



ORDINARY MEETING OF COUNCIL

MINUTES

3 OCTOBER 2018



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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 3 OCTOBER 2018 IN PORT MELBOURNE
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; Lili Rosic, General Manager Place Strategy and Development; Mary McGorry, Acting General Manager Community and Economic Development; Peter Benazic, Acting General Manager Infrastructure and Amenity; Chris Carroll, General Manager Customer and Corporate Services; Kylie Bennetts, Director Office of the CEO, Lisa Paton, Acting Manager Sustainability and Transport, Lachlan Johnson, Manager Project Services, Anthony Traill, Manager Open Space and Recreation, Damian Dewar, Manager Strategy and Design, Susan Strano, Coordinator Arts, Sally Jones, Manager Cultural and Economic Development.

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 Baxter/Gross

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 20 September 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

Nil.

5. SEALING SCHEDULE

Nil.

6. PUBLIC QUESTION TIME

Krystyna Kynst

Ms Kynst spoke to her concerns around public access to the Seabaths rooftop area. Ms Kynst asked the following questions:

- Could we see a list or description, photos perhaps, of the alleged vandalism/extensive damage that is being relied on to close the rooftop?
- What type of remediation work is proposed, what is the timeframe, and what permits are required?
- Do we have an end date for the rooftop closure?
- How long is Council prepared to allow the rooftop to be closed for public access?
- What permit, if any, was required or obtained to install lockable gates for the purpose of stopping public access?
- Will Council require that these gates be removed once the work, if any, is completed?
- Will Council ensure that the rooftop is not used for private functions and other private activity, such as gym training, while it remains closed for public access? If the public can't be there, should private users be allowed?
- In what ways do local laws and planning guidelines support the use of the rooftop and stairs for private storage?
- What steps does Council intend to take to ensure that the rooftop is re-opened promptly to public access/public use and remains so unhindered?

Lili Rosic, General Manager Place Strategy and Development, responded that the Department of Environment, Land, Water and Planning (DELWP) is the manager of this site. Ms Rosic took the question regarding evidence of alleged vandalism on notice. DELWP have advised that the rooftop is currently unavailable to the community due to the vandalism and graffiti and they are in the process of awarding the contract to rectify the area. DEWLP anticipate that the works will be completed by the end of November with the expectation that the area will become available to the general public once works are completed. In relation to permits for lockable gates, no planning permits have been issued and it is understood that the gates are in place to prevent access and protect safety. If the gates were permanent,

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Council could investigate whether any planning permission would be required, however the area is expected to be available to the public shortly. Ms Rosic took the question regarding gate removal on notice. In relation to other events held on the rooftop, DEWLP have advised that they do permit pop-up events to occur in this space. In regards to whether the community are excluded during these events, Ms Rosic took this question on notice.

Kate Richards

Ms Richards spoke on behalf of 'Resident Action St Kilda'. Ms Richards addressed her concerns around outdoor events held in the St Kilda foreshore area and the anti-social behavior that occurs during such events, and questioned the economic benefits that the community receives from such events. Ms Richards asked why Council permits this type of event, which impacts on residents and local businesses in a negative way?

Anthony Traill, Manager Open Space and Recreation Services, responded that Council is in the process of debriefing with Victoria Police on the anti-social behavior reported from the recent 'Listen Out' festival and will consider improvements that can be made to address these issues. In regards to statements on noise management, Council has increased their noise management practices following the last summer season and clear guidelines are able to be viewed on Council's website. Mr Traill stated that Council understands the concerns of residents around negative impacts of some events and Council is trying to strike the balance between area activation and resident amenity. Local traders have reported in recent years that outdoor events have been successful in bringing business into the area. Mr Traill stated that Council is considering the proposals by residents for noise monitoring within homes and stated that current noise measurements are being taken from areas Council can access. Mr Traill stated that due to the size of the 'Listen Out' festival, the gardens were partially closed for 7-9 days to allow for appropriate set up procedures. In relation to economic viability, Mr Traill advised he would take this on notice, but stated that Council issues permits for over 400 events, many of which are community based and are subsidised by Council through staff time. Whilst Council makes some profit from the events calendar, the primary drivers for these events are increased economic activity, activation options and entertainment for our community.

Geoffrey Conaghan

Mr Conaghan spoke to his concerns around noise management and antisocial behavior at outdoor events, and in particular the recent 'Listen Out' concert. Mr Conaghan asked if Council will undertake a review of the outdoor space and recreation unit in this calendar year, or as soon as possible, to assess its ability to select, manage and monitor events against the City of Port Phillip Outdoor Events Strategy? This could include the credibility of noise management being undertaken by the event creating the noise, issuing permits for events that contradict wider Council policy to protect resident amenity, and lack of coordination with other Council units. Would Council consider the appointment of a resident advocate within Council to oversee the activities of the open space and recreation unit?

Peter Smith, CEO, responded that there are no plans to review the capability of the open space and recreation team who manage events in the municipality, however we are always looking for suggestions for continuous improvement and Council will be looking at improvements that can be made and will consult with the community where appropriate. Mr Smith stated that feedback received is being considered and community consultation will



occur, therefore Council will not be contemplating the appointment of a resident advocate within the open space and recreation area unless the CEO sees a strong case for such an appointment and believes other methods of engagement are not working.

Peter Tapp

Mr Tapp spoke to his concerns around the impact on resident amenity of loud music coming from outdoor events on the St Kilda foreshore. Mr Tapp proposed that Council set up a working party where a survey can be created to ask affected residents and businesses in the foreshore area for their responses on issues around outdoor events.

Mayor Bernadene Voss responded that Council asks the community every year for their feedback on events in the municipality and that this feedback is considered by Council. Mayor Voss advised that the issue of the suggested working party would be taken on notice for further response.

Miriam Orwin

Ms Orwin spoke to her concerns around the Domestic Animal Management Plan and the way it relates to wider principles of law. Ms Orwin asked for clarity around the letter she received on behalf of Council as to which matter it applies to.

Mayor Bernadene Voss advised that Ms Orwin should contact the CEO directly, who will provide a response.

Bill Phelan

Mr Phelan spoke to his concerns in relation to the project involving the closure of the slip lane at Graham Street and Albert Street. Mr Phelan asked what monitoring would be undertaken to establish whether it will increase traffic in Clark Street, and any other positive or negative effects on pedestrian or vehicular traffic? Mr Phelan stated that he believes Council limits innovation and diminishes the value of community consultation. Mr Phelan asked how Council will change this cultural problem.

Lili Rosic, General Manager Place Strategy & Development, responded that works that are occurring were endorsed by Council and were carefully considered by traffic engineers. As previously advised, the alternative proposal was seriously considered.

Mayor Bernadene Voss advised that the questions would be taken on notice.

7. COUNCILLOR QUESTION TIME

Councillor Crawford asked if officers could clarify the misinformation that is going out to the community about the increase in rates, how they are applied and how they are proportional to the value of property? How, if we hadn't accepted the rates cap, we would have ended up

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with a huge gap in our ability to fund things over ten years and would have been long term disadvantaging future Councils?

Chris Carroll, General Manager Customer and Corporate Services, responded that rates are set through the State Government mandated process for raising property taxes in Victoria. This is based on a system of burden distribution based on property valuations as opposed to personal income, and this Council works with the 'net annual value' approach. There is a bi-annual valuation process that occurs that is assessed by the State Government Valuer General to ensure the valuation process has been robust. When Council sets the rates that it requires, it does so in the context of the State Government rates capping framework which is on average a 2.25% rates increase across the municipality. However, due to the way that the property valuation system works, this means that some properties will receive a significantly higher or lower increase in their rates than 2.25%. Mr Carroll demonstrated some examples of this for specific areas of the municipality and stated that Council does what it can to minimise the rates increases while ensuring achievement of financial sustainability targets, and funding the service and investment commitments that the Council has made over the next 10 years in the Council Plan.

Councillor Crawford asked a clarifying question: even if Council had not taken a rates rise of the 2.25%, would people's rates still have increased due to increases in property value?

Chris Carroll, General Manager Customer and Corporate Services, responded that this is generally correct. Approximately 70% of properties had a 2.25% increase or less, whilst others had significantly more, and some property rate increases went down. For example, some properties in Port Melbourne/Garden City had a rates increase of 15.1% overall due to the value of their properties increasing by 29.9%. If Council had a 0% rate increase, their rates would have still gone up by 12.6%.

Councillor Bond asked if Council increased its rates income by zero and cut spending by \$2.7million, what would be the rate gap or net effect on the budget?

Chris Carroll, General Manager Customer and Corporate Services, responded that if Council cut expenditure by the same amount, as long as that expenditure is rates funded expenditure, there would be no impact on that one year. However, this would need to be permanent and ongoing to ensure there is no cumulative impact that grows over time.

Councillor Bond asked for confirmation on whether the proposal put forward by himself and Councillor Pearl to adopt a zero rate rise budget came with a list of suggested spending cuts?

Mayor Bernadene Voss responded that this proposal was not formally presented to Council.

Councillor Bond asked if there was a rates gap of \$2.7million over 10 years, and total budget over 10 years is about \$2.2billion, would that equal a rates gap of 0.013%?

Chris Carroll, General Manager Customer and Corporate Services, responded that Council commits to efficiency savings targets of approximately 2% of expenditure each year excluding depreciation expense and has achieved around \$9million of efficiency savings in the past four budgets. These are not done easily, but it is possible should Council make decisions around permanent expenditure reductions - however these would likely have impacts on service, but it is up to Councillors to prioritise this through the budget process.

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Councillor Crawford asked if officers could confirm that Council has reduced the number of events held at Catani Gardens over the last few years?

Anthony Traill, Manager Open Space and Recreation Services, responded that there have been reduced event days over the last two years, but would take the question on notice to provide the exact number of event days. Mr Traill stated that there has been an increase in music events by 1, but the total number of events has decreased and Catani Gardens has been marked as an area where Council is aiming to cap the number of events.

Councillor Voss asked when and how do Councillors see reports on the various boards and committees that Councillors contribute to? Councillor Voss highlighted her request for a report on the activities and targets of Caspa Care.

Kylie Bennetts, Director Office of the CEO, responded that the upcoming review of advisory committees will capture the aspect of reports back from advisory committees and external bodies to ensure clear reporting on relevant matters. Ms Bennetts took the Mayor's request for a report from Caspa Care on notice for response.



8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 48

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

Helen Halliday

Ms Halliday spoke to the issue of water management and noted that the water management reports are not publicly available on Councils website. Ms Halliday asked, in relation to Elster Creek, how will the proposed principles be restated to express the clear intent of the Council and its community? In relation to Albert Park Lake, what reports are available? Is the proposed peer review and its outcome consistent with best practice?

Purpose

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

MOVED Crs Copsey/Gross

That Council:

- 3.1 Notes the CEO Report Issue 48 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in August 2018.

A vote was taken and the MOTION was CARRIED unanimously.

9. PEOPLE AND COMMUNITY

Nil.

10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

Nil.



12. PLANNING

12.1 Interim Built Form Controls (Design and Development Overlay 27) - St Kilda Road South

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

Kaye O'Connor

Ms O'Connor spoke on behalf of Junction Area Action Group (JAAG) and spoke in support of the officers recommendation. Ms O'Connor asked whether the final form of C122 is with DELWP and has Council completed its requirements requested by DELWP?

Questions taken on Notice during discussion of this item

Councillor Bond asked how long ago did Council submit the revised documentation to the Minister?

Lili Rosic, General Manager Place Strategy and Development, advised that this question would be taken on notice in order to provide specific dates.

Purpose

- 1.1 To determine whether to request an extension of the interim controls for the St Kilda Road South Precinct (the Precinct).

MOVED Crs Bond/Brand

That Council:

- 3.1 Requests the Minister for Planning to approve an amendment to the Port Phillip Planning Scheme, pursuant to the *Planning and Environment Act 1987*, to extend the expiry date for the interim Schedule 27 to Clause 43.02 - Design and Development Overlay to 31 December 2019.
- 3.2 Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation to form the basis of the request to the Minister for Planning.
- 3.3 Writes to all submitters to Amendment C122 advising of Council's decision and thanking them for their ongoing interest in the St Kilda Road South Precinct.

A vote was taken and the MOTION was CARRIED unanimously.



13. ARTS CULTURE & ECONOMIC DEVELOPMENT

13.1 Art and Soul Advisory Panel appointments

Purpose

- 1.1 To appoint community representatives to the Art and Soul Advisory Panel and endorse the Advisory Panel Terms of Reference.

MOVED Crs Crawford/Gross

That Council:

- 3.1 Appoints Francesca Valdinici, Kaye Blum, Malcolm Blaylock, Maxine Wren, Siobhan Connors, Tess Hamilton, Vivienne Corcoran, Peter Bain-Hogg, Stan Yarramunua and Tim Barnett to the Art and Soul Advisory Panel.
- 3.2 Endorse the Art and Soul Advisory Panel Terms of Reference.

A vote was taken and the MOTION was CARRIED unanimously.



14. ORGANISATIONAL PERFORMANCE

14.1 Palais Theatre - Presentation of Annual Report

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

Neil Cox, General Manager Palais Theatre, advised Council of his enthusiasm for the future of the Palais Theatre and the positive impacts that the theatre can have within the community.

Purpose

- 1.1 To present the Annual Report as required by the Lease for the activities undertaken by Live Nation at Palais Theatre.

MOVED Crs Bond/Baxter

That Council:

- 3.1 Accepts and notes the Palais Theatre Annual Report and declares it is satisfied with the activities undertaken by Live Nation in the first year of the lease (period ending 31 March 2018).

A vote was taken and the MOTION was CARRIED unanimously.



**14.2 Outcomes of the Audit and Risk Committee Meeting 23 August 2018
and Presentation of Annual Report 2017/18**

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

Helen Lanyon

Ms Lanyon, Chair of the Audit and Risk Committee, provided a general overview of the content of the annual report and provided options for Councillors wishing to participate in the Audit and Risk Committee.

Purpose

- 1.1 To bring to the attention of Council the matters addressed at the 23 August 2018 Audit and Risk Committee meeting.
- 1.2 To present the Audit and Risk Committee Annual Report 2017/18.

MOVED Crs Gross/Copsey

That Council:

- 3.1 Notes the report outlining the matters addressed at the 23 August 2018 meeting of the Audit & Risk Committee.
- 3.2 Notes the Audit & Risk Committee Annual Report 2017/18 which details the activities of the Committee for the year and how it has met its responsibilities within its Charter.

A vote was taken and the MOTION was CARRIED unanimously.



14.3 South Melbourne Market Charter

Purpose

- 1.1 To seek Council endorsement of a revised Charter and governance arrangements for the management of the South Melbourne Market (SMM).

MOVED Crs Simic/Bond

That Council:

- 3.1 Revokes the previous Charter of the South Melbourne Market dated 18 October 2017 effective from midnight on 28 February 2019, following which this Charter will have no further effect.
- 3.2 Endorses the Charter of the South Melbourne Market as outlined in **Attachment B** to this report, which will take effect from 1 March 2019.
- 3.3 Revokes the previous Instrument of Delegation as dated 18 October 2017, effective from midnight on 28 February 2019, following which this Instrument will have no further effect.
- 3.4 Endorses and affixes the common seal to the Instrument of Delegation as outlined in **Attachment D** to this report, which will take effect from 1 March 2019.

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



14.4 Alteration to 2018 Council meeting cycle

Purpose

To seek Council endorsement of a proposed alteration to the 2018 Council meetings timetable by rescheduling the:

- Special Council Meeting for the election of the Mayor from 14 November 2018 to 28 November 2018.
- Planning Committee Meeting from 28 November 2018 to 14 November 2018.

MOVED Crs Bond/Brand

That Council

- 3.1 Reschedules the date and timing of the Special Council Meeting to elect the Mayor from 6.30pm Wednesday 14 November 2018 to 5.30pm Wednesday 28 November 2018, to be held in the St Kilda Town Hall.
- 3.2 Reschedules the date and timing of the Planning Committee Meeting from 6.30pm Wednesday 28 November 2018 to 6.30pm Wednesday 14 November 2018, to be held in the St Kilda Town Hall.

A vote was taken and the MOTION was CARRIED unanimously.

15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Councillor Crawford reported to Council in her capacity as the Council representative on the Gasworks Board. Councillor Crawford reported that Gasworks Arts Park has recently hosted performances as part of the Melbourne Fringe Festival 2018. Councillor Crawford detailed a variety of events that Gasworks is currently supporting within the community.

Councillor Baxter reported to Council as the Council delegate to Friends of Suai/Covalima Community Reference Committee and reported that the Alberto Barros, Director of the Covalima Community Centre in Suai, will be delivering a public presentation at 6.30pm on 11 October at the St Kilda Library.



17. URGENT BUSINESS

The Mayor advised that the CEO has one item of urgent business. This item is confidential as it relates to a development proposal and therefore, the meeting will be closed for consideration of the item once it has been formally accepted.

MOVED Crs Gross/Crawford

That the item of urgent business relating to a development proposal be accepted.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting moved into Confidential:

MOVED Crs Gross/Crawford

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:

Urgent Business - Development Proposal - Palais Theatre

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.

A vote was taken and the MOTION was CARRIED unanimously.

The Meeting was closed to the public at 8.38pm.

The meeting was reopened to the public at 8.46pm.

As there was no further business the meeting closed at 8.46pm.

Confirmed: 17 October 2018

Chairperson _____