



**ORDINARY  
MEETING OF  
COUNCIL**

**MINUTES**

**27 MARCH 2012**

**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP  
CITY COUNCIL HELD ON 27 MARCH 2012 IN THE  
COUNCIL CHAMBER, ST KILDA TOWN HALL**

The meeting opened at 6.03pm

**PRESENT**

Cr Powning (Chairperson), Cr Bolitho, Cr Klepner, Cr Middleton, Cr O'Connor, Cr Thomann, Cr Touzeau.

**IN ATTENDANCE**

Kay Rundle Chief Executive Officer, Vanda Iaconese General Manager Cultural and Community Development, John Hicks General Manager City and Infrastructure Services, Sue Wilkinson General Manager Environment and Planning, Mark Brady General Manager Corporate Services, David Hehir Foreshore Coordinator, Damien Burgess Manager Parks & Open Spaces, Damien Dewar Coordinator Places and Projects, Carrie White Port Melbourne Place Manager, Norm McClelland Senior Governance Advisor.

*Council pays its respects to the people and elders, past and present, of Yalukit Wilam and the Kulin Nation. We acknowledge and uphold their relationship to this land.*

**1. APOLOGIES**

Nil.

**2. CONFIRMATION OF MINUTES**

**MOVED** Crs Klepner/Bolitho

2.1 That the Minutes of the Ordinary Meeting of the Port Phillip City Council held on 13 March 2012 be confirmed with amendments in Notice of Motion moved by Councillor Klepner/Powning to be in italics and in bold.

2.2 That future amendments be recorded in the minutes in italics and in bold.

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

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.

**4. PETITIONS AND JOINT LETTERS**

Nil.

**5. SEALING SCHEDULE**

Nil.

## 6. PUBLIC QUESTION TIME

### Preema Katheresan

- In regards to the Port Melbourne UDF community consultation why are the comments made by members of the public made available for public viewing? Is feedback confidential?

*Sue Wilkinson General Manager of Environment and Planning responded that confidentiality is preserved in the public submissions on the Port Melbourne UDF. However it is standard practice that should an objector want to view the objector's submissions that Council would make this available.*

- Why was there only a two week period that allowed for consultation in regards to the restaurant permit on 11 Beach Street (Waterfront Place)?

*Mayor Powning responded that she would take the question on notice and an officer would respond to Ms Katheresan's question.*

- In regards to site presented in the Port Melbourne UDF why has the address changed from 1-11 Waterfront Place to 1-7 Waterfront Place?

*Sue Wilkinson General Manager Environment and Planning confirmed that the correct address for the site is 1-7 Waterfront Place. 9-11 Waterfront Place are the restaurants on Station Pier. There is a current planning permit application for a liquor licence for these restaurants. As far as Council is aware, there has been no proposed development for the site in recent history. Sue Wilkinson suggested that these were the reasons for distinguishing between 1-7 and 9-11 Waterfront Place.*

### Meni Christofakis

Thanked Councillors for attending the Elwood Flood Forum on Monday 26<sup>th</sup> March

- In light of the forum held last night, will Council consider revisiting the planning solutions in regards to Elwood? Will the Council contact the state government and Melbourne Water that are currently in the process of reviewing the Building overlay for the Elwood area? Will Council adequately represent to Melbourne Water the complexity of issues affecting Elwood in regards to high density living, sewage and drainage pipes etc? Will Council ask the state government for more resources to adequately clean pipes and as to whether they are considering a long term plan in regards to water capture and diversion?

*Mayor Powning responded that the planning scheme review has been ongoing and the Council has meet with state government to ask for stronger ESD provisions. Mayor Powning responded that the Minister supported the Council view and that the Council is currently waiting for the outcome of the review process. Mayor Powning added that Council did meet with Melbourne Water roughly two months ago to express Council's concern in regards to the progress of updated SBO's and infrastructure affecting the municipality and Council is waiting for a response.*

## 7. COUNCILLOR QUESTION TIME

Councillor Thomann acknowledged the passing of Aboriginal Elder Unc Graham 'Bunja' Geebung on Sunday 25<sup>th</sup> March 2012.

Councillor Thomann asked how the Councillors can recognise his passing and his contributions to the Port Phillip community.

*Kay Rundle CEO of Port Phillip advised that Council has sent its condolences to the family and is in discussion with the family of Unc Graham 'Bunja' Geebung to keep Council's response to his passing in line with the requests of his family. The Chief Executive Officer added that Councillors will be informed of the plans for a formal acknowledgment within the next few days.*

## **8. PRESENTATION OF REPORTS**

Discussion took place in the following order:

- 8.1 Audit Committee Activities Update and Review of External Members' Remuneration
- 8.2 Foreshore Management Plan
- 8.3 Port Melbourne Waterfront Urban Design Framework Community Consultation



**8.1 AUDIT COMMITTEE ACTIVITIES UPDATE & REVIEW OF EXTERNAL MEMBERS' REMUNERATION**

**Purpose**

The purpose of this report is to bring to the attention of Council the matters discussed at the March 2012 meeting of the City of Port Phillip Audit Committee and for Council to consider and review the quantum of the remuneration of the external members of the Committee.

**MOVED Crs Thomann/O'Connor**

That Council:

- 2.1 Receives and notes the report outlining the matters dealt with at the March 2012 meeting of the City of Port Phillip Audit Committee, namely:
  - 2.1.1 risk management update;
  - 2.1.2 OH&S Annual Update;
  - 2.1.3 administration of portable and attractive assets;
  - 2.1.4 quarterly management report December 2011;
  - 2.1.5 Strategic Internal Audit Plan;
  - 2.1.6 audit recommendations tracking tables;
  - 2.1.7 leave accruals; and
  - 2.1.8 OH&S Audit.
- 2.2 Considers the survey of other Councils' payments to external members of their Audit Committees and on the basis that Port Phillip's fees are at the lower end of the payments reviewed, determine to set the following fees effective 1 July 2012 and that these fees be adjusted by CPI on 1<sup>st</sup> January each year:
  - 2.2.1 Chairperson \$7,000 per annum; and
  - 2.2.2 other members \$6,000 per annum.

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

## **8.2 FORESHORE MANAGEMENT PLAN**

### **Purpose**

This report is being presented to seek Council adoption of the Foreshore Management Plan.

The following speaker made a verbal submission:

#### Peter Holland

- Expressed gratitude that the issues that were raised in regards to aspects of the first draft of the Foreshore Management Plan pertaining to the St Kilda Harbour are acknowledged in the re-drafted Foreshore Management Plan.
- Appreciates that the Council is attempting a win-win scenario in regards to balancing key stakeholders and Council's re-development plans for St Kilda foreshore.
- Congratulated Council for its efforts and wishes them luck in future endeavours to protect and enhance a precious resource.

### **MOVED Crs O'Connor/Middleton**

2.1 Adopts the Foreshore Management Plan with the following amendments:

- 2.1.1 On page 4 from the second sentence, Principle 9 should read, "Increases in building footprints or increases to the foreshore car park net footprint will not be allowed. There should be no loss of open space."
- 2.1.2 On page 4, in Principle 10, change the first word to "Recognise" and add the word "only" before the phrase "encourage investment".
- 2.1.3 On page 5, in Theme 4 Recreational: #5 after "consistent with the" add the words "the Principles and Council's"
- 2.1.4 On page 6, in Theme 7 change the first word to "Maintain" and add at the end "in accordance with the guiding Principles"
- 2.1.5 On page 6, replace Theme 10 with "Support and enhance sustainable commercial uses that achieve a balanced use of foreshore public land and net community benefit in accordance with Principles 9 and 10."
- 2.1.6 On page 7, replace the references to "new beach showers and drinking/water bottle refill stations" with "new drinking/water bottle refill stations"
- 2.1.7 On page 7, under Port Melbourne heading, delete the detailed dot points under #7 and under South Melbourne and Middle Park, modify #2 to read "Work with the Life Saving Club and LSV to provide a new building" and delete the detailed dot points under #2
- 2.1.8 On page 7, under St Kilda heading, modify #4 to read "Work with the Life Saving Club and LSV to provide new accommodation" and delete the detailed dot points under #4

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- 2.1.9 On page 21, modify the last sentence in the first paragraph under Section 1.5.20 to read that “with millions of people visiting”
- 2.1.10 On page 24, move Section 1.5.26 Aboriginal Recognition to Section 1.3.
- 2.1.11 On page 25 in Section 1.6.7: delete the word “indirectly” in the second last line.
- 2.1.12 On page 31 from the second sentence, Principle 9 should read, “Increases in building footprints or increases to the foreshore car park net footprint will not be allowed. There should be no loss of open space.”
- 2.1.13 On page 31, in Principle 10, change the first word to “Recognise” and add the word “only” before the phrase “encourage investment”.
- 2.1.14 On page 35, under Objective 2b, add an additional Action reading “Proactively plan and coordinate the preparation and management of key foreshore sites attracting large crowds in busy periods.”
- 2.1.15 On page 35, under Objective 2c, add an additional Action reading “Continue to liaise with Parks Victoria and Water Police to reduce infringements by PWC operators and increase the safety amenity of swimmers and other users of the foreshore.”
- 2.1.16 On page 42 in Section 4.8.2 third dot point delete “shower”
- 2.1.17 On page 43 under Objective 6a No. 1, add at the end “and will not increase the net footprint or cause any loss of open space”
- 2.1.18 On page 44 under Objective 7b, change the first word to “Maintain” and add at the end “in accordance with the guiding Principles”
- 2.1.19 On page 50 in Section 4.12.2 delete the second last dot point.
- 2.1.20 On page 50 under Objective 10a: delete action #1
- 2.1.21 On page 51 delete Objective 10c and related action
- 2.1.22 On page 55 under section 5.3.3, delete the detailed dot points under #7 and “beach showers and” under #6.
- 2.1.23 On page 57 under section 5.4.3, modify #2 to read “Work with the Life Saving Club and LSV to provide a new building” and delete the detailed dot points under #2
- 2.1.24 On page 60 modify #4 to read “Work with the Life Saving Club and LSV to provide new accommodation” and delete the detailed dot points under #4
- 2.1.25 On page 64 under section 6.2, add a further column that identifies year of expiry of the agreement and sort the table by expiry year.

- 2.2 Considers future implementation of actions in the annual budget process.
- 2.3 Seeks approval of the Foreshore management Plan by the Victorian Minister for Environment and Climate Change.
- 2.4 Requests a further report to Council on potential options to separate personal water craft from swimmers.
- 2.5 Requests a further report with a more detailed table under section 6.3 including information such as income from the beach cleaning grant, actual expenditure on the foreshore area, any capital grants and an indication of where Council funding is conditional on external funding.

## **AMENDMENT**

### **MOVED Crs Bolitho/Thomann**

***To delete 2.1.6, 2.1.16 and “beach showers and” under #6 in 2.1.22 and renumber so as to read;***

That Council:

- 2.1 Adopts the Foreshore Management Plan with the following amendments:
  - 2.1.1 On page 4 from the second sentence, Principle 9 should read, “Increases in building footprints or increases to the foreshore car park net footprint will not be allowed. There should be no loss of open space.”
  - 2.1.2 On page 4, in Principle 10, change the first word to “Recognise” and add the word “only” before the phrase “encourage investment”.
  - 2.1.3 On page 5, in Theme 4 Recreational: #5 after “consistent with the” add the words “the Principles and Council’s”
  - 2.1.4 On page 6, in Theme 7 change the first word to “Maintain” and add at the end “in accordance with the guiding Principles”
  - 2.1.5 On page 6, replace Theme 10 with “Support and enhance sustainable commercial uses that achieve a balanced use of foreshore public land and net community benefit in accordance with Principles 9 and 10.”
  - 2.1.6 On page 7, under Port Melbourne heading, delete the detailed dot points under #7 and under South Melbourne and Middle Park, modify #2 to read “Work with the Life Saving Club and LSV to provide a new building” and delete the detailed dot points under #2
  - 2.1.7 On page 7, under St Kilda heading, modify #4 to read “Work with the Life Saving Club and LSV to provide new accommodation” and delete the detailed dot points under #4
  - 2.1.8 On page 21, modify the last sentence in the first paragraph under Section 1.5.20 to read that “with millions of people visiting”
  - 2.1.9 On page 24, move Section 1.5.26 Aboriginal Recognition to Section 1.3.

- 2.1.10 On page 25 in Section 1.6.7: delete the word “indirectly” in the second last line.
- 2.1.11 On page 31 from the second sentence, Principle 9 should read, “Increases in building footprints or increases to the foreshore car park net footprint will not be allowed. There should be no loss of open space.”
- 2.1.12 On page 31, in Principle 10, change the first word to “Recognise” and add the word “only” before the phrase “encourage investment”.
- 2.1.13 On page 35, under Objective 2b, add an additional Action reading “Proactively plan and coordinate the preparation and management of key foreshore sites attracting large crowds in busy periods.”
- 2.1.14 On page 35, under Objective 2c, add an additional Action reading “Continue to liaise with Parks Victoria and Water Police to reduce infringements by PWC operators and increase the safety amenity of swimmers and other users of the foreshore.”
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- 2.1.19 On page 51 delete Objective 10c and related action
- 2.1.20 On page 55 under section 5.3.3, delete the detailed dot points under #7
- 2.1.21 On page 57 under section 5.4.3, modify #2 to read “Work with the Life Saving Club and LSV to provide a new building” and delete the detailed dot points under #2
- 2.1.22 On page 60 modify #4 to read “Work with the Life Saving Club and LSV to provide new accommodation” and delete the detailed dot points under #4
- 2.1.23 On page 64 under section 6.2, add a further column that identifies year of expiry of the agreement and sort the table by expiry year.
- 2.2 Considers future implementation of actions in the annual budget process
- 2.3 Seeks approval of the Foreshore management Plan by the Victorian Minister for Environment and Climate Change.
- 2.4 Requests a further report to council on potential options to separate personal water craft from swimmers.
- 2.5 Requests a further report with a more detailed table under section 6.3 including information such as income from the beach cleaning grant, actual expenditure on the

foreshore area, any capital grants and an indication of where Council funding is conditional on external funding.

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

**The AMENDMENT became the SUBSTANTIVE MOTION.**

**A vote was taken and the SUBSTANTIVE MOTION was carried.**

### **8.3 PORT MELBOURNE WATERFRONT URBAN DESIGN FRAMEWORK COMMUNITY CONSULTATION**

#### **Purpose**

This report presents a summary of the public submissions received in response to the draft Port Melbourne Waterfront Urban Design Framework.

The following speakers made a verbal submission:

#### Patrick Irwin

- Expressed overall satisfaction with the proposed developments for the foreshore.
- Thinks a new pier at the top of Bay Street is fantastic idea.
- Concerned with the lack of parking along the foreshore.
- Concerned about the potential for 3 addition towers (over development).
- Believes that retail amenity is an issue for Council around Bay Street, Port Melbourne in regards to accessibility and affordability. Council should therefore consider residents access to affordable essential stores such as supermarket development.

#### Hai Van Nguyen

- Believes that Council should optimise views from Bay Street of the beach.
- Suggested that the Council install red beach umbrellas.
- Believes that the Council should work to attract more people to Port Melbourne beach.

#### Jill Morgan (speaking on behalf of Multicultural Arts Victoria)

- Informed Council that Multicultural Arts Victoria has recently relocated to the Port Phillip district.
- Informed Council a key goal of Multicultural Arts Victoria is to celebrate diversity through the arts of local residents.
- Asked Council to consider the importance of diversity and living cultural heritage in the symbolic representation of piers.
- Asks Council to consider a partnership to increase the ethos of Piers festival
- Inferred the link between the living cultural heritage site (such as the pier) to social harmony and social inclusion and human rights.
- Tabled a document that outlines Multicultural Arts Victoria vision for collaboration.

#### Helen Kuchel (speaking on behalf of Port People)

- Believes that the potential development at the food store site is not suitable for the area.
- Asked Council that the work of objectors and the reviewing and redrafting period be acknowledged and documented in the thematic summary.

- Suggested that the Port Melbourne UDF is part of the foreshore management plan and that the aspirations of the foreshore management plan should be included in the Port Melbourne UDF.
- Asked that the potential development site at Waterfront Place be clarified and presented in a way that is clear.
- Suggested that any overshadowing of the beach due to potential developments is inconsistent with the foreshore management plan.
- Expressed that the biggest disappointment for the work that public consultation did not happen before the draft plan stage.

### Elva Keily

- Outlined the realities of Port Melbourne in the 1930s to draw the comparison to present day Port Melbourne. Suggested that the two comparisons stand in stark contrast and that Port Melbourne is now at its very best.
- Believes that the two towers will have severe consequences on Port Melbourne.
- Asserted that the covenants should be strictly adhered to.

### Lee Turner

- Supportive of the development of a 10-14 storey height.
- Suggested that there are people in Port Melbourne that are supportive of this development so long as the towers are aesthetically pleasing.

### John Carrig (Port Melbourne Yacht Club)

- Believes that the club building is iconic.
- Believes that the access to the water should be addressed in the Port Melbourne UDF's principles.
- Believes that the risk of the omission of access to water from principles in the Port Melbourne UDF is that it frames the UDF to be concerned with east/west (along the foreshore) rather than a south/north orientation (land to sea). He believes this works against the community interest.
- Believes that safety in crossing the bay should be a priority.



### John Spangaro

- Believes the consultation on March 13<sup>th</sup> was excellent.
- Primary concern is potential for increased traffic.
- Believes that parking issues need to be addressed
- Believes that the UDF has incorrectly identified the strip between Bay Street and the pier as residential and has therefore made a mistake in reducing it to one lane.
- Asked when the results of the traffic survey will be available. He was advised April.
- Asked whether the Council has received any written, verbal or graphic proposals or concepts from any interested parties about the development of Waterfront Place, informal or formal.

*Mayor Powning responded that Council and Councillors have not received any applications relating to 1-7 Waterfront Place. Mayor Powning added that in regards to informal contact she would take the question on notice and officers would clarify with Mr Spangaro.*

### Jose Alfano (represents the owner of 1-7 Waterfront Place)

- Believes that the Port Melbourne pier represents an area of the highest order.
- Believes that the development is consistent with other developments at other areas.
- Supports the framework as meeting the nexus between the private and public realms.
- Asked the Council to take this development within the context of the surrounding environments.

### Peter Holland

- Believes that the covenants have sound reasons for having height limits and that these covenants should be respected.
- Believes that high rise development sets a precedent along the foreshore in Port Phillip.
- Acknowledged that this development will create a loophole for the Planning Minister and consequentially puts pressure on the Planning Minister to increase height limits.
- Believes that because the site exists within the Building Overlay the right of third parties to appeal to VCAT has been abolished.

### Claire Britchford

- Fundamentally is opposed to development at Waterfront Place to do with issues of parking, traffic and amenity.
- Believes there is a large community opposition to the development of the towers.

Eddie Micallef

- Supports a lot of what is in the UDF but is opposed to the development at Waterfront Place.
- Believes the covenants should and do apply to the Waterfront Place site.
- Expressed frustration that the community in the past has not received adequate information relating to the covenants.

The meeting adjourned for a short recess at 8.40pm.

The meeting recommenced at 8.55pm

Trevor Nink

- Expressed a belief that public consultation was not included in the original draft.
- Questioned the relationship between the alternative motion presented tonight and the Notice of Motion adopted at the 13<sup>th</sup> March 2012 ordinary Meeting of Council.
- Asked Council to re-iterate its commitment to no net loss of open space given the principles of the foreshore management plan.

Mary Ferlin

- Agrees with the previous submitters and asserts the importance of minimising overshadowing.

Christian Grahame

- Applauded the Council for its future looking approach in planning for Port Melbourne.
- Believes that the covenants exist and should be adhered to.
- Encouraged Council to continue its further public consultation.

**MOVED Crs Powning/Middleton**

That Council:

- 2.1 Receives and considers all submissions on the draft Port Melbourne Waterfront Urban Design Framework.
- 2.2 Acknowledges the covenants and current planning controls affecting the site at 1-7 Waterfront Place.
- 2.3 Undertakes further strategic work in accordance with the resolution 13 March 2012 to review the draft UDF, in particular the draft Vision and Principles and the Waterfront Place Precinct section.
- 2.4 In preparation for the possibility that the covenants are varied, removed or deemed not applicable, undertakes further strategic work in accordance with the resolution 13 March 2012 to prepare detailed design guidelines for the property located at 1-7 Waterfront Place that will reflect the Waterfront Place Beacon Cove Design Guidelines October 2009 (MGS Architects 2009), and in particular will not exceed the recommended building envelope and height controls.
- 2.5 Acknowledges that the detailed design guidelines will inform the review of the Waterfront Place Precinct.
- 2.6 Reaffirms the request that a report be provided to Council in April detailing the proposed process for engaging with the community in the preparation of revised Waterfront precinct and site guidelines, including the opportunity for stakeholder forums with representation to include community groups, the Port of Melbourne Corporation, the business association, local business operators, Yarra Trams and the owners of the freehold sites.

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

## **10. REPORTS BY COUNCILLOR DELEGATES**

### **Assemblies of Councillors**

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 Thomann/O'Connor**

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.**

**11. URGENT BUSINESS**

Nil.

As there was no further business the meeting closed at 10.00pm

Confirmed: 24 April 2012

Chairperson: \_\_\_\_\_