



ORDINARY MEETING OF COUNCIL

MINUTES

18 JULY 2018



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**MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY
COUNCIL HELD 18 JULY 2018 IN ST KILDA TOWN HALL**

The meeting opened at 6:32pm.

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, Acting General Manager Place Strategy and Development; Carol Jeffs, General Manager Community and Economic Development; Fiona Blair, General Manager Infrastructure and Amenity; Chris Carroll, General Manager Customer and Corporate Services; Kylie Bennetts, Director Office of the CEO; Brett Walters, Manager Sustainability and Transport; Timothy Graffen, Coordinator Sustainable Policy; Karen Hayes, Acting Manager Asset Management and Property; Damian Dewar, Acting Manager Future Communities; Lachlan Johnson, Manager Project Services; Danielle Fraser, Coordinator Community and Service Planning; John Coates, Acting Manager Safety and Amenity.

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 Bond/Simic

That the minutes of the Ordinary Meeting of the Port Phillip City Council held on 4 July 2018 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Cr Ogy Simic declared an indirect interest in item 9.4 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 3*, by way of close association.

Cr Marcus Pearl declared an indirect interest in item 9.3 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 2*, by way of close association.

Cr Andrew Bond declared an indirect interest in item 9.2 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 1*, by way of close association.

4. PETITIONS AND JOINT LETTERS

Item 4.1 – TT Buckingham Reserve - Response

A Petition/Joint Letter containing 60 signatures was received from residents and presented to a Council Meeting on 16 May 2018.

Moved Crs Copsey/Bond

That Council:

Notes resident's desire to have Council include Buckingham Reserve as a designated off-leash area under Council's Order No. 3, Section 26(2) of the *Domestic Animals Act 1994*.

Endorses the following action plan in response to the joint letter:

1. Concurrently consult with the local community, including users of the reserve and sports clubs, on the request to make the reserve a dog off leash area when public consultation occurs on the upgrades to the reserve in 2018-2019.
2. Investigate opportunities to support universal access and implement accessibility improvements in the reserve through the design of the upgrades to the reserve in 2018-2019.
3. Advise the petition organiser Mr Charlie Heerey of the action plan and any subsequent developments and outcomes as they arise.

A vote was taken and the MOTION was CARRIED unanimously.



Item 4.2 – Renaming of Newton Court Reserve, St Kilda

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

Anna Griffiths

Ms Griffiths advised that she is a signatory of the petition. Ms Griffiths spoke in support of the petition, highlighting Fr Smith's role in establishing the Sacred Heart Mission and the legacy of his charitable work.

Julia Topliss

Ms Topliss spoke as a long term resident of St Kilda and the former President of the Rotary Club of St Kilda – of which Fr Smith was also a member during her time as President. Ms Topliss advised the Council of Fr Smith's generosity, compassion and significant contribution to the St Kilda community, and reiterated her support for the petition.

Maureen Hickey

Ms Hickey spoke as the submitter of the Petition. Ms Hickey commented on the separation of Church and State, and the process of the Melbourne Response, and reiterated the requests contained in the petition.

A Petition/Joint Letter containing 97 signatures, requesting the renaming of Newton Court Reserve, St Kilda, was received from local residents.

Moved Crs Pearl/Bond

That Council:

1. Receives and notes the Petition.
2. Does not progress the proposal to rename Newton Court Reserve the 'Ernie Smith Memorial Reserve'.
3. Thanks the Petitioners for their request, and notifies them of this resolution.

A vote was taken and the MOTION was CARRIED.



5. SEALING SCHEDULE

Nil.

6. PUBLIC QUESTION TIME

Isaac Hermann

Mr Hermann commended Council on the improvement works undertaken in Tide Street. Mr Hermann then asked when works to extend the nature reserve on Wave Street, Elwood, along with other improvements to the area, will be implemented? Mr Hermann also asked when the ongoing loss of shoreline in the area of Point Ormond and MO Moran Reserve will be addressed?

Ms Lili Rosic advised that Council's Sustainable Environment Strategy, Act and Adapt, includes an action pertaining to protecting the municipality against sea level rise and inundation. Ms Rosic advised that she would take both questions on notice to provide a more detailed response to Mr Hermann.

7. COUNCILLOR QUESTION TIME

Nil.

8. PRESENTATION OF CEO REPORT

Nil.



9. PEOPLE AND COMMUNITY

9.1 Community Grants Program 2018-19 Recommendations for Funding

Purpose

- 1.1 To seek Council endorsement of the recommendations for funding for the 2018-2019 Community Grants Program by the Community Grants Assessment Panel.

Moved Crs Bond/Pearl

That Council:

- 3.1 Endorses the Community Grants Assessment Panel's funding allocation recommendations for the 2018-2019 Community Grants Program (as per Attachment 1).
- 3.2 Makes public the list of successful applicants for the Community Grants Program.
- 3.3 Thanks the community members who have volunteered their time to the Community Grants Assessment Panel.

A vote was taken and the MOTION was CARRIED.



9.2 Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 1

Cr Andrew Bond declared an indirect interest in item 9.2 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 1*, by way of close association and left the chamber at 7.28pm.

Purpose

- 1.1 To seek Council endorsement of the recommendations for funding for the 2018-2019 Community Grants Program by the Community Grants Assessment Panel.
- 1.2 In addition to the Council decision on recommendations for funding to the Community Grants Program 2018-2019, there are a number of supplementary reports and recommendations for funding due to Councillor conflict of interest.
- 1.3 This report presents Council with recommendations prepared by the Community Grants Assessment Panel for funding six applications as detailed in Attachment 1: Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 1.

Moved Crs Gross/Crawford

That Council:

- 2.1 Endorses the Community Grants Assessment Panel's funding allocation recommendations for the 2018-2019 Community Grants program.
- 2.2 Makes public the list of successful applicants for the Community Grants Program.
- 2.3 Thanks the community members who have volunteered their time to the Community Grants Assessment Panel.

A vote was taken and the MOTION was CARRIED.

Cr Bond returned to the chamber at 7.30pm.



9.3 Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 2

Cr Marcus Pearl declared an indirect interest in item 9.3 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 2*, by way of close association, and left the chamber at 7.30pm.

Purpose

- 1.1 To seek Council endorsement of the recommendations for funding for the 2018-2019 Community Grants Program by the Community Grants Assessment Panel.

Moved Crs Copsey/Simic

That Council:

- 3.1 Endorses the Community Grants Assessment Panel's funding allocation recommendations for the 2018-2019 Community Grants program.
- 3.2 Makes public the list of successful applicants for the Community Grants Program.
- 3.3 Thanks the community members who have volunteered their time to the Community Grants Assessment Panel.

A vote was taken and the MOTION was CARRIED.

Cr Pearl returned to the chamber at 7.31pm.



9.4 Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 3

Cr Ogy Simic declared an indirect interest in item 9.4 *Community Grants Program 2018-19 Recommendations for Funding Supplementary Report 3*, by way of close association as he is a member of Elwood Playgroup Incorporated and his son attends the group. Cr Simic left the chamber at 7.31pm.

Purpose

- 1.1 To seek Council endorsement of the recommendations for funding for the 2018-2019 Community Grants Program by the Community Grants Assessment Panel.

Moved Crs Pearl/Baxter

That Council:

- 3.1 Endorses the Community Grants Assessment Panel's funding allocation recommendations for the 2018-2019 Community Grants Program.
- 3.2 Makes public the list of successful applicants for the Community Grants Program.
- 3.3 Thanks the community members who have volunteered their time to the Community Grants Assessment Panel.

A vote was taken and the MOTION was CARRIED.

Cr Simic returned to the chamber at 7.33pm.



10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

11.1 Elster Creek Catchment 2018 Action Plan - Q2 Update

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

Isaac Hermann

Mr Hermann asked when community consultations will be facilitated on this matter, and when will other catchments in the area receive flood management plans? Mr Hermann commented that whilst the Elster Creek Q2 update is good it is lacking in content and asked that report contents referred to in the update be released to the public.

Geoffrey Love

Mr Love stated that he believes the creation of the Elsternwick Park North working group muddies the waters of responsibility of flood mitigation in the area. Mr Love asked Council to seek clarification of the structure and where responsibility lies for the park area. In relation to coastal flooding, how many of the 32 recommended one way valves are to be installed in Elwood Canal and what consideration is being given to the mouth of the canal? When can a 'coastal hazards vulnerability assessment plan' be expected to be developed?

Purpose

- 1.1 To provide Councillors and the community with a progress report on delivery of the Elster Creek Catchment Action Plan (October 2017) and other water related activities within the Elster Creek Catchment. This update relates to Quarter 2 - April to June 2018.

Moved Crs Baxter/Copsey

That Council:

- 3.1 Notes the information contained within the report and Quarter 2 status update of deliverables in the Elster Creek Catchment 2018 Action Plan.
- 3.2 Continues to support CEO representation on the Elster Creek Catchment CEO forum, Council Officer involvement in the Elster Creek Catchment Working Group and other related activities that support the identification and implementation of actions that are required to mitigate flood impacts in the catchment.
- 3.3 Acknowledges the positive engagement and commitment demonstrated by our partners Melbourne Water, City of Bayside, City of Glen Eira and City of Kingston to working together to identify and implement initiatives in the Elster Creek Catchment to reduce downstream flooding impacts.

A vote was taken and the MOTION was CARRIED unanimously.



12. PLANNING

12.1 Local Law: Clause for Storing Heavy Vehicles - Adoption

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

Rohan Cresp

Mr Cresp spoke in support of the officer's recommendation and thanked officers for their work on this matter. Mr Cresp raised a concern around implementation and what the consultation process will look like when permits are requested.

Purpose

- 1.1 To present for adoption the insertion of new clause 29A, Heavy Vehicles, as an amendment to City of Port Phillip Local Law No.1 (Community Amenity) in accordance with the provisions of the Local Government Act 1989. The amendment to the Local Law will commence on the day immediately following the day on which notice of its making is published in the *Victoria Government Gazette*.

Moved Crs Simic/Pearl

That Council:

- 3.1 Amends Local Law No.1 (Community Amenity) of 2013 (Local Law) by inserting clause 29A in the form attached to the report.
- 3.2 Authorises this amended Local Law to commence on the day immediately following the day on which notice of its making is published in the Victoria Government Gazette; ceases to operate on the day on which the Community Amenity Local Law No. 1 of 2013 ceases to operate; and operates throughout the whole of the municipal district.
- 3.3 Authorises the Chief Executive Officer to give notice of the making of the Local Law in accordance with section 119(3) of the Local Government Act 1989 (Act).
- 3.4 Authorises the Chief Executive Officer to send a copy of the Local Law to the Minister for Local Government in accordance with section 119(4) of the Act.
- 3.5 Authorises the Chief Executive Officer to write to each person who made a submission under Section 223 of the Act, advising them of the decision to amend the Local Law in the form attached to the accompanying Report and to give reasons for this decision
- 3.6 Publishes the Local Law on its website, and make copies available at all Town Halls.

A vote was taken and the MOTION was CARRIED unanimously.



13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.

14. ORGANISATIONAL PERFORMANCE

14.1 Ferrars Street Education and Community Project Streetscape - Tender Award

Cr Copsy left the chamber at 8.09pm, and returned at 8.11pm.

Purpose

- 1.1 To seek Council's approval to award Contract 2136 for the construction of the Ferrars Street Education and Community Precinct (FSECP) Streetscape.

Moved Crs Gross/Copsy

That Council:

- 3.1 Awards Contract 2136 to ACE Landscape Services Pty Ltd for the construction of the Ferrars Street Educational and Community Precinct (FSECP) Streetscape.
- 3.2 Notes that the contract value is \$2,776,029.50 inclusive of GST and is made up of the following:
 - 3.2.1 a fixed lump sum price of \$1,980,964.79 including GST
 - 3.2.2 a provisional sum price of \$795,064.71 including GST
- 3.3 That the proposed contract commencement date is 2 August 2018 and construction is anticipated to take 18 weeks, subject to favourable weather and construction conditions.
- 3.4 Affixes the Common Seal of the Port Phillip City Council to Contract 2136 between Council and ACE Landscape Services.
- 3.5 Notes that the works exceed the streetscape project budget by \$500,000 but it is expected sufficient funds are available within the FSECP program of works, including:
 - 3.5.1 Reallocating savings realised during the construction of Kirrip Park;
 - 3.5.2 Reducing the contingency for the streetscape project; and
 - 3.5.3 If required, Officers will report back to Council for any budget adjustments.
- 3.6 Notes the revised phasing of expenditure of \$0.3 million in 2017/18 and \$3.5 million in 2018/19.

A vote was taken and the MOTION was CARRIED unanimously.



14.2 Proposed Discontinuance and Sale of Roads: Part R3517 Adjoining 316-320 St Kilda Road, St Kilda and R3257 Abutting 91-95 Montague Street, South Melbourne

Purpose

- 1.1 To seek Council's approval to complete the statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) and finalise the discontinuance and sale of the following roads:
 - 1.1.1 part R3517, the road adjoining 316-320 St Kilda Road, St Kilda being part of the land contained in general law conveyance book U number 983 (**Road 1**);
 - 1.1.2 R3257, the road abutting 91-95 Montague Street, South Melbourne, being the land contained in certificate of title volume 403 folio 592 (**Road 2**).

Moved Crs Bond/Gross

That Council:

- 3.1 Resolves that, having followed all the required statutory procedures in accordance with sections 189, 207A and 233 of the *Local Government Act 1989* (Vic) (**Act**) pursuant to its powers under clause 3 of Schedule 10 of the Act, having considered that there were no submissions received in response to the public notice and being of the opinion that the following roads are not reasonably required for public use, it discontinues these roads:
 - 3.1.1 part R3517, the road adjoining 316-320 St Kilda Road, St Kilda being part of the land contained in general law conveyance book U number 983 (referred to as **Road 1** in this report)
 - 3.1.2 R3257, the road abutting 91-95 Montague Street, South Melbourne, being the land contained in certificate of title volume 403 folio 592 (referred to as **Road 2** in this report).
- 3.2 Directs that notices pursuant to the provisions of Clause 3(a) of Schedule 10 of the Act are published in the Government Gazette.
- 3.3 Directs that once discontinued, Road 1 is transferred to the registered proprietor of 316-320 St Kilda Road, St Kilda for \$138,000 plus GST plus Council's costs incurred in the discontinuance and sale process and Road 2 is transferred to the registered proprietor of 91-95 Montague Street, South Melbourne for \$137,500 plus GST plus Council's costs incurred in the discontinuance and sale process.
- 3.4 Directs that the Chief Executive Officer or delegate signs an authorisation allowing Council solicitors to execute the transfer documents on Council's behalf for Road 1 and Road 2 and any other documents required to be signed in connection with the discontinuance of Road 1 and Road 2 and their subsequent transfer to the registered proprietors of 316-320 St Kilda Road, St Kilda and 91-95 Montague Street, South Melbourne, respectively.
- 3.5 Directs that any easements, rights or interests required to be created or saved over Road 1 and Road 2 respectively by any authority be done so and not be affected by the discontinuance and sale.



- 3.6 Directs that the registered proprietor of 316-320 St Kilda Road, St Kilda be required to consolidate the title to Road 1 with the title to their property within 12 months of the date of transfer of the discontinued road.
- 3.7 Directs that the registered proprietor of 91-95 Montague Street, South Melbourne be required to consolidate the title to Road 2 with the title to their property within 12 months of the date of transfer of the discontinued road.

A vote was taken and the MOTION was CARRIED unanimously.

14.3 Proposed Discontinuance and Sale of Road Abutting 26 Moore Street, Elwood

Purpose

- 1.1 To seek Council's approval to commence the statutory procedures pursuant to the *Local Government Act 1989 (Vic)* (**Act**) to consider discontinuing the road abutting 26 Moore Street, Elwood, being part of the land contained in certificate of title volume 11170 folio 096 (**Road**).

Moved Crs Gross/Bond

- 3.1 That Council acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Vic)* (**Act**):
 - 3.1.1 Resolves that the statutory procedures be commenced to discontinue the road abutting 26 Moore Street, Elwood, being part of the land contained in certificate of title volume 11170 folio 096 (**Road**);
 - 3.1.2 Directs that under sections 207A and 223 of the Act public notice of the proposed discontinuance of the Road be given in the Port Phillip Leader newspaper;
 - 3.1.3 Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the owners of 26 Moore Street, Elwood for \$8,000 plus GST in accordance with Council's Discontinuance and Sale of Roads Policy where adverse possession for land in the road could be achieved, plus other incidental costs in relation to the discontinuance and sale process;
 - 3.1.4 Authorises 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 in relation to this matter;
 - 3.1.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.



14.4 Status of Council Decisions: 7 March - 6 June 2018

Purpose

- 1.1 To provide Councillors with an update on the status of all Resolutions passed by Council at Council and Planning Committee Meetings between 7 March and 6 June 2018, and the status of actions that were previously reported as outstanding in the last quarterly status report.

Moved Crs Copsey/Gross

That Council:

- 3.1 Notes the implementation status of Council and Planning Committee Resolutions as contained in Attachments 1 - 4.

A vote was taken and the MOTION was CARRIED unanimously.

14.5 Lifting of the confidentiality status of information considered by Council in closed meetings of Council

Purpose

- 1.1 For Council to consider passing a resolution to lift the confidentiality and make public certain confidential information in relation to decisions made by Council and its Planning Committee during parts of meetings that were closed to members of the public due to confidentiality reasons.

Moved Crs Gross/Pearl

That Council:

- 3.1 Resolves that the confidential information, as contained in Attachment 1, be deemed to be not confidential pursuant to section 77 (2) of the Local Government Act 1989 and that this information be publicly released on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.



14.6 Outcomes of the Audit and Risk Committee Meeting 10 May and 21 June 2018 and review of Audit and Risk Committee Charter.

Purpose

- 1.1 To bring to the attention of Council the matters addressed at the 10 May 2018 workshop and 21 June 2018 Audit & Risk Committee meeting and to adopt the updated Audit & Risk Committee Charter.

Moved Crs Copsey/Baxter

That Council:

- 3.1 Adopts the updated Audit and Risk Committee Charter (Attachment 1).
- 3.2 Notes the report outlining the matters addressed at the 10 May 2018 workshop and 21 June 2018 meeting of the Audit & Risk Committee.

A vote was taken and the MOTION was CARRIED unanimously.

14.7 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/Copsey

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.



15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Cr Copsey reported that she had attended the presentation of funding to successful applicants of the Cultural Development Fund, in her capacity as a member of the Reference Committee. Cr Copsey thanked officers, especially Sharyn Dawson and Carol Jeffs, for their hard work throughout the process. Cr Copsey stated that there is a remaining \$50,000.00 yet to be distributed through the awards process, and commended the community members who contribute to the committee for their hard work.

17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 8.33pm.

Confirmed: 1 August 2018

Chairperson _____