



**ORDINARY
MEETING OF
COUNCIL**

MINUTES

9 AUGUST 2016



MINUTES OF THE ORDINARY MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 9 AUGUST 2016 IN SOUTH MELBOURNE TOWN HALL

The meeting opened at 6:03pm.

PRESENT

Cr Voss (Chairperson), Cr Bond, Cr Horvath, Cr Stevens, Cr Thomann, Cr Touzeau.

IN ATTENDANCE

Tracey Slatter Chief Executive Officer, Claire Ferres Miles General Manager Place Strategy and Development, Carol Jeffs General Manager Community Development, Lisa Davies Acting General Manager Infrastructure and Amenity, Chris Carroll General Manager Organisational Performance, Anthony Traill Manager Open Space and Recreation, Leonie Kirkwood Senior Strategic Planner, Mike Coultas Senior Project Manager, Gavin Tan Senior Traffic Engineer, Todd Condie Indigenous Policy Officer, Alicia Hooper Acting Manager Health Equity & Social Justice, Kirsty Reidy Coordinator Public Space Planning, Katrina Terjung Coordinator City Strategy, Jacqui Banks Manager Strategy & Growth, Brett Walters Manager Sustainability & Transport, Alan Giachin Acting Manager Safety & Amenity, Cameron Brenton Coordinator City Business, Rowena McLean Manager Governance, Jade Forrester Acting Governance Advisor.

The City of Port Phillip respectfully acknowledges the Yalukit Willam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Moved Crs Horvath/Stevens

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

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

Moved Crs Bond/Thomann

That the minutes of the Ordinary Council meeting of the Port Phillip City Council held on 26 July 2016 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.



6. PUBLIC QUESTION TIME

Nil.



7. COUNCILLOR QUESTION TIME

Cr Touzeau advised that Mike Hill died last night, he was a past Councillor and Mayor in the City of Brunswick and the first Mayor of Moreland. He was a kind and extraordinary man who made an incredible contribution to the community, including starting recycling as a local government service. He was also involved in the setting up of CERES and the Moreland Energy Foundation. Cr Touzeau asked what sort of acknowledgement of his contribution might be appropriate?

The Mayor Cr Voss deferred to the Chief Executive Officer, Tracey Slatter, who advised the request would be taken into consideration and put forward some suggestions for Council to consider how they can commemorate and note the passing of Cr Mike Hill.



8. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 8.1 Montague Community Park - Hearing of Submissions on Proposed Rezoning and Road Closures
 - 8.2 Reconciliation Action Plan 2012 - 2015 Evaluation
 - 8.3 Albert Park Tennis Hockey Centre: Future Tenancy
- URGENT BUSINESS
- NOTICE OF MOTION
- 8.4 Outcomes of the Audit & Risk Committee Meeting 23 June 2016
 - 8.5 Emerald Hill Proposed Namings
 - 8.6 Palais Theatre Capital Works Program and Lease Transition



8.1 MONTAGUE COMMUNITY PARK - HEARING OF SUBMISSIONS ON PROPOSED REZONING AND ROAD CLOSURES

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

Steven Palos

- Stated that he was representing the owner of 13 Meaden Street, Southbank and its two tenants, of which he is one.
- Stated that if only half the staff, teachers and parents of pupils of a 500 plus primary school drove and spent say 10 seconds at the drop off point that would mean a lot of cars there in a short space of time and it was likely to be more as most working parents drove their children to school.
- Stated the proposed road closures would impede access to properties and suggested that the roads remain open with one way traffic going anti clockwise around the park.
- Asked that the size of the park be reduced slightly to allow for the continuation of traffic flow and the amount of car parking be maintained.

Lorenzo Rigoni

- Stated he is a Planning Consultant from Terrain Consulting Group and speaking on behalf of businesses and business owners in Surveyors Place, comprising 25 businesses and 295 staff.
- Stated that Council was working to very tight deadlines, with the park due to open January 2018, with demolition and road works beginning as early as February 2017.
- Stated there were 22 objections, 12 of which were from business owners, people want the park, but have concerns around road closures and loss of on street car parking.
- Requested that Council defer the proposed report from 23 August 2016, to allow for a balanced approach around the rezoning and road closures and provide a mutually acceptable outcome to achieve Council's aims and the ongoing businesses in Surveyors Place.

Peter Harvey

- Stated that he runs a business from 2-4 Douglas Street, Southbank, part of a group known as Surveyors Place, representing the owners corporation of 13/14 owners and 25-30 businesses.
- Stated they agreed with the park and school but would like to see the whole precinct working together.
- Stated there were two main issues – the road closure and rezoning and narrowing of other streets, removing 183 car spaces, which will cripple these businesses.
- Asked how the new residents and the school would access the area?
- Stated Council should consider deferment or working with stakeholders to see if we can compromise – there are two possible solutions either a one-way drive through with no loss of car parking or create a cul-de-sac and reduce the park size slightly .

Stephen Renfree

- Stated he was a tenant at 4 Douglas Street, Southbank from where he runs his post-production business – Bang Bang Studios.
- Stated one of the reasons he chose the location was the good access and unlimited car parking for clients, staff and suppliers.
- Stated one of his largest clients was BMW and if the Managing Director cannot find a parking spot he will probably tell their agency to take the work elsewhere. Ditto the people he works with at Target, who are currently located in Geelong.



- Asked that Council sit down and talks with business owners to find a compromise.

Naomi Saporta

- Stated she was the owner of 125-127 Ferrars Street, part of Surveyors Place.
- Stated she was happy to hear about the proposed school and park and feels that the mix of enterprise in the area fits in with the vision for Fishermans Bend.
- Stated her tenants were attracted to the area partly due to ease of parking, without this they do not see how their business can operate and would be forced to relocate.
- Stated that schools also require nearby parking for staff, visitors, suppliers and for parents to drop off and pick up their primary age children who they walk into the school.
- Stated that as car parking demand will increase in the area more parking, not less is required and consideration should be given to the provision of extra parking, rather than the removal of existing spaces.

Scott Esler

- Stated he was representing the tenant and owners of 11 Meaden Street who generally support the development of the area.
- Stated there had been a lack of proper consultation with business owners and agreed with comments made by other speakers tonight, particularly in regard to the loss of parking.
- Stated his concern that road narrowing could jeopardise access to the emergency services, with their large vehicles eg Fire Brigade or Ambulance, both of which had had to be called out last week.

Richard Roberts

- Asked why Council is rushing ahead with the “Road Closure Overlay” (RXO) when the Fishermans Bend Vision, Plan, Planning Rules, Infrastructure and Transport Plans are nowhere near being resolved?
- Asked if Council has arranged for a traffic study to be undertaken as part of assessing the RXO proposal? Have any studies been undertaken on the impact of residents and businesses on the opposite side of City Road?
- Stated that the Council paper leads to the conclusion that there will effectively be no further community consultation on the proposal and no objection rights once the current consultation has been undertaken.
- Stated his support for the park and the school, but wants to wait until plans are clearer.

Rowan Groves

- Stated he was speaking on behalf of South Port Urban Renewal (SPUR) which is a collective of 47 community groups with over 8500 members, most of whom are affected by what happens in Fishermans Bend; and the reason they formed was to facilitate community consultation.
- Stated both the school and the park were needed, however removing car parks was counter intuitive.
- Stated planning bodies should be engaging with stakeholders at the earliest opportunity.
- Stated they would support calls for a round table, as well as a deferral of the decision making process.

Frank O’Connor

- Congratulated Council on the proposed park, but thought consultation was very narrow in its considerations regarding the roads around the park.



- Stated the loss of parking spaces would be catastrophic to the existing businesses.
- Asked where is the parking and traffic modelling once the school is up and running, and the approved apartments, once the residents move in?
- Stated the Minister may not consider that adequate thought has been given to the businesses in the area, so Council may end up going through a very long process and miss out on doing what needs to be done.

Purpose

To hear presentations from those who have made written submissions to the proposed rezoning of 2-4 Buckhurst Street to a Public Park and Recreation Zone and closure / narrowing of surrounding roads using a Road Closure Overlay to create the Montague Community Park.

Moved Crs Stevens/Thomann

That Council:

- 1.1 Receives and considers all written and verbal submissions to the proposed rezoning of land at 2-4 Buckhurst Street and closures of Ferrars and Gladstone Streets and narrowing of Kerr Street to facilitate the creation of the Montague Community Park.
- 1.2 Extends its gratitude to all submitters and to persons presenting at this meeting.
- 1.3 Notes that a further report will be presented to the Ordinary Council meeting on 23 August 2016, that will:
 - provide a recommended response to the specific issues raised in submissions; and
 - determine whether to request the Minister for Planning amend the Port Phillip Planning Scheme to rezone the land to Public Park and Recreation Zone (PPRZ) and apply a Road Closure Overlay (RXO) pursuant to Section 20(4) of the Planning and Environment Act 1987.

A vote was taken and the MOTION was CARRIED unanimously.



8.2 RECONCILIATION ACTION PLAN 2012 - 2015 EVALUATION

Purpose

To present Council with the findings of the Reconciliation Action Plan 2012 – 2015 Evaluation.

To present the Reconciliation Action Plan 2016 – 2019 Consultation Plan.

To invite consideration of the proposed actions for the Reconciliation Action Plan 2016 – 2019.

Moved Crs Touzeau/Thomann

That Council:

- 1.1 Supports the findings of the Reconciliation Action Plan 2012 – 2015 Evaluation.
- 1.2 Endorses the Reconciliation Action Plan 2016 – 2019 Consultation Plan (attachment 2).
- 1.3 Commits to the development, implementation and evaluation of the Reconciliation Action Plan 2016 – 2019.

A vote was taken and the MOTION was CARRIED unanimously.



8.3 ALBERT PARK TENNIS HOCKEY CENTRE: FUTURE TENANCY

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

Anne Cerche

- Stated she has been President of the Powerhouse/St Kilda Hockey Club for five years and prior to that Junior President for ten years.
- Stated the Club has been based in Albert Park since the 1940s and it now hosts hockey programs for the under 10s, junior programs, men's and women's teams and masters' Teams allowing all levels of participation from under 10 to an 80 year old masters member.
- Welcomes the renewal of the Club's lease which is a collaboration between City of Port Phillip, Parks Victoria and Wesley College.
- Stated apart from running the club, they clean the surrounds, repair damage and repaint graffiti, pick up rubbish, repair drains and gutters and fix leaks.

Sophie Crandall

- Stated she was a member of the Powerhouse/St Kilda Hockey club and has played six seasons in mixed junior teams and is currently captain of her U16 mixed team.
- Stated that, thanks to the Club, she has made lifelong friends, met a wide variety of people including fellow players, volunteers and administrators both from the locality and overseas.
- Stated without her local club she would not benefit from the opportunities of representing the Club at state championships, being selected to play for Nationals, and train with Hockey Victoria's academy.
- Stated the Club is a small community club that welcomes players of all ages and abilities, run by players, parents and volunteers and the hybrid pitch would benefit the whole Club.

Purpose

To present to Council the current status of the Albert Park Tennis and Hockey Centre (APTHC) Joint Venture between Wesley College (Uniting Church of Australia) and Port Phillip Council and to seek approval to:

- Commence negotiations with Parks Victoria for a new lease of the APTHC.
- Commence negotiations for a new Joint Venture agreement with Wesley College for the management of the APTHC facility and future lease.



Moved Crs Stevens/Thomann

That Council:

- 1.1 Authorises officers to work with Wesley College as Joint Venture partner to negotiate a new long term (up to 21 years) lease agreement for the Albert Park Tennis and Hockey Centre.
- 1.2 Authorises the commencement of negotiations with Wesley College to establish a new Joint Venture Agreement to manage the Albert Park Tennis and Hockey Centre, subject to a new lease being agreed.

A vote was taken and the MOTION was CARRIED unanimously.



II. URGENT BUSINESS

Moved Crs Horvath/Touzeau

That Council consider an item of Urgent Business in relation to the London Hotel, 92 Beach Street, Port Melbourne.

A vote was taken and the MOTION was CARRIED unanimously.

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

Andrew Keller

- Welcomed the Council's recommendation to write to the Minister of Planning and prepare and approve Amendment C128 and thanked Council for its support and the community for providing evidence in support of the London.

Robert Clarke

- Stated he was representing the owner of the London Hotel.
- Stated the owner has not been properly consulted during this process and already had a demolition order in place for the hotel and by rights, it could already have been demolished.
- Stated there had not been satisfactory assessment of the heritage issues at play and that Council was only requesting an interim control, not both interim and permanent controls.
- Stated the controls have been fast tracked without consideration for due process.
- Stated there needs to be far more time to consider the context report which was only issued at 4pm today so there has been no time to consider its findings.
- Stated further expert evidence should be sought, particularly from Lovell Chan who have assessed this property on more than one occasion.

Gary Busuttil

- Stated he was the owner of the London Hotel at 92 Beach Street and 2-4 Princes Street, Port Melbourne.
- Stated he has spent the past four years working on the project, thousands of hours and millions of dollars.
- Requested himself, his team and the community be given a fair and reasonable time to review the matter and that no further discussions take place without time to consider

Mary Ferlin

- Stated she was a resident of Port Melbourne and that many hours have been spent giving feedback by the community regarding the London Hotel.
- Stated that Lovell Chan did not do a specific study of the London.
- Stated there is an urgent risk of the London being demolished and the effect upon the community.

Rowan Groves

- Stated he was President of Port People and they fully support the recommendation because Port has lost a lot of its heritage over the last 25 years or so.
- Thanked Council for commissioning the study and listening to the views of the community.
- Thanked the owner of the London for his forbearance in not acting upon the demolition permit.



Moved Crs Horvath/Thomann

That Council:

- I.1 Writes to the Minister for Planning advising that it has now completed a heritage assessment of the London Hotel (92 Beach Street, Port Melbourne) which has found the place to be of local heritage significance, and that this warrants reconsideration of the need for interim heritage controls whilst permanent controls are progressed. Evidence of local cultural heritage significance, and Council's ability to now commit to progressing permanent controls, addresses the key grounds of the Minister's earlier decision not to apply interim heritage controls.
- I.2 Requests the Minister for Planning to prepare and approve Amendment C128 to the Port Phillip Planning Scheme, to apply an interim Heritage Overlay and associated controls to the property at 92 Beach Street, Port Melbourne. Amendment C128 will propose the following specific changes to the Port Phillip Planning Scheme on an interim basis:
- Application of an individual Heritage Overlay (HO 498) to land known as 92 Beach Street, Port Melbourne, through updating Port Phillip Planning Scheme Map 2HO and the Schedule to Clause 41.03 – Heritage Overlay.
 - Inclusion of a new Citation for 92 Beach Street, Port Melbourne, in the *Port Phillip Heritage Review* (Incorporated Document in the Planning Scheme).
 - Application of a 'Significant Heritage Place' grading to 92 Beach Street, Port Melbourne, to the *City of Port Phillip Heritage Policy Map*.
 - Removal of the 'Contributory outside of the HO' grading of 92 Beach Street, Port Melbourne, from the *City of Port Phillip Neighbourhood Character Map*.
 - Consequential changes to Clauses 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the schedule to Clause 81.01 (Documents incorporated in this scheme) to update the version number and date of the Incorporated Documents listed above.
- I.3 Resolves to prepare Amendment C133 to the Port Phillip Planning Scheme, pursuant to Section 8A of the *Planning and Environment Act 1987*, to apply a Heritage Overlay and associated controls to the property known as 92 Beach Street, Port Melbourne, on a permanent basis. The amendment will propose the changes to the Port Phillip Planning Scheme consistent with those detailed in paragraph I.2, excepting that changes would be made on a permanent basis.
- I.4 Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C133 to the Port Phillip Planning Scheme, pursuant to Section 8A of the *Planning and Environment Act 1987*, to apply a permanent Heritage Overlay and associated controls to 92 Beach Street, Port Melbourne.



- 1.5 Endorses the *London Hotel Cultural Heritage Values Assessment (Context Pty Ltd, 2016)* as the strategic basis for modified heritage controls proposed by Amendment C128 (interim heritage controls) and Amendment C133 (permanent heritage controls).

Authorises the CEO (or delegate) to finalise documentation for Amendment C128 (interim heritage controls) and Amendment C133 (permanent heritage controls) for the property at 92 Beach Street, Port Melbourne.

A vote was taken and the MOTION was CARRIED unanimously.

The Chairperson adjourned the meeting for a recess at 8.16pm.

The Chairperson resumed the meeting at 8.24pm.



9. NOTICES OF MOTION

Item 9.1

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

Eddie Micallef

- Stated he is President of the Beacon Cove Neighbourhood Association (BCNA) which has 350 members.
- Stated he has a strong background in hospitality industry and residents will not pay \$5.10 an hour for parking and local residents will not walk to the restaurants in the colder months.
- Stated the issue in 2013 when car parking was reduced was that it wasn't for long enough.
- Stated in 2000 when the restaurants were first built they were full every night and the carparks were filled, but they are only a third filled now, with some restaurants being vacant for three years.

Bill Fisher

- Spoke in favour of the Motion Cr Bond put forward and requested a more formal survey of businesses in the area to ensure business views are taken into account and report back from Officers to Council.

Richard Roberts

- Supports this motion and this is a vision for this city and the seashore is a prominent place which should be visited by as many people as possible from Melbourne and the world and restaurants are fantastic.
- Stated Council is wealthy due to rates being increased over the last four years and it can afford not to charge for parking and we need to support these businesses.
- Stated his strong support for the motion, this city can afford it, it should be done it shouldn't do a study, it should be done overnight and put it in place for five years.

Paul Littmann

- Stated in the last four years ten businesses have gone broke on the foreshore out of fourteen.
- Stated we are talking about a minimal amount in dollars and they were given an opportunity by Council to reduce rates by 50% over winter, however we could not get a permit from Council to tell people the rates were dropped by 50%.
- Stated Council should eliminate parking costs for five years and the people can promote this fact.

Moved Crs Bond/Voss

- I. Prepares a report for Councillors containing options to greatly reduce the cost and/or make free, the car parking in Waterfront Place, Port Melbourne immediately outside of Station Pier between the restaurants, and the Spirit of Tasmania loading yard.

A vote was taken and the MOTION was LOST.



Cr Bond requested a DIVISION.

For	Against
Cr Bond	Cr Horvath
Cr Voss	Cr Touzeau
	Cr Thomann
	Cr Stevens

A vote was taken and the MOTION was LOST.



8.4 OUTCOMES OF THE AUDIT & RISK COMMITTEE MEETING 23 JUNE 2016

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

Richard Roberts

- Stated there is reference to Charter Review however, there is a 2015 Charter on the website and requested it be updated.
- Asked if the Core Compliance Program Report and the Internal Audit Plan Report were publicly available? If not, for transparency can they please be made available and at a minimum can a summary of the reports be made available on the website?

Purpose

The purpose of this report is to bring to the attention of Council the matters addressed at the 23 June 2016 meeting of the City of Port Phillip Audit and Risk Committee.

Moved Crs Stevens/Thomann

That Council:

- 1.1 Receives and notes the report outlining the matters addressed at the 23 June 2016 Audit and Risk Committee meeting.

A vote was taken and the MOTION was CARRIED unanimously.



8.5 EMERALD HILL PROPOSED NAMINGS

Purpose

This report recommends commencing the statutory procedures that are necessary to name a reserve, a forecourt and two laneways in the Emerald Hill precinct.

Moved Crs Horvath/Touzeau

That Council:

- I.1 Authorises the Chief Executive Officer or delegate to make a request to the Registrar of Geographic Names for an exemption from Principle I(H) of the *Guidelines for Geographic Names 2010 Version 2*, in order to use first and surnames for “Tom Uren Lane” and “Doris Condon Lane”.
- I.2 Authorises the Chief Executive Officer or delegate to commence the public consultation process to name:
 - I.2.1 The reserve at 26-34 Emerald Hill Place as “Edythe McCallum Reserve”,
 - I.2.2 The forecourt in front of the Emerald Hill Library and Heritage Centre as “Harold Alexander Forecourt”.
 - I.2.3 The lane R2853 that runs alongside the reserve between Emerald Hill Place and Perrins Street, as “Tom Uren Lane” (or “Uren Lane” if the Registrar of Geographic Names doesn’t grant an exemption from Principle I(H)), and
 - I.2.4 The lane R2857 that runs alongside the reserve between Emerald Hill Place and Perrins Street, as “Doris Condon Lane” (or “Condon Lane” if the Registrar of Geographic Names doesn’t grant an exemption from Principle I(H)).
- I.3 Notes that a further report will be presented to Council once the consultation phases have been completed.

A vote was taken and the MOTION was CARRIED unanimously.



8.6 PALAIS THEATRE CAPITAL WORKS PROGRAM AND LEASE TRANSITION

Purpose

To provide Council with an update on the status of the capital works program, including seeking approval for additional landlord works funded through future rental returns. Also to provide an update on the implementation of the new lease.

Moved Crs Horvath/Stevens

That Council:

- 1.1 Notes as part of the site investigations undertaken, a number of additional landlord related works have been identified that, whilst not necessary for immediate operations of the building, make sense for improved amenity and cost efficiencies to be undertaken whilst the contractor is on site.
- 1.2 Notes that under the new lease, Council will receive \$875K rent per annum which will be used to fund Council's maintenance and renewal responsibilities over the long term.
- 1.3 Approves up to \$1.1M of additional expenditure, only after all project contingencies have been expended, and funded through the property acquisition and development reserve which will be replenished within the first two years of the new lease from rental payments. Works to include:
 - Replacement of flusher lines to header tanks
 - Hydraulic works to replace and upgrade sewers
 - Front façade lighting upgrades
 - Additional window repairs
 - Anti-graffiti coating to lower levels of facade
- 1.4 Approves the assignment of three of the eight Community Purpose Reservation days allocated to Council under the new Palais Theatre lease for 2017 to Sacred Heart Mission Charity Dinner, Sacred Heart Mission Heart of St Kilda Concert and the St Kilda Film Festival, to provide Council and the organisations with certainty whilst the process for allocation is developed.
- 1.5 Notes the progress, process and activities being undertaken to support a smooth transition into the new lease for the Palais Theatre.

A vote was taken and the MOTION was CARRIED unanimously.



10. REPORTS BY COUNCILLOR DELEGATES

Nil.

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As there was no further business the meeting closed at 9.26pm.

Confirmed: 23 August 2016

Chairperson _____