



ORDINARY MEETING OF COUNCIL

MINUTES

7 MARCH 2018



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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP
CITY COUNCIL HELD 7 MARCH 2018 AT THE SOUTH MELBOURNE
PRIMARY SCHOOL, FERRARS ST SOUTH MELBOURNE**

The meeting opened at 6:30pm.

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; Claire Ferres Miles, General Manager Place Strategy and Development; Carol Jeffs, General Manager Community Development; Fiona Blair, General Manager Infrastructure and Amenity; Chris Carroll, General Manager Organisational Performance; Kylie Bennetts, Director Office of the CEO, Joanne McNeill Manager Asset Management & Property, Lisa Davis Portfolio Director Infrastructure and Amenity, Brett Walters Manager Sustainability & Transport, Lisa Paton Coordinator Sustainable Programs.

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/Simic

That the minutes of the Ordinary Meeting of Council of the Port Phillip City Council held on 21 February 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

Item 4.1 Adani and Carmichael Mine

A Joint Letter was received from Melbourne Ports Stop Adani Group.

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

Peter Moriatis

- Spoke on behalf of the Melbourne Ports Stop Adani Group, in support of their joint letter to Council to desist from engaging businesses connected to, or doing business with Adani, and to make a public statement of opposition to the Adani mine.

Anselm van Rood

- Spoke in support of the Melbourne Ports Stop Adani Convening Group's submission and reiterated the formal request made by Peter Moriatis.

Bryn Jepson

- Spoke in support of the Melbourne Ports Stop Adani Convening Group's submission and reiterated the formal request made by Peter Moriatis.

Pam O'Neil

- Spoke in support of the Melbourne Ports Stop Adani Convening Group's submission and reiterated the formal request made by Peter Moriatis.

Moved Crs Simic/Baxter

That Council:

Receives the Joint Letter and notes that officers will provide a response to the Joint Letter at a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.

Item 4.2 Domain Precinct Development Plan

A Petition was received from the Chairman of the Domain Owners Corporation at Number 1, Albert Road, Melbourne with 122 signatories expressing concerns about the Domain Precinct Development Plan.

Moved Crs Pearl/Brand

That Council:

Receives and notes the Petition.

A vote was taken and the MOTION was CARRIED unanimously.



5. SEALING SCHEDULE

Nil.



6. PUBLIC QUESTION TIME

James Woollett

Asked three questions in relation to Middle Park Library:

1. Regarding questions asked at the Council meeting of 21 February, why has no response been provided?
2. When Councillors decided to remove books from Middle Park Library and install extra computers, were they aware of a computer training room directly above the library?
3. Why does the Council need to destroy a children's and adult's book library to replace with computers which are already in the building?

The Mayor, Cr Voss, deferred to Ms Carol Jeffs, General Manager Community and Economic Development who advised that answers to the questions taken on notice would be provided to Mr Woollett tomorrow and would also be posted on Council's website in the minutes section. Ms Jeffs advised that a report will be presented to Council on 21 March 2018 with the results of the community engagement, and options for Council to consider.

Ms Jeffs advised that the remaining two questions will form part of the deliberations at the next Council meeting where the report on Middle Park library will be presented to Council.

Geoffrey Love

Asked four questions:

1. Are Councillors and officers aware of the Special Meeting of Council to be held by Bayside Council on 28 March 2018 to consider the future of Elsternwick Park?
2. Is City of Port Phillip aware of previous council resolutions?
3. Will Council negotiate with Bayside Council to ensure an overall flood mitigation plan for the park rather than a piecemeal approach? As the Oval 2 upgrade proposed by Bayside Council seems set to proceed without considering flood mitigation landscaping or a retaining wall along St Kilda Street.
4. Is Council considering sea level rises and coastal flooding mitigation in relation to the St Kilda Marina Development?

The Mayor, Cr Voss, deferred to Mr Peter Smith, Chief Executive Officer, who advised that Council was aware of the meeting being held by Bayside Council on 28 March and is also aware of previous Council resolutions in relation to Elsternwick Park North. In response to the third question, that will be dependent on the decision of Bayside Council on the 28th March.

The Mayor, Cr Voss, deferred to Ms Joanne McNeill, Manager Asset Management & Property, who advised that as Council works through the planning process for the Marina, we will certainly be taking into account the need to build resilience and adaptation to climate change as part of any future redevelopment of the Marina site.

George Camov

Stated he was president of the Port Melbourne Baseball Club which will be 90 years old next year. Mr Camov thanked Council for the magnificent field but asked if lights could be included in the budget considerations to allow play during both winter and summer?

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The Mayor, Cr Voss, suggested that the Committee meet and submit a request to be considered as part of the budget planning process, and advised Mr Camov that officers would contact the club.

Michael Sabada

Asked four questions in relation to Middle Park Library:

1. Why has a response not been received to questions previously asked at the last council meeting?
2. Stated the response he had received seemed to be based on a misunderstanding of the question relating to the counter, his understanding was the counter did not count and the response seemed to indicate the counter was double counting.
3. If the counter was double counting, how could the visitor numbers drop, as advised in the response provided?
4. Is the Council planning to adopt the recommendation in the report on the library at the next council meeting, or will there be an opportunity for public consultation?

The Mayor, Cr Voss, deferred to Ms Carol Jeffs, General Manager Community and Economic Development who advised that answers to the questions taken on notice would be provided to Mr Sabada tomorrow and would also be posted on Council's website in the minutes section.

Ms Jeffs advised she would look into the issue of the misunderstanding over the counter not working or double counting.

Ms Jeffs advised that there was no planned additional engagement leading up to the report on Middle Park Library being presented at the next Council meeting, but it was open to the Council to decide to conduct more engagement, however there has been a number of different engagement terms and the engagement report which will be publicly presented to Council is comprehensive and includes the survey and public meeting.



PRESENTATION OF AWARDS

The Mayor, Cr Voss, advised the Chief Executive Officer had requested an additional agenda item relating to the presentation of two awards.

Mr Peter Smith, Chief Executive Officer, stated it was important to recognise the achievements of Council through the presentation of the awards at a council meeting and invited the Mayor to receive them on behalf of the Council, administration and community of Port Phillip.

Ms Fiona Blair, General Manager Infrastructure and Amenity advised that Council has been recognised for its organic waste recycling practices at the South Melbourne Market through the receipt of two prestigious state wide sustainability awards.

Ms Blair congratulated everyone whose involvement contributed to the receipt by Council (South Melbourne Market) of:

- LG Pro Award for Excellence – Sustainability Award
- Institute of Public Administration Australia (IPAA) Sustainability Award

The Mayor, Cr Voss, then accepted the awards From Ms Blair, on behalf of Council.



7. COUNCILLOR QUESTION TIME

Cr Pearl asked if Council had hired a consultant from Queensland for the Middle Park Library consultation and how much it cost?

The Mayor, Cr Voss, deferred to Ms Carol Jeffs, General Manager Community and Economic Development who advised that the consultants were used for the meeting and to collate all the engagement results and present to Council. Ms Jeffs noted there was an additional question about whether Council paid for flights and accommodation, which Council did not. Ms Jeffs also advised (at a later point in the meeting) that the consultants hired by Council are based in Brisbane and the cost to Council was \$17,600.

Cr Pearl asked for an update in relation to Port Melbourne Colts Football Club's request to install two cameras at the JL Murphy Reserve last year.

The Mayor, Cr Voss, deferred to Ms Fiona Blair, General Manager Infrastructure and Amenity, who advised there has been some delay as Council has been working through the design of the redevelopment of the building. Ms Blair advised she would take the question on notice to provide further details.

Cr Simic asked if the decision on whether or not Council would accept the cameras at the JL Murphy Reserve would come to a Council meeting?

The Mayor, Cr Voss, deferred to Ms Fiona Blair, General Manager Infrastructure and Amenity, who advised that due to the cameras not being CCTV, the decision had been taken to allow the cameras to be installed. Ms Blair further advised that officers would provide Councillors with a briefing in the future to discuss a broader CCTV policy.

The Mayor, Cr Voss, advised that there had been a significant theft at JL Murphy Reserve with copper wire being stolen and asked how Council could reduce theft?

Ms Blair responded that she was not aware of the theft and would take the question on notice.



8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 41

1. PURPOSE

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

Moved Crs Gross/Crawford

That Council:

- 3.1 Notes the CEO Report Issue 41 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in January 2018.

A vote was taken and the MOTION was CARRIED unanimously.



9. PEOPLE AND COMMUNITY

9.1 Balaclava Precinct - Marlborough Street affordable housing - Heads of Agreement

1. PURPOSE

- 1.1 To seek approval for entering a Heads of Agreement for the redevelopment of Council property at 46 – 58 Marlborough Street, Balaclava and for undertaking the statutory processes relating to selling the property, including the hearing and considering of public submissions.

Moved Crs Copsey/Gross

That Council:

- 3.1 Resolves that the statutory processes under the *Local Government Act 1989* be commenced to consider the sale of 46 - 58 Marlborough Street, Balaclava, and authorises appropriate members of Council staff to carry out the administrative procedures necessary to enable Council to carry out its functions under section 223 of that Act.
- 3.2 Resolves to hear and consider any submissions received pursuant to Section 223 of the *Local Government Act 1989* at a Council meeting.
- 3.3 Enters into a Heads of Agreement between Port Phillip City Council and Port Phillip Housing Association Limited in its capacity as trustee of the Port Phillip Housing Trust, for the redevelopment and sale of 46 – 58 Marlborough Street, Balaclava, (Attachment 1, and incorporating Attachments 2 & 3), subject to and conditional upon Council giving public notice of the proposed sale of the property under section 189 of the *Local Government Act*, hearing any submissions made under section 223 of the *Local Government Act*, and resolving to sell the property in accordance with the Heads of Agreement.
- 3.4 Delegates to the Chief Executive Officer the authority to complete the negotiation and enter in the Heads of Agreement on Council's behalf.

A vote was taken and the MOTION was CARRIED unanimously.



10. TRANSPORT AND PARKING

Nil.



11. SUSTAINABILITY

11.1 Sustainable City Community Action Plan

1. PURPOSE

- 1.1 This report presents the Sustainable City Community Action Plan (SCCAP) for Council endorsement.

Moved Crs Baxter/Simic

That Council:

- 3.1 Endorses the Sustainable City Community Action Plan (attachment 1).

A vote was taken and the MOTION was CARRIED.

Cr Copsey requested a DIVISION.

For	Against
Cr Baxter	Cr Pearl
Cr Crawford	Cr Bond
Cr Gross	
Cr Voss	
Cr Simic	
Cr Brand	
Cr Copsey	

A vote was taken and the MOTION was CARRIED.



12. PLANNING

Nil.



13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.



14. ORGANISATIONAL PERFORMANCE

14.1 City of Port Phillip Submission to the Draft Local Government Act Bill

1. PURPOSE

- 1.1 To present to Councillors for endorsement the City of Port Phillip submission to the State Government's Exposure Draft Local Government Act Bill (the Draft Bill). The invitation for submissions closes at 5pm Friday 16 March 2018.

Moved Crs Copsey/Baxter

That Council:

- 3.1 Notes the report on the State Government's Exposure Draft Local Government Act Bill.
- 3.2 Endorses many aspects of the State Government's Exposure Draft Local Government Act Bill but calls for the State Government to provide further information and detail to support effective implementation by the local government sector.
- 3.3 Does not support:-
 - 3.3.1 The proposal that a Mayor can be voted out of office mid-term if 75% of Councillors agree;
 - 3.3.2 The inclusion of significant lease proposals as part of the overall budget consultation process;
 - 3.3.3 Granting the Mayor specific power to appoint a councillor to be chair of a committee with delegated powers;
 - 3.3.4 All councils (except city of Melbourne) being required to use capital improved value to value land for rating purposes;
 - 3.3.5 The rate capping framework being enshrined into the draft Bill;
 - 3.3.6 The ability for a councillor who has a conflict of interest to remain and participate in the discussion at a meeting (other than a council or delegated committee), i.e. an Advisory Committee meeting;
 - 3.3.7 Temporary appointment of an Acting CEO by Council;
 - 3.3.8 Future Council elections being conducted using a uniform voting method;
 - 3.3.9 The provisions outlined in the Draft Bill that relate to the rating of charitable entities and organisations.

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- 3.4 Subject to resolving recommendation 3.3, endorses the Draft Submission as outlined in Attachment 1, with the addition of a statement about the important advocacy role local government plays for its local community to other governments and in light of this importance, requests that an additional sub-section be inserted in clause 8 (2) of the Draft Exposure Bill about the role local government plays in advocating in the interests of the municipal community to other communities and Governments and that this should be encouraged.
- 3.5 Authorises the CEO to make any further minor editorial amendments required to finalisation the submission.

A vote was taken and the MOTION was CARRIED unanimously.



LATE REPORT:

1. PURPOSE

To amend the public record of *Report 8.3 Local Law No.1 Community Amenity*, presented to Council on 1 November 2017, which incorrectly stated - via the inclusion of paragraph 3.4.11 - that new exemptions for camping were taking effect. The inclusion of this paragraph has led to public confusion regarding when this provision was adopted into the Local Law No. 1, and should be publicly retracted for clarity.

Moved Crs Gross/Copsey

That Council:

- 3.1 States on public record that Council Report 8.3 Local Law No.1 Community Amenity, presented to Council on 1 November 2017, incorrectly stated in paragraph 3.4.11 of that report, that "Clause 53, Camping on Council land, has been amended to include exemptions for camping by homeless and persons with complex needs. This adds clarity to the definition of homeless and exemptions".
- 3.2 Notes that the Community Amenity Local Law No.1 adopted by Council on 24 September 2001 contains in part the following clause:
44A(3) A person is not guilty of an offence under sub-clause (1) where that person establishes that he or she -
 - (a) is homeless or is in need of secure accommodation; or*
 - (b) has complex needs or is in need of additional assistance because of a mental or physical disability or illness.*
- 3.3 Notes that Council Report 8.3 Community Amenity Local Law No 1, presented to Council on 1 November 2017, and publicly available on the website, will be annotated accordingly.

A vote was taken and the MOTION was CARRIED unanimously.



15. NOTICES OF MOTION

Nil.



16. REPORTS BY COUNCILLOR DELEGATES

Cr Baxter reported that he had recently attended a meeting of the Association of Bayside Municipalities.

Cr Gross reported he had recently attended the Metropolitan Waste and Resource Recovery Group as a delegate and had been voted Deputy Chair.

Mayor, Cr Voss, congratulated Cr Gross on his appointment.

Cr Copsey announced that the Cultural Development Fund was calling for Grant applications, which would be open until 29 March 2018.



17. URGENT BUSINESS

Moved Crs Pearl/Bond

That Council consider an item of Confidential Urgent Business in relation to a land valuation matter which is currently in dispute.

A vote was taken and the MOTION was CARRIED unanimously.

Moved Crs Brand/Bond

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

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)(f). A matter which relates to legal advice.

A vote was taken and the MOTION was CARRIED unanimously.

The Meeting reopened at 8.32pm.

As there was no further business the meeting closed at 8.32pm.

Confirmed: 21 March 2018

Chairperson _____