



ORDINARY MEETING OF COUNCIL

MINUTES

4 OCTOBER 2017



MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 4 OCTOBER 2017 IN PORT MELBOURNE TOWN HALL

The meeting opened at 6:31 pm.

PRESENT

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

IN ATTENDANCE

Peter Smith, Chief Executive Officer; Damian Dewar, Acting 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; Brett Walters, Manager Sustainability & Transport; Sharyn Cox, Senior Health and Safety Development Officer; Terry Wright, Coordinator Animal Management & Local Laws; Lili James, Manager Safety & Amenity; Vanessa Schernickau Manager Vibrant & creative City; George Borg, Manager City Development; Simon Gutteridge, Principal Planner FBURA.

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.

I. APOLOGIES

Moved Crs Pearl/Gross

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

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

Moved Crs Simic/Baxter

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 19 September 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.

ALTERATION TO ORDER OF BUSINESS

Moved Crs Gross/Simic

That Council alter the order of the agenda to enable Item 9.1 Notice of Motion from Councillor Simic to be considered by Council prior to Public Question Time.

A vote was taken and the MOTION was CARRIED unanimously.

9. NOTICES OF MOTION

Item 9.1

The Mayor, Cr Voss, asked Cr Simic “I understand that you do not want to move this Notice of Motion tonight, is that correct?”

Cr Simic responded “That is correct.”

The Mayor, Cr Voss, advised the meeting that the Notice of Motion now lapses and that the meeting will move to the next item on the agenda being Public Question Time.



6. PUBLIC QUESTION TIME

Isaac Herman

- In relation to the planning scheme amendment of Bayside Drainage Development Contributions Plan, Amendment C139, will the City of Port Phillip consider adopting a similar proposal?

Damian Dewar, Acting General Manager Place Strategy and Development responded that the question would have to be taken on notice.

Phil Joyce and Sandy Pullman

- Is the 4 hour parking proposal going to go ahead out the front of the Port Melbourne Bowling Club, along Spring Street West, Raglan Street and Princes Street?

Brett Walters, Manager Sustainability & Transport, responded that 4 hour parking areas adjacent to non-residential premises are not subject to residential parking permits, which is consistent across the municipality, however residents can park there after hours when time restrictions do not apply.

The Mayor, Cr Voss, asked to clarify that the residents around the whole block of the Port Melbourne Bowling club would not be able to park within these restricted areas?

Brett Walters, Manager Sustainability & Transport, responded that this was correct, restricted parking would apply to the street immediately in front of the Bowling Club, however residents could use their permits on the opposite side of the street in front of their houses.

- Regarding the noticeable increase in street litter in the area, specifically due to the hospitality venues close by, is there anything the Council can do to help this?

The Mayor, Cr Voss, asked to clarify that Mr Joyce was referring specifically to cigarette butt litter.

Fiona Blair, General Manager Infrastructure and Amenity, responded that officers from Local Laws and Health could visit the area and discuss more effective ways to manage the litter problem with the proprietors of the hotel nearby.

The Mayor, Cr Voss, asked for the Hotel's name, which was then confirmed as the Railway Hotel.

- Stated there is a melaleuca tree causing annoyance to residents at 114 Raglan St, Port Melbourne, disrupting the immediate infrastructure and causing excess litter; can the Council remove this and replace it with a more appropriate variety?

Fiona Blair, General Manager Infrastructure and Amenity, responded that trees could be challenging fitting into urban environments. The Council's Tree Removal Policy refers to trees of ill health or that are dangerous, but residents are welcome to contact the Council to discuss their specific issue further.

- Requested to see arborist report of the concerned area and to have a further discussion with Council officers.

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Pietro “Colonel” Iodice

- Expressed disappointment that certain Council meeting topics were not discussed at Council chambers closest to their area of relevance, and asked why the discussions regarding a drinking ban in Carlisle Street St Kilda wasn't held at the St Kilda Town Hall?

Peter Smith, Chief Executive Officer, responded that the inconvenience to concerned parties was recognised, however the Council meeting schedule was prepared a year in advance, and originally the item was considered at the St Kilda Town Hall, Council deferred the matter from its intended meeting date, the resulting location was due to a timing issue.

- Asked why the topic could not have been postponed to the next meeting held at the St Kilda Town Hall.

Brenda Forbath

- Asked if Council could clarify why an amendment to the current lease held by Riva Restaurant at the St Kilda Marina has been approved to allow amplified music audible outside of the precinct?

Damian Dewar, Acting General Manager Place Strategy and Development, responded that Cr Crawford had also raised this issue, and that further clarification was being sought. Current understanding is that the amendment was in acknowledgement of how the business had already been operating.

The Mayor, Cr Voss, asked whether this was retrospective approval or a change in use?

Damian Dewar, Acting General Manager Place Strategy and Development responded that his understanding was that this was not a change in use, but that further clarification would be sought.



7. COUNCILLOR QUESTION TIME

Cr Simic

- I. In regards to an announcement by Minister Foley on the 6 September 2017 stating that the government would extend a truck curfew along Beach Road to increase safety and improve traffic, do officers have any specific information relating to the implementation date, length of trial, signage and additional enforcement measures that may be used?

Brett Walters, Manager Sustainability & Transport, responded that officers had contacted VicRoads for further information, who had confirmed that the trial would begin on Saturday 4 November 2017. Signage would be erected in the vicinity up to two weeks prior, and that Victoria Police had been contacted in regards to the monitoring and enforcement actions that would be required. The trial is anticipated to last twelve months at this stage with the results dictating further measures.



8. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 8.1 Outcomes of Audit and Risk committee 24 August 2017 and presentation of annual report 2016/17
- 8.2 Presentation of CEO Report - Issue 37
- 8.3 Petition Response - Public Drinking in Carlisle Street
- 8.4 Local Law No.1 (Community Amenity) Review - Community Consultation Submissions
- 8.5 Library Collection Contract
- 8.6 272-280 Normanby Road, South Melbourne
- 8.7 220 Ingles Street, Port Melbourne
- 8.8 Planning Permits Delegate Report - August 2017



8.1 Outcomes of Audit and Risk Committee 24 August 2017 and presentation of Annual Report 2016/17

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

Helen Lanyon

As Chair of the Audit and Risk Committee presented the 2016/17 Annual Report. Stated that she was pleased to recommend the report to Council and respond to any questions.

Purpose

The purpose of this report is to bring to the attention of Council the matters addressed at the 24 August 2017 meeting of the City of Port Phillip Audit and Risk Committee and to present the Audit and Risk Committee Annual Report 2016/17.

Moved Crs Gross/Pearl

That Council:

- I.1 Receives and notes the report outlining the matters addressed at the 24 August 2017 Audit and Risk Committee meeting.
- I.2 Receives and notes the Audit and Risk Committee Annual Report 2016/17, which details the activities of the Committee for the year and how it has met its responsibilities within its Charter (Attachment 1).

A vote was taken and the MOTION was CARRIED unanimously.



8.2 Presentation of CEO Report - Issue 37

Purpose

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

Moved Crs Gross/Copsey

That Council:

- I.1 Notes the CEO Report Issue 37 (provided as Attachment I) including changes to budget forecasts and project portfolio identified in August 2017.

A vote was taken and the MOTION was CARRIED unanimously.



8.3 Petition Response - Public Drinking in Carlisle Street

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

Stuart Bailey

Spoke on behalf of Victoria Police in support of the proposed changes in the officer's report, as the Port Phillip local area commander. Outlined unsocial behaviors in the local area that are causing an impact upon public safety for residents and traders.

Bill O'Loughlin

Spoke against the proposed ban in the officer's report and advocated that a multi-disciplinary approach was needed to find a solution to the problem as it was highly complex. Emphasised that this measure would not solve the current issue, that the people affected were only a small number, and that they had to be involved in the solution.

Lorna Wyatt

Spoke against the proposed ban in the officer's report and stated that the report outlined a huge response for only a small amount of people. Stated that many of the report initiatives could be implemented without a public ban on drinking.

Igor Vainer

Spoke in support of the proposed ban in the officer's report. Highlighted the destructive nature of unsocial behavior and emphasised that the Council's paramount duty is to the public safety of its residents.

Alla Kokoreva

Spoke in favour of the proposed ban in the officer's report and stated that allowing the people to be a danger to themselves and to the public is irresponsible of the Council, who should be providing a safe and secure environment.

Rhonda Small

Stated that the Council report is a balanced response to the petition considering the complex issues associated with this situation, and asked if there had been engagement with the concerned individuals? Questioned why the length of the proposed trial is for two years?

Jason Kelly

Spoke in support of the proposed ban in the officer's report and agreed with the comments made by the previous speaker Stuart Bailey. Stated that St Kilda has the second highest arrest rate for alcohol-related incidents after Melbourne City and highlighted that this measure would enhance the perceptions of community safety.

Collin Smith

Spoke against the proposed ban in the officer's report and stated that banning alcohol in the streets would only defer the problem elsewhere, possibly to more dangerous areas. He also implored the Council to have empathy for the victims of these situations.



Larry Abel

Spoke against the proposed ban in the officer's report and stated that this motion would result in displacing a group of vulnerable people and only defer the issues elsewhere. Also stated the motion neglects to consider the number of drug-affected people in the area, which makes people more aggressive and is a far more serious issue.

Patrick Lawrence

Commended the Council on its consultation process and suggested that before instigating the proposed ban a trial be conducted with a social worker specifically working with the affected people in this area so the problem wasn't just pushed elsewhere.

Purpose

- To respond to the petition received on Friday 7 July from Igor and Rosie Vainer and 809 signatories from the Carlisle Street Shopping Village requesting a change to the local law.
- To present Council with recommendations for responding to the consumption of alcohol in public places.

Moved Crs Gross/Crawford

That Council:

1. Notes that the existing Local Law No.1 includes provisions for the nomination of time and places to restrict the public consumption of alcohol. It is not necessary to change Local Law No. 1. The City of Port Phillip Procedures and Protocols Manual can be amended to effect change.
2. Amends the Memorandum of Understanding between the City of Port Phillip and Victoria Police titled Alcohol Restrictions in Public Places (2009) to:
 - 2.1. Continue the agreement that Victoria Police officers enforce the provisions of the Local Law No 1 with regard to the consumption of alcohol in public places,
 - 2.2. Add stipulations that Victoria Police are strongly encouraged to utilise 'tip out', treatment referral and warning response options rather than fines and powers of arrest that may further disadvantage vulnerable residents and visitors, and
 - 2.3. Support the evaluation of strategies to reduce the impact of public drinking.
3. Leads the development of a multidisciplinary agency response, involving Victoria Police and alcohol and other drug agencies, to increase access for individuals who consume alcohol in public places to health and social inclusion services.
4. Designs and implements future street work improvements in accordance with Crime Prevention Through Environmental Design principles that consider how



physical public spaces can improve both perceptions of safety and reduce opportunistic crime.

5. Implements a community messaging campaign to increase community understanding, especially for visitors to the City of Port Phillip, improving understanding of local public drinking laws.
6. Undertakes evaluation of strategies responding to public drinking. This evaluation will report to Council in 12 months with interim findings and final report for consideration in two years.
7. Introduces a two year trial extending the restrictions on the consumption of alcohol from all streets and roads at all times of the day and night for the City of Port Phillip. The trial would exempt situations for which there is a permitted event, including festivals and street parties. Existing special provisions for St Kilda Festival, Australian Formula 1 Grand Prix, New Year's Eve, Australia Day and surrounding the St Kilda Skate Park will remain. The consumption of alcohol in other public spaces, including parks, between the hours of 9am – 8pm will continue to be allowed.

A vote was taken and the MOTION was CARRIED on the casting vote of the Mayor, Cr Voss.

Cr Baxter called for a DIVISION

FOR:

Cr Voss
Cr Crawford
Cr Gross
Cr Pearl

AGAINST:

Cr Baxter
Cr Brand
Cr Copsey
Cr Simic

A vote was taken and the MOTION was CARRIED on the casting vote of the Mayor, Cr Voss.

The Mayor adjourned the meeting at 9.25pm for a short break.

The meeting resumed at 9.32pm.



8.4 Local Law No.1 (Community Amenity) Review - Community Consultation Submissions

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

Nicholas Aboukhater

On behalf of his fellow petitioners, thanked the Council for the invitation to contribute to the city's current by-laws. Advocated for an amendment relating to the management of rubbish bins in apartment blocks and a minimum standard of amenities to be enforced to help keep the public area clean and presentable.

Christopher Ford

On behalf of Trolley Services Australia, described the company's information services and proposed that the Council imposed fines for abandoned trolleys should be to the individual rather than the supermarket.

Purpose

To present the submissions received from the community during the Section 223 process on the amended and new clauses proposed to be included Council's Local Law No.1 (Community Amenity). Following consideration of the submissions any required changes will be made to the Local Law No. 1 (Community Amenity) prior to presenting the Local Law to Council for adoption.

Moved Crs Crawford/Pearl

That Council:

- 1.1 Considers the submissions received pursuant to Section 223 of the Local Government Act 1989 process, conducted in relation to the new and amended clauses proposed to be incorporated into the Principal Local Law, Local Law No.1 (Community Amenity).
- 1.2 Hears from those who have requested to speak in support of their submission at the meeting on 4 October 2017.
- 1.3 Thanks the submitters for providing feedback on the proposed changes to the Local Law No.1 (Community Amenity) received during the s223 process.
- 1.4 Makes recommended final changes to the clauses and amendments included in the Principal Local Law No.1 and presents the new and amended clauses proposed to be incorporated into the Principal Local Law, Local Law No.1 (Community Amenity) for adoption at the Ordinary Meeting of Council on 1 November 2017.



A vote was taken and the MOTION was CARRIED unanimously.

8.5 Library Collection Contract

Purpose

This report provides Council with a brief background to the procurement and associated contract arrangements for purchasing for the Port Phillip library collection, including a recommendation to Council to utilise a new contract for supply for the next two years with the head contract for participating members being managed by Procurement Australia.

Moved Crs Pearl/Gross

That Council:

- I.1 Awards Procurement Australia Contract No. 1906/0836 to provide library collections, furniture, equipment and associated requirements to Council for a two year period commencing on 1 July 2017 to June 2019, (with an option for a further term of two years.)
- I.2 Notes that the contract sum is for an approximate sum of \$1.57M exclusive of GST for the initial two year period together with a possible equivalent sum of \$1.57M should the two twelve month extension options be activated.
- I.3 Affixes the Common Seal of the Port Phillip City Council to Contract No. 1906/0836 between Council and Procurement Australia

A vote was taken and the MOTION was CARRIED unanimously.



8.6 272-280 Normanby Road, South Melbourne

Purpose

Demolish the existing buildings, construct a multi-level mixed use building and construct and carry out works, and use land for Accommodation and a Place of Assembly in the Capital City Zone. Alter access to a road in a Road Zone, Category 1.

Moved Crs Brand/Baxter

That the Council resolve:

- 13.1 That a letter be sent to the Minister for Planning care of the Department of Environment, Land, Water and Planning advising that the Council:
 - 13.1.1. Does not support the proposal in its current form based on the matters set out in Sections 7, 8 and 12 of this report, including in particular:
 - The 40 storey height would not transition to abutting lower height precincts;
 - The 40 storey height would contribute to a monotonous skyline of similar height towers along Normanby Road;
 - The affordable housing offer would be less than needed to satisfy anticipated demand;
 - The affordable housing rental offer would not provide truly affordable or long-term affordable housing;
 - The podium and tower façade treatments not as well articulated and architecturally resolved as the original plans;
 - The plans do not provide for natural light to tower level lobbies and corridors.
 - The building would overshadow the proposed Johnson Street park between 11.00am and 2.00pm at the equinox.
- 13.2 In the event that the Minister determines to grant a permit for the application, any permit issued should incorporate the conditions set out in the attachment to this report.
- 13.3 Delegates the Manager City Development the discretion to object to the application if notice of the application is given by the Department.
- 13.4 Delegates the Manager City Development to instruct Council's solicitors on this matter in the event that an application for review is lodged for the application.

A vote was taken and the MOTION was CARRIED unanimously.



8.7 220 Ingles Street, Port Melbourne

Purpose

The subdivision of land, being stage 17 of a staged subdivision. The stage creates 26 lots and common property roadways.

Moved Crs Copsey/Simic

That Council:

- 14.1** That a Planning Permit be issued for Stage 17 of a staged subdivision of the site at 220 Ingles Street, Port Melbourne:

1 No Alterations

The size, layout, level and location of the lots as shown on the endorsed plan of subdivision shall not be altered or modified without the consent of the Responsible Authority.

2 South East Water

Potable Water

- (a) The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

Recycled Water

- (b) The owner of the subject land must enter into an agreement with South East Water for the provision of recycled water supply and fulfil all requirements to its satisfaction.

All new buildings and major refurbishment of existing buildings within the Fishermans Bend Precinct, must include the installation of a third pipe water supply system to supply non-potable water uses such as toilet flushing, clothes washing and irrigation within the development.



Sewer

- (c) The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

3 Telecommunications

The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

4 Telecommunications

- (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

5. Completion of Works

Prior to issue of the Statement of Compliance, construction of the proposed buildings within lots 209 to 234 are to be externally complete; and the common property Roads and Shared Access as shown on the plan of subdivision are to be fully constructed in accordance with Planning Permit No. 2013/001464 to the satisfaction of the Responsible Authority.

6. Time for starting and completion

This permit will expire if one of the following circumstances applies:

- (a) The subdivision is not certified within two (2) years of the date of this permit.
- (b) The certified plan is not registered at Land Registry within five (5) years of the date of the Plan of Subdivision being Certified by Council.



The Responsible Authority may extend the period referred to in (a) if a request is made in writing before the permit expires or within six (6) months afterwards

Notes:

- (a) The Council has made this decision having particular regard to Sections 58, 59, 60, and 62 of the Planning and Environment Act 1987.
- (b) The following South East Water agreement options are available:
 - i. Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
 - ii. Application to enter into an agreement-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
 - iii. Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

A vote was taken and the MOTION was CARRIED unanimously.



8.8 Planning Permits Delegate Report - August 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 Crawford/Gross

That Council:

- 2.1 Receives and notes the August 2017 report (Attachment I) 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.



9. NOTICES OF MOTION

Item 9.2

Moved Crs Baxter/Gross

That Council:

- I. Calls for a report from officers on:
 - a. How Council is tracking against recommendations contained in the Ombudsman's report into the transparency of local government decision making, released December 2016.
 - b. Any recommendations on how Council may improve it's reporting of Councillor expenses.

A vote was taken and the MOTION was CARRIED unanimously.



10. REPORTS BY COUNCILLOR DELEGATES

Cr Crawford

As a member of the board of Gas Works, reported on attending an excellent Fringe Show enabled by the Council's Cultural Fund. The show, named *Escape From Trash Mountain*, utilised puppets made from recycled materials, and helped educate children about sustainability.

Cr Baxter

Reported on attending a meeting of the Association of Bayside Municipalities in Elwood, and that the board had developed an official position statement for a state-wide ban on the use of single-use plastic bags.



II. URGENT BUSINESS

Nil.



12. CONFIDENTIAL MATTERS

Moved Crs Pearl/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:

12.1 VCAT - Compulsory Conference 13 October 2017 (Confidential)

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). Legal advice.

A vote was taken and the MOTION was CARRIED unanimously.

As there was no further business the meeting closed at 10.13pm.

Confirmed: 18 October 2017

Chairperson _____