



ORDINARY MEETING OF COUNCIL

MINUTES

21 NOVEMBER 2018



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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 21 NOVEMBER 2018 IN ST KILDA TOWN
HALL**

The meeting opened at 6:30pm.

PRESENT

Cr Voss (Chairperson), Cr Baxter, Cr Brand, Cr Crawford, Cr Gross, Cr Pearl

IN ATTENDANCE

Peter Smith, Chief Executive Officer; Lili Rosic, General Manager City Strategy and Sustainability; Tony Keenan, General Manager Community and Economic Development; Anthony Traill, Acting General Manager Infrastructure and Amenity; Chris Carroll, General Manager Customer and Corporate Services; Kylie Bennetts, Director Office of the CEO; Cherie Fraser, Manager Communications and Engagement; Dennis O’Keeffe, Chief Financial Officer; Brett Walters Manager Environmental Sustainability; Anthony Savenkov Head of Property Projects; Carlene Harlock Coordinator Friends of Suai/Covalima; Jorja Pindor Program Director Waste Futures.

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

Moved Crs Gross/Brand

That apologies be received and a leave of absence granted to Cr Bond, Cr Copsey and Cr Simic.

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

MOVED Crs Baxter/Gross

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 7 November 2018 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Baxter declared an indirect interest, by way of applicable gift, in item 14.4 New Lease Port Melbourne Yacht Club.

4. Petitions and Joint Letters

Item 4.1 - Opposition to The Proposed Mobile Phone Base Station for Optus at Elwood Park

A Joint Letter of 3 signatures, and a petition containing 120 signatures, was received from members of the community.

MOVED Crs Crawford/Pearl

That Council:

Receives and notes the Joint Letter and petition, and provides a response at a future Council Meeting.

A vote was taken and the MOTION was CARRIED unanimously.

Item 4.2 - Request for permanent alcohol ban on the St Kilda foreshore

A Joint Letter containing 7 signatures of local traders and residents has been submitted by St Kilda Tourism & Events.

MOVED Crs Pearl/Brand

That Council:

Receives and notes the Joint Letter, and provides a response at the Ordinary Meeting of Council on 5 December 2018.

A vote was taken and the MOTION was CARRIED unanimously.

5. SEALING SCHEDULE

Nil.



PRESENTATION OF AWARD

The Mayor, Cr Voss, advised the Chief Executive Officer has requested an additional agenda item for the presentation of an award.

Ms Lili Rosic, General Manager City Strategy and Sustainability, advised the meeting that in addition to winning the 2018 Premier's Sustainably Award, the Melbourne Renewable Energy Project (MREP) Team - which includes a collective of local governments, organisations, universities and cultural institutions, last night won the CitySwitch Partnership of the Year Award.

Ms Rosic advised that the project is a great example of numerous staff across the organisation working effectively together to achieve Council's ambitious target of zero net greenhouse gas emissions by 2020.

The Mayor, Councillor Voss, accepted the Award from Ms Rosic on behalf of the Council, and thanked all staff involved.

6. PUBLIC QUESTION TIME

Tanya Canfield

Ms Canfield raised public questions relating to health concerns around the demolition of the property at 41-49 Bank Street, South Melbourne, and requested a copy of the clearance certificate provided to the Council by Worksafe which shows that demolition has been completed in accordance with all health and safety regulations.

Peter Smith, Chief Executive Officer, stated that Council sent to Ms Canfield, on 2 November 2018, a detailed response to concerns about asbestos at 41-49 Bank St South Melbourne.

Further to this letter, an inspection of the site was undertaken on 7 November by a licensed Asbestos assessor in the presence of Worksafe. A clearance certificate has been provided to Worksafe in accordance with legislative requirements. Worksafe advises that the site does not pose a danger to the public. Council is satisfied with the information provided by WorkSafe. Any new information or further requests for information relating to clearance of the site should be directed to WorkSafe.

Lili Rosic General Manager City Strategy and Sustainability, stated that the property at 41-49 Bank Street, South Melbourne is not owned by the City of Port Phillip, therefore any clearance certificates will need to be provided to Ms Canfield from Worksafe directly. Ms Rosic advised that Council will forward Ms Canfield's request for documentation to WorkSafe.



7. COUNCILLOR QUESTION TIME

Councillor Pearl asked why the Divercity Magazine's calendar of events did not include the recent Remembrance Ceremony, and the Victorian Association of Jewish Ex-Service Men and Women Ceremony which took place on and around Remembrance Day.

Cherie Fraser, Manager Communications and Engagement, responded that most of the information provided in Divercity is driven by the community. Ms Fraser stated that she would look into why those two events were not included and will ensure that future publications cover off wider municipal events.

Councillor Pearl asked a follow up question, asking why the Council Meeting Schedule is also not included in Divercity

Cherie Fraser, Manager Communications and Engagement responded that at this point in time information provided in Divercity is aimed at community events and topics that are of interest to the community, Council provides other channels to promote Council Meetings, but officers will look into that in terms of further publications.

Councillor Pearl asked if officers could confirm whether commercial, community or political advertisements are allowed on nature strips, power poles, footpaths, or footpath fences. If not, what are the penalties or actions that Council would take?

Lili Rosic General Manager, City Strategy and Sustainability responded that there are two forms of legislation which govern the placement of signage. In regards to commercial signage, the Council has provided permits for activities associated with footpath trading. In regards to community advertisements, Council has a permit process in place which is governed under the Local Law and managed by Councils Events Team. Political signage is dependent on location. If the signage is on private property there are exemptions under the Planning and Environment Act. Signage that is not located on private property can be investigated. The procedure for any signage which does not comply with legislation is to provide a notice to remove the signage. If the person does not comply with the direction, a fine could be issued. This fine could be up to \$2,000 if issued through the Magistrates Court and up to \$1,000 if issued by an Officer. Signage would only be impounded if it was deemed a hazard

Councillor Voss asked how the implementation of PayStay signage is going?

Lili Rosic, General Manager City Strategy and Sustainability, responded that it is installed and working well. The function of being able to locate free vacant spots in the municipality has not yet been enabled, as we don't have enough sensors at the moment. Ms Rosic took the matter on notice to provide further information.

8. PRESENTATION OF CEO REPORT

Nil.



9. PEOPLE AND COMMUNITY

9.1 Friends of Suai/Covalima Annual Report

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

Megs Alston

Ms Alston as Chair of the Friends of Suai/Covalima Community Reference Committee spoke in support of the Friends of Suai/Covalima Annual Report and highlighted some of the accomplishments within the report and thanked the City of Port Phillip for the support of this program.

Purpose

- 1.1 To inform Council on the 2017-18 achievements of the Friends of Suai/Covalima (FoS/C) Community Reference Committee (CRC).

MOVED Crs Baxter/Gross

That Council:

- 3.1 Endorses the 2017-18 Friends of Suai/Covalima (FoS/C) Annual Report (Attachment 1).
- 3.2 Acknowledge the contribution of the FoS/C Community Reference Committee and FoS/C working groups.
- 3.3 Acknowledge the work of the Covalima Community Centre and the role it plays in enhancing the lives of the Covalima community.

A vote was taken and the MOTION was CARRIED unanimously.

10. TRANSPORT AND PARKING

Nil.



11. SUSTAINABILITY

11.1 Submission - Review National Waste Policy 2009: Less waste more resources Policy Review

Purpose

- 1.1 To endorse Officer submission to the review of the *National Waste Policy 2009: Less Waste More Resources*.

MOVED Crs Gross/Baxter

That Council:

- 3.1 Endorses the Council officer submission to the Department of Environment and Energy on the Review 2018: National Waste Policy 2009 - Less Waste More Resources.

A vote was taken and the MOTION was CARRIED unanimously.

12. PLANNING

Nil.

13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.

14. ORGANISATIONAL PERFORMANCE

14.1 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 Pearl/Gross

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 unanimously.

14.2 September 2018 Quarter Financial Report

Questions taken on Notice during discussion of this item

Councillor Voss asked a question regarding bad debts, and asked when the forecast is updated?

Peter Smith, Chief Executive Officer, advised that this question would be taken on notice

Purpose

- 1.1 To provide Council with an overview of the results of the September 2018 quarter budget review for 2018/19 and obtain adoption of a number unbudgeted initiatives to support Council Plan objectives.

MOVED Crs Gross/Baxter

That Council:

- 3.1 Notes that following the September 2018 quarter review the organisation is projecting a full year net cash surplus of \$2.42 million which is \$1.74 million favourable compared to budgeted cash surplus of \$0.68 million.
- 3.2 Notes attachments 1 and 2 being the Comprehensive Income Statement Converted to Cash – September 2018 and accompanying explanatory notes.
- 3.3 Approves up to \$1.43 million of unbudgeted expenditure and notes attachment 3 being the Unbudgeted Initiative Requests – September 2018 and further notes that the second item on the schedule re St Kilda Town Hall - replacement of Air Conditioning System (Port Melbourne Room) \$150,000 has been removed.

A vote was taken and the MOTION was CARRIED.

Cr Pearl called for a DIVISION.

FOR: Crs Baxter, Brand, Crawford and Gross

AGAINST: Crs Voss and Pearl

A vote was taken and the MOTION was CARRIED.



14.3 129A Beaconsfield Parade, Albert Park - feedback from community survey

Purpose

- 1.1 To report the responses to a community survey on the future of 129A Beaconsfield Parade, Albert Park.

MOVED Crs Baxter/Gross

That Council:

- 3.1 Notes the responses to its *Have Your Say* survey "129a Beaconsfield Parade Future Use" of September 2018.
- 3.2 Thanks the respondents for their responses.
- 3.3 Notes that a further report will be brought back to Council in February 2019 on this matter.

A vote was taken and the MOTION was CARRIED.

14.4 New Lease - Port Melbourne Yacht Club

Councillor Baxter declared an indirect interest in item 14.4, by way of applicable gift, left the Chamber at 7.40pm and did not participate in discussion or vote on the item.

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

Paul Leitinger

Mr Leitinger, current Commodore of the Port Melbourne Yacht Club, spoke in support of the amendment and funding arrangement as part of the new lease.

Purpose

- 1.1 To seek Council's approval to commence the statutory procedures to establish a new lease with the Port Melbourne Yacht Club (PMYC) for premises located at 38 Beach Street Port Melbourne.



MOVED Crs Gross/Brand

That Council:

- 3.1 Resolves that the statutory procedures be commenced under Section 190 of the Local Government Act 1989 ('the Act') for a new lease with Port Melbourne Yacht Club by publishing a notice in the local newspaper inviting interested persons to make a submission under Section 223 of the Act for the proposed lease of the premises at 38 Beach St, Port Melbourne on the following key terms:
- 3.1.1 Proposed Tenant: Port Melbourne Yacht Club (PMYC).
 - 3.1.2 Demised Premises: 38 Beach St, Port Melbourne.
 - 3.1.3 Permitted Use: Sail club and associated activities including the operation of a Function room.
 - 3.1.4 Commencement Date: 1 February 2019.
 - 3.1.5 Term: 10 Years.
 - 3.1.6 Rent \$8K per annum plus GST at commencement of the lease, representing a significant subsidy of the market rental valuation of \$90,000.
 - 3.1.7 Community benefits:
 - Delivering an annual active learn to sail program for adults and children.
 - Training of volunteers in power boat handling and rescue work – as required.
 - Running “Discover Sailing” days each year to introduce sailing to the public.
 - Provide access for community groups to the clubrooms.
 - 3.1.8 Maintenance: All maintenance, repairs and asset renewal to be undertaken by PMYC.
 - 3.1.9 PMYC Capital investment \$1.625M within the first 5 years, with this amount contingent on a funding contribution from Council and State Government.
 - 3.1.10 Council contribution to capital renewal works of up to \$300K, with \$150K to be released for capital works to be undertaken by the club in 2019 and another \$150K contingent on equivalent State Government funding being awarded.

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- 3.2 Authorise 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.
- 3.3 Resolves to hear and consider any submissions received pursuant to Section 223 of Act at the Council meeting to be shortly after the closing date for submissions.

A vote was taken and the MOTION was CARRIED unanimously.

Councillor Baxter returned to the Chamber at 8.05pm.



15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Nil.

17. URGENT BUSINESS

Moved Crs Gross/Baxter

That an item of urgent business relating to the Council Meeting Schedule be accepted.

A vote was taken and the MOTION was CARRIED.

Moved Crs Gross/Baxter

That Council moves the commencement time of the 5 December 2018 Ordinary Meeting of Council from 6.30pm to 6pm and gives public notice of this change in the Port Phillip Leader and on Council's website.

A vote was taken and the MOTION was CARRIED.

18. CONFIDENTIAL MATTERS

MOVED Crs Brand/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 St Kilda Marina Interim Lease Approach

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 unanimously.

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The Meeting was closed to the public at 8.06pm.

The meeting was reopened to the public at 8.15pm.

As there was no further business the meeting closed at 08.15pm.

Confirmed: 5 December 2018

Chairperson _____