



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

7 JULY 2021



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL  
HELD 7 JULY 2021 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

**PRESENT**

Cr Crawford (Chairperson), Cr Baxter, Cr Bond, Cr Clark, Cr Copsey, Cr Cunsolo, Cr Martin, Cr Pearl, Cr Sirakoff.

**IN ATTENDANCE**

Peter Smith, Chief Executive Officer, Lili Rosic, General Manager Development Transport and City Amenity, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Kylie Bennetts, General Manager City Growth and Organisational Capability, Rachel Russell, Manager Governance and Organisational Performance, Kirsty Pearce, Head of Governance, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer, Dennis O’Keeffe, Chief Financial Officer, Lachlan Johnson, Executive Manager Construction, Contracts and Operations, Kathryn Pound, Acting Manager City Strategy, Design and Sustainability, Manohar Esarapu, Chief Information Officer.

*The City of Port Phillip respectfully acknowledges the traditional owners of the land we meet on. 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 Martin/Pearl**

That the following Minutes be confirmed:

- Minutes of the Meeting of the Port Phillip City Council held on 16 June 2021.
- Minutes of the Special Meeting of the Port Phillip City Council held on 23 June 2021.
- Minutes of the Special Meeting of the Port Phillip City Council held 28 June 2021.

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

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



#### 4. PUBLIC QUESTION TIME AND SUBMISSIONS

The following submissions were made verbally and can be listened to in full on our website:  
<http://webcast.portphillip.vic.gov.au/archive.php>

##### Public Question Time

- **Stephen Pennells:** With current compost bins nearing capacity, would Council like to trial a 245 litre Eco Tumbler dual compartment, easy turn(allegedly!) rotating compost bin at Centenary Reserve unfenced Community Gardens please?

*Lachlan Johnson, Executive Manager Construction, Contracts and Operations took the question on notice advising that he will provide a detailed response about the opportunities at Centenary Reserve. Noting that existing composting and community FOGO initiatives that may be relevant, and we also need to consider the opportunities as part of the community gardens guidelines policy.*

- **Jennifer Edge:** Submitted 3 public questions to Council:
  1. I currently receive the Agenda in hard copy format via post in a large express post envelope, can I have it in a smaller express post envelope which transmits quicker?
  2. I often have difficulty when accessing the Palais car park due to the area in front of the Palais being blocked by Live Nation Staff. Can Council request that Live Nation put out a sign beforehand notifying of when they intend to close access to the Palais Car Park, stating times of closing and reopening?
  3. Along the foreshore, the rubbish bins have been fitted with mini QR code stickers on each of the bins. Are the stickers a Council initiative, and can officers provide more detail to the community about what these stickers are for?

*The Mayor took the questions on notice.*

##### Council Report Submissions

##### **Item 13.1 Local Festivals Fund – Revised Guidelines Criteria**

- Rhonda Small
- Brenda Forbath
- Bill Garner
- Krystyna Kynst
- Ann Byrne

The following submissions were read out in summary by an officer:

##### Public Question Time

- **Adrian Jackson:** What is council doing to realistically reduce household waste? The 240L bins should be withdrawn from residences and replaced with 120 L bins before the next rates notice. I oppose the FOGO bin proposal as there should be no food waste and a third extra bin will require more staff to procure, maintain and distribute these bins to

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residents, and more rubbish collection services to collect three bins separately. What will happen to the food waste after it is collected from resident's properties?

*Lachlan Johnson, Executive Manager Construction, Contracts and Operations advised Councils 'Don't Waste It' waste management strategy outlines the initiatives projects and advocacy efforts that Council is implementing to reduce waste going to landfill in the City of Port Phillip. Under the State Government Circular economy policy 'Recycling Victoria', The City of Port Phillip like all Victorian Local Governments is required to provide a 'Food Organic and Garden Organics' (FOGO) service over the coming years. Simply rolling out an additional bin to all properties in the City of Port Phillip is not likely to deliver the outcomes within 'Don't Waste It'. Council is currently investigating how best this service can be delivered affectively and in a cost, efficient manner. Council has an ongoing kerbside FOGO service in Elwood serving approximately 400 properties, we're also trailing a communal food organics drop off service in some of the higher density areas in the municipality. Council is also working with owner's corporations and a number of high rise, multi-unit developments to trial specific kerbside food only collection services. Officers are currently evaluating these programs and using this information to inform and update to 'Don't Waste It' that will be completed later this year. Organics collected through these various initiatives, the green waste booked collection service and drop offs to the resource and recovery centre in South Melbourne are provided to a processor in South East Melbourne, the material is composted and depending on the quality of the product, made available for reuse in horticultural and landscape settings.*

- **Adrian Jackson:** Why is the Council increasing rates despite the hardship caused to businesses and residents affected by COVID-19 and associated government restrictions and periodic lockdowns?

*Dennis O'Keeffe, Chief Financial Officer advised that All other things being equal Council's cost of services grow each year in response to inflation. The rates cap essentially represents the allowance set by the State for councils to fund this inflation impact, through our key revenue source – rates. The 1.5% rates cap set by the Victorian Government applies to the total rates revenue that Council can raise in 2021/22. This excludes any additional properties added during the current financial year (2020/21). The rates increase is needed to fund the cost of services that Council wishes to provide to the community and fund a \$43 million capital portfolio program to ensure we look after our \$3.2 billion portfolio of community assets while “balancing” the budget over not only today but also the long[1]term. The cost of providing council services to our community are escalating at a higher rate than the rates cap, particularly in waste services due to landfill levy and associated costs. We have been able to offset the escalating costs through a continued strong focus on prudent financial management, careful prioritisation and commitment to productivity and efficiency. We have achieved \$2.3 million of efficiency savings in Budget 2021/22 in addition to the \$12.6 million over the four budgets of the previous Council (totalling cumulative savings of \$54 million. Council acknowledges the impact of COVID-19 and associated government restrictions and periodic lockdowns on many of our residents and businesses. For the 2021/22 Financial Year Council has increased the Pensioner rebate to \$200 and increased the one off waiver provision to \$1,500 to a maximum of 50% of General rates. Details on eligibility and application process for the waiver will be confirmed in 2021/22 Rates Notice. Council has also provided within its capacity, significant support to businesses impacted by COVID-19 over both 2019/20 and 202-/21 Financial years and will work with the Business Community in 2021/22 where applicable to support the economic recovery.*



- **Adrian Jackson:** What is the role of the Multicultural Advisory Committee as it relates to commonwealth responsibility?

*Tony Keenan, General Manager Community Wellbeing and Inclusion advised that the Multicultural Advisory Committee assists Council through providing advice and feedback on all issues that affect Port Phillip's multicultural communities. Council's Vision in its newly adopted Council Plan highlights that social cohesion, forged from understanding, celebrating and listening to the diverse cultures in our City, is a foundation for success. Community engagement during the development of the plan emphasised the benefits to Port Phillip of its culturally rich and diverse population. The Committee has been instrumental in guiding Council to focus Federal government attention and funding to support priority local outcomes. This includes use of Commonwealth Home Support Program - Sector Support and Development Funding to provide direct support for multicultural seniors' groups in Port Phillip and also Commonwealth COVID-19 Emergency Support funding to deliver Digital literacy programs and prevent social isolation. Whilst Council recognises the role of the Federal Government in Multicultural Affairs, this does not diminish the value the of Multicultural Advisory Committee in informing Council decision making.*

- **Moira Deeming:** Under Victorian law, is it legal for local government councils to provide sex based/targeted services and facilities separately to gender identity based/targeted services and facilities? If not, why not? For example, can we legally put signs on a set of public toilets declaring that one is for biological males (including males with an intersex condition), one is for biological females (including biological females with an intersex condition) and one is for people with transgender identities (of any biological sex)? If not, why not?

*Tony Keenan, General Manager Community Wellbeing and Inclusion advised that Council complies with all its obligations under relevant legislation. Both the Federal Sex Discrimination Act 1994, as amended by the Sexual Orientation, Gender Identity and Intersex Status Amendment Act, 2013 and Victorian Equal Opportunity Act 2010, anti-discrimination legislation prohibits discrimination on the basis of sex, gender identity or intersex status. Under these laws, it is discriminatory to require a person who is transgender to use a toilet, which does not align with their gender identity. The Gender Equality Act 2020, which is a Victorian legislation, highlights the need to redress disadvantage, address stigma, stereotyping, prejudice and violence against persons of different genders, and to enhance social participation by persons of different genders There will be a number of opportunities for Council to consider further improvements to ensure appropriate toilet facilities across the City. Council has recently endorsed the establishment of a LGBTIQ+ Advisory Committee and the development of a diversity and inclusion action plan and it is hoped that these initiatives will assist with this. Council will be reviewing its public toilet strategy in the near future and that will provide another opportunity to ensure toilets are compliant with our legal obligations and meets the needs of all members of the community.*

## **Item 13.1 Local Festivals Fund – Revised Guidelines Criteria**

- Gail Hastings



## 5 COUNCILLOR QUESTION TIME

**Councillor Cunsolo:** I've noticed that there isn't soap in our public toilets, for many such as those with young children to use, especially during this heightened time for hand hygiene during COVID. Why does Council not provide soap in Public toilets and what would be the process to change this?

*Lachlan Johnson, Executive Manger Construction Contracts and Operations, advised that Council used to provide soap and paper towels in public facilities but stopped doing so a number of years ago due to increased incidences of theft and vandalism. This was costing council approximately \$50k per annum and as such Council made the decision to end this service. If Councillors were to direct officers to investigate options, we would look into it and provide a report back to Council with an analysis of costs.*

## 6. SEALING SCHEDULE

### Item 6.1 Contract for Security Patrol Services

#### **MOVED** Crs Copsy/Pearl

That the Common Seal of the Port Phillip City Council be affixed to the contract with National Protective Services Pty Ltd.

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

## 7 PETITIONS AND JOINT LETTERS

Nil.



## 8. PRESENTATION OF CEO REPORT

### 8.1 Presentation of CEO Report - Issue 76

#### Purpose

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

#### MOVED Crs Pearl/Copsey

That Council:

- 3.1 Notes the CEO Report Issue 76 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in May 2021.

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

## 9. INCLUSIVE PORT PHILLIP

### 9.1 Multicultural Advisory Committee - Appointment of members for 2021 to 2024

#### Purpose

- 1.1 To re-appoint current Multicultural Advisory Committee (MAC) members and appoint new community members for the period 2021-2024, as detailed in Attachment 1: Multicultural Advisory Committee Member Nominations 2021-2024 (confidential).

#### MOVED Crs Baxter/Martin

That Council:

- 3.1 Endorses an extension of the 'expiry date' of the Multicultural Advisory Committee Terms of Reference to October 2021, to allow for a review by the incoming MAC and endorsement by Council of an updated Terms of Reference by this date.
- 3.2 Appoints Naomi Sherborne, Dr Helene Kammoun, Leonardo Pereira dos Santos, and Wellington Bertalha, community members to the MAC until the end of the current Council term (October 2024).
- 3.3 Reappoints Georgina Tsolidis, Alba Chilakhtine, Tina Khabbazian Zanjani, Altaf Ali Mohammed, James Seow, Anu Bajwa and Vasileios (Bill) Tsialtas, community members to the MAC until the end of the current Council term (October 2024).
- 3.4 Acknowledges the volunteer commitment of the outgoing MAC members.

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



## 10. LIVEABLE PORT PHILLIP

Nil.

## 11. SUSTAINABLE PORT PHILLIP

Nil.

## 12. VIBRANT PORT PHILLIP

### 12.1 Preparation and exhibition of Amendment C203port Planning Scheme Review

#### Purpose

- 1.1 For Council to request Ministerial Authorisation to prepare and exhibit Amendment C203port Planning Scheme Review to the Port Phillip Planning Scheme.

#### MOVED Crs Copsey/Martin

That Council:

- 3.1 Endorse the draft Municipal Planning Strategy, local policies and supporting documents as a basis for Amendment C203port to the Port Phillip Planning Scheme.
- 3.2 Resolve to prepare Amendment C203port to the Port Phillip Planning Scheme to implement the Planning Scheme Review, generally in accordance with the documentation at **Attachments 1-25**.
- 3.3 Delegates authority to the CEO to reflect any changes made by Council at tonight's meeting which are not reflected in **Attachments 1-25**, to make minor corrections and updates, and to make editorial changes that reflect any changed obligations to Council required by state government agencies.
- 3.4 Request the Minister for Planning to authorise the preparation and exhibition of Amendment C203port to the Port Phillip Planning Scheme, pursuant to Section 8A of the Planning and Environment Act 1987.
- 3.5 Place Amendment C203port on exhibition, in accordance with Section 19 of the Planning and Environment Act 1987, subject to Ministerial Authorisation.

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

## 13. WELL GOVERNED PORT PHILLIP

### 13.1 Local Festivals Fund - Revised Guidelines and Criteria

The CEO advised that in light of matters raised immediately prior to the meeting, and in accordance with Governance Rules 19 and 69, that he was seeking consent of the Mayor to remove the matter from the Agenda to obtain advice on the proposed resolution. The Mayor approved and the item was removed.





### 13.2 Proposed Discontinuance and Sale of Roads R3187 and Part R4053 Abutting 454-456 City Road, South Melbourne

#### Purpose

- 1.1 To consider whether the roads known as R3187 and part R4053 abutting 454-456 City Road, South Melbourne, being part of the land contained in certificate of title volume 1871 folio 161 shown as lots 1 and 2 on the title plan attached as Attachment 1 to this report (**Roads**), an excerpt of which is provided below, should be discontinued pursuant to the *Local Government Act 1989 (Vic)* (**Act**) and sold to the adjoining owner.

#### MOVED Crs Copsey/Pearl

- 3.1 That Council having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue the roads, being part of the land contained in certificate of title volume 1871 folio 161, shown as lots 1 and 2 on the title plan attached as Attachment 1 to this report (**Roads**):
  - 3.1.1 resolves to discontinue the Roads as it considers that the Roads are not reasonably required for public use for the reasons set out in the report;
  - 3.1.2 resolves to sell the discontinued Roads for market value of \$90,000 plus GST to the owner of 458-460 City Road, South Melbourne and 7 Wolseley Street, South Melbourne (**Owner**), that is a related entity to the owner of 454-456 City Road (**Neighbouring Owner**);
  - 3.1.3 notes that proceeds from the sale will go into Council's Strategy Property Reserves used to support the acquisition and development of the property portfolio;
  - 3.1.4 directs that a notice pursuant to clause 3 of Schedule 10 of the *Local Government Act 1989 (Vic)* is published in the *Victoria Government Gazette*;
  - 3.1.5 directs that the Chief Executive Officer or delegate signs an authorisation allowing Council's solicitors to execute transfer documents and any other documents required to be signed on Council's behalf in connection with the transfer of the discontinued Roads to the Owner;
  - 3.1.6 directs that any easements, rights or interests required to be created or saved over the Roads by any public authority be done so and not be affected by the discontinuance and sale of the Roads; and
  - 3.1.7 directs that the Owner be required to consolidate the title to the discontinued Roads with the title to the Owner's land within 12 months of the date of the transfer of the discontinued Roads.

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



### **13.3 Intention to Sell Parcel "A" (39-47 Camden Street Balaclava) - reporting of submissions in response to public notice**

#### **Purpose**

- 1.1 The purpose of this paper is to report and hear submissions from interested parties in response to a notice published in accordance with section 189 of the *Local Government Act 1989* ("Act") advising of City of Port Phillip's intention to sell land at 39-47 Camden Street, Balaclava, by exercise of a put option.

#### **MOVED Crs Crawford/Sirakoff**

That Council:

- 3.1 Notes that a notice has been given under section 189 of the *Local Government Act 1989* of Council's proposal to sell the land located at 39-47 Camden Street, Balaclava, by exercise of a put option.
- 3.2 Notes the written submission of response received by the end of the notice period (of 5pm on 31 May 2021).
- 3.3 Thanks the submitter for its submission.
- 3.4 Formally considers the submission received and heard in response to the notice at a subsequent meeting of Council, once Officers have had the opportunity to consider the feedback.

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

### **13.4 Notice of Intention to Sell 174 Nott Street, Port Melbourne: considering submissions of response**

#### **Purpose**

- 1.1 To consider submissions received in response to a notice published in accordance with section 189 of the *Local Government Act 1989* advising of City of Port Phillip's intention to sell its land at 174 Nott Street, Port Melbourne, and to determine whether to proceed with the sale of that property.

#### **MOVED Crs Martin/Crawford**

That Council:

- 3.1 Notes that it has received and considered the submissions in response to its Notice of Intention to Sell 174 Nott Street, Port Melbourne.
- 3.2 Resolves to sell 174 Nott Street, Port Melbourne, by public auction.
- 3.3 Authorises Officers to do all things necessary to enable the land to be sold.
- 3.4 Directs Officers to set the confidential reserve price at no less than the higher of two independent valuations.
- 3.5 In the sale of 174 Nott Street, Port Melbourne, authorises and delegates the Chief Executive Officer to enter into and sign all relevant contractual agreements, and



further provides the CEO the authority to on-delegate this power to another Officer if required to ensure that documents can be executed on the relevant day, given that the sale is by auction, and given the current pandemic environment.

- 3.6 Authorises the affixing of the Common Seal of Port Phillip Council to the relevant documents, should that be required.
- 3.7 Thanks the submitters for their submissions, and advises them of the decision to sell the land and the reason(s) for the decision.

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

## 13.5 Records of Informal Meetings of Council

### Purpose

- 1.1 The purpose of this item is to report to Council written records of Informal Meetings of Councillors at the City of Port Phillip.

### MOVED Crs Copsey/Martin

That Council

- 2.1 Receives and notes the written records of Informal Meetings of Councillors (attached).

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

## 13.6 Optus Billing Services Contract Variation

### Purpose

- 1.1 To seek Council's approval for Optus Billing Services Contract Variation for \$350,000 for essential mobile telecommunications services up to the end of the contract term in May 2022.

### MOVED Crs Martin/Copsey

That Council:

- 3.1 Approves a contract variation for \$350,000 for Optus Billing Services Contract N 0314, noting that this recommendation does not have an impact on Council's operational budget and is offset by savings through other projects.
- 3.2 Delegates authority to the CEO to undertake all actions required to implement this decision.

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



## 14. NOTICES OF MOTION

Nil.

## 15. REPORTS BY COUNCILLOR DELEGATES

Councillor Copsey reported as Council's delegate to South Eastern Climate Change Alliance (SECCA): Recently a number of Councils attended the SECCA leadership breakfast to discuss regional priorities for addressing climate risk. It was held online this year and we received a very informative presentation regarding insurance and the realities of managing climate risk across our region which is an issue that Council is aware of and looking to address within our recently adopted Council Plan. A really fantastic event, I look forward to meeting with them in person in future.

Councillor Martin reported to Council and commended the Older Persons Advisory Committee (OPAC) which had the first meeting of its new committee: We have 9 new members, the diversity within that committee is amazing, we are lucky to have a variety of people who are so keen and eager to volunteer their time to our Community.

Councillor Martin reported to Council as a Housing First board member: the people on the board are fantastic at putting together submissions to get social housing projects up and running. We've already got the Marlborough Street development up which I think is something we're all delighted about and there will be several very positive announcements coming out of Housing First in the near future.

Councillor Martin reported to Council as a member on the Bubup Womindjeka Family and Children's Centre Board: I was on a kindergarten board over 20 years ago and the level of expertise on this board is a hundred times greater than the board I sat on 20 - 25 years ago.

Councillor Martin reported to Council on the Arts for Kids Trust Group who have been working with some of the Children at Park Towers on some holiday project work: The Mayor and I saw a group of Children working with a ceramicist doing some fantastic work there.

Councillor Crawford reported to Council on the Linden New Art Board of Management: I wanted to mention there is an amazing exhibit of the works that Patricia Piccinini which is happening upstairs at Flinders Station. Although slightly outside of the Municipality, Patricia in the early days of her career was exhibited at Linden. It's very exciting to know that Patricia's work started here in the City of Port Phillip and I wanted to acknowledge the great work that Linden has done over a very long period for many fabulous artists in Australia.

Councillor Crawford reported to Council about a new advocacy group called M9 which is a grouping of 9 Inner City Councils and replaces IMAP: M9 is an advocacy body to work together on our mutual issues represented by the Mayor and CEO. That's a new undertaking that we have committed to for the next 12 months and I'm excited to see the possibilities within this group.

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**16. URGENT BUSINESS**

Nil.

**17. CONFIDENTIAL MATTERS**

Nil.

As there was no further business the meeting closed at 7.30pm.

Confirmed: 21 July 2021

Chairperson \_\_\_\_\_