowledged the catchment level consideration, and water level policy as an important step-forward, and thanked the Council for their efforts.
- Urged the Council to keep the community involved, engaged and informed about the future steps.



Purpose

The purpose of this report is to provide Councillors and the community with an overview of action in Elwood and the Elster Creek Catchment and associated flooding issues, work underway and scheduled actions to be undertaken in the areas of advocacy, collaboration, asset investigation and maintenance from March to June 30 2017.

Moved Crs Gross/Baxter

That Council:

- 1.1 Notes the information contained within the report.
- 1.2 Continues to support Council Officer involvement in working groups that support and identify collaborative action regarding flood mitigation.
- 1.3 Continues to advocate for positive intervention in the Elster Creek catchment to improve downstream impacts.
- 1.4 Notes that s.3D(2)(d) of the Local Government Act provides that the role of a Council includes “advocating the interests of the local community to other communities and governments” which empowers Council’s advocacy for the whole of the Catchment; and that s.3D(2)(e) of the Act provides that the role of a Council includes “acting as a responsible partner in government by taking into account the needs of other communities”.
- 1.5 Calls on all Councils in or affected by the Elster Creek Catchment to consider the needs of communities in the whole of the Catchment whether those communities who may benefit are in or outside a Council’s own municipal boundaries.

A vote was taken and the MOTION was CARRIED unanimously.



8.6 Planning Permits Delegate Report – April 2017

Purpose

To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

Moved Crs Bond/Pearl

That Council:

- I.1 That Council receives and notes the April 2017 report (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under Section 98 of the Local Government Act 1989 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED unanimously.



8.7 Risk Management Policy Framework & Strategic Risk Register

Purpose

To seek Council approval of the Risk Management Policy and noting of the Risk Management Framework and Strategic Risk Register.

Moved Crs Bond/Copsey

That Council:

- 1.1 Adopts the revised Risk Management Policy (attachment 1) and notes the Risk Management Framework (attachment 2).
- 1.2 Considers and notes the outcomes from the annual review of the Council's strategic risks.

A vote was taken and the MOTION was CARRIED unanimously.



8.8 Fixed Asset Accounting Policy

Purpose

To obtain Council approval of the revised Fixed Asset Accounting Policy. This policy prescribes the principles for the recognition, recording and accounting for Council's fixed asset and capital expenditure transactions in order to ensure Council meets legislative requirements under the Local Government Act and Australian Accounting Standards.

Moved Crs Bond/Baxter

That Council:

- I.1 Adopts the Fixed Asset Accounting Policy set out in Attachment I to this report.

A vote was taken and the MOTION was CARRIED unanimously.



8.9 Provision of Security Patrol Services

Purpose

For Council to consider awarding a contract for a four year period, with an option for a three year extension, for the Provision of Security Patrol Services.

Moved Crs Bond/Baxter

That Council:

- I.1 Awards National Protective Services Pty Ltd Contract No. 2038 to provide Security Patrol Services to Council for a four year period commencing in July 2017 to 30 June 2021, with an option for a further term of three years (at Council's discretion).
- I.2 Notes that the estimated contract sum is \$7,090,209.00 exclusive of GST for the seven year term.
- I.3 Affixes the Common Seal of the Port Phillip City Council to Contract No. 2038 between Port Phillip City Council and National Protective Services Pty Ltd.

A vote was taken and the MOTION was CARRIED unanimously.



8.10 Assemblies of Councillors

Purpose

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 Bond/Baxter

That Council:

- I.1 Receives and notes the written records of Assemblies of Councillors (attached) as required by section 80A (2)(a) and (b) of the *Local Government Act 1989*.

A vote was taken and the MOTION was CARRIED unanimously.



9. NOTICES OF MOTION

Nil.



10. REPORTS BY COUNCILLOR DELEGATES

Cr Baxter reported on attending a meeting of the Association of Bayside Municipalities, where the proposal for a ban on single-use plastic bags was discussed favourably.

Cr Pearl reported on attending a meeting of the Community Grants Assessment Panel with Cr Crawford. The members of the community who had volunteered their time contributed greatly.

Cr Brand reported as a member of the Board of Linden New Arts which is celebrating its 30th anniversary, and is currently in a temporary location whilst renovations are occurring in Acland Street.

Cr Brand reported on the City of Port Phillip Art Acquisition Committee's annual meeting to acquire new art. A panel of 4 art experts, all with strong ties to the City of Port Phillip, made considered choices in their selection of artwork. He also commended the officers for their excellent work.



II. URGENT BUSINESS

Nil.



12. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 8.55pm.

Confirmed: 21 June 2017

Chairperson _____