



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

2 JUNE 2021



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD VIRTUALLY ON 2 JUNE 2021**

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, Emily Williams, Council Meetings Officer, Joanne McNeill Executive Manager Property and Assets. Dennis O'Keeffe, Chief Financial Officer.

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.

The Mayor welcomed attendees to the meeting and noted that as the meeting will be conducted entirely online via WebEx, voting on all motions will be under Division, where the Chair will call upon Councillors individually in rotating alphabetical order to state their vote.

1. APOLOGIES

2. CONFIRMATION OF MINUTES

MOVED Crs Copsey/Martin

That the minutes of the Meeting of the Port Phillip City Council held on 19 May 2021 be confirmed.

The vote was taken under division

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION WAS CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



4 PUBLIC QUESTION TIME AND SUBMISSIONS

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

Public Question Time:

- **Bernadette Hickey:** I would like to ask CEO and Councillors why it is necessary, fair and proportionate to increase the residential rate by 3.8% in the proposed budget compared with the overall 2 % statutory rate cap. Could the CEO please outline the cost savings which were investigated as an alternate to proposing this excessive increase in rates on residential properties?

Dennis O'Keeffe, Chief Financial Officer advised The Draft Budget 2021/22 proposes an increase in Council's Revenue from rates of 1.5% as per the prescribed maximum rate cap set by the Victorian State Government. The actual increase for individual ratepayers will depend on the relative value of their property as set by the Victorian Valuer-General effective 1 January 2021 as a percentage of the total valuation of all properties in the Municipality. Council is proposing delivering efficiency savings of \$2.3m in the draft budget on top of \$12.6m achieved in the four years prior helping to keep rates within the rate cap which expenses such as waste and construction costs have significantly exceeded. In order to fiscally position Council to deliver to the Community the proposed services that are detailed in the proposed Council Plan and budget a number of savings initiatives have been included in the Draft Budget which has recently been with the Community for consultation. The Community Feedback will be tabled at the Special meeting of Council on June 8 2021.

- **Helen Hickey:** My rates keep rising at levels that breach the State Government cap. I'm told they rise again by 4.5% this year, this is wrong and people can't afford level of local government taxation any more. What is council doing to cut spending, and take this financial stress off elderly rate payers like me, I want a rate waiver like that given to Live Nation's lease operating the Palais.

Dennis O'Keeffe, Chief Financial Officer advised that his response to this question is similar to the previous question. Council has a financial hardship policy to provide assistance to those ratepayers experiencing financial hardship, with additional support to pensioners. The policy and details and how to apply for assistance are on the Councils website. If I can speak to recent experience myself in dealing with the community's request for rate waivers under that policy, I do understand the significant financial stress that many within our community are dealing with. Council within its remit and capability is trying to address as best as possible those in extreme financial hardship.

- **Paul Hickey:** Four years ago I have a list of errors, mistakes and disregard when we tried to get our fence repairs. It took 2 years to get approval, it crossed 4 different Council departments, who lost the plans 3x's and I had to buy 7 different permits. . What's been done to address that bureaucracy, and the repeated failures that I and many rate payers experience ?

Lili Rosic, General Manager Development Transport and City Amenity advised Council is continually working to improve our services, in particular to ensure consistency, responsiveness and timely resolution of customer's requests. Since 2017, I can advise that we have undertaken customer journey mapping with customers and Council Officers to streamline and simplify our processes, particularly in relation to our high service transactions including planning and building. More specifically we have:

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- *improved our internal communications between teams and staff and improved communications and information for customers.*
- *developed new improved Website forms, content, search and navigation functions making it easier for customers to interact with Council and understand what they might need to do.*
- *The improved online services has resulted in reduced handling times and the faster issuing of simple permits (i.e. via our Vic Smart and Fast Track processes and concierge processes for businesses).*
- *Implemented staff training in customer service uplift, so our staff can provide a better level of customer service*
- *We have implemented improvements to our Customer Request Management making it easier for Council staff to track and provided a quicker resolution of issues.*

Over the coming months we will be implementing new customer facing and back office processes and technology as part of our Customer Experience Program. This new program will deliver, a series of further online improvements including payment options, application lodgment, a service portal and tracking for customer requests. I am pleased to add that we have also implemented a new Customer Service Charter.

- **Krystyna Kynst:** At the last Council meeting on 19 May, Council said it had received inquiries about the Local Festival Fund grant approvals which led officers to review the grant process, including eligibility criteria for applicants. I note that Councillors discussed the “proposed revised criteria and guidelines for the ‘Local Festival Fund’ at an informal meeting held at 7:00pm on 12 May, 2021. Will the revised criteria and guideline be released for public comment? If yes, when? If not, why not? What principles is Council relying on to define ‘political nature’ of a community group’s activities? Will the revised criteria and guidelines extend to the ‘political nature’ of the content of proposed Local Festival Fund events? Last meeting Council prevented a resident from reading out a Councillor quote from the online weekly publication TWISK of 17 May. Respecting that directive, I have distributed a screen shot of the quote and a link to the full story to Councillors. What is the Council’s position on Councillors expressing personal opinions, under their Councillor title, about community groups they dislike or disagree with? Is the Councillor’s comment reflective of Council’s 12 May discussion about the revised Local Festival Fund criteria?

Kylie Bennetts, General Manager City Growth and Organisational Capability advised that the revised criteria and guidelines will be brought to an upcoming Council Meeting where members of the public will be able to comment. With respect to what those criteria and guidelines will contain, officers are still working through those at the moment and will certainly be able to provide further information on the content of those in due course. Under Council’s Media Protocol, Councillors are free to express their personal opinions to the media, providing they do not purport to speak on behalf of the wider Council. With respect to the discussion at the 12 May briefing, officers sought feedback on several matters including criteria, definition of the term ‘festival’, and selection panel and approval processes.

- **Justin Halliday:** Council’s papers show that the draft budget for the next 4 years entrenches compounding inequity of capital investment across the City of Port Phillip. Areas like Ripponlea investment of only \$29 per resident, compared to Port Melbourne with over \$1,200 per resident. How does council ensure that capital investment is equitably shared across City of Port Phillip residents?

Dennis O’Keeffe, Chief Financial Officer advised that Council develops the annual capital program through prioritising our investment based on asset condition data as well as allocating funding to respond to growth. From year to year the investment in any particular



neighbourhood will fluctuate depending on the condition of the assets in the area as well as the ongoing service needs. Capital expenditure per capita should not be looked at in isolation as the level of Council owned and managed assets in a neighbourhood will directly impact the level of investment that is required.

Council Report Submissions:

Item 7.1 Petition – Neighbourhood Community Laneway garden, Park Street, South Melbourne

- Julie Pugh

Item 14.2 Proposed Tenancy Agreement with Lady Forster Kindergarten Incorporated

- Allison Prasser

The following submission was read out in summary by an officer:

Public Question Time:

- **Beverly Grant:** Why is it proposed to increase the rate revenue next financial year, at a time when so many people are experiencing financial hardship due to the effects of the pandemic? Should not council salaries be frozen, staffing numbers be held constant or reduced, and fringe projects be scrapped or postponed?

Dennis O’Keeffe, Chief Financial Officer advised that The Draft Budget 2021/22 proposes an increase in Council’s Revenue from rates of 1.5% as per the prescribed maximum rate cap set by the Victorian State Government. In order to fiscally position Council to deliver to the Community the proposed services that are detailed in the proposed Council Plan and budget a number of savings initiatives have been included in the Draft Budget which has recently been with the Community for consultation. The Community Feedback will be tabled at the Special meeting of Council on June 8 2021. Council has a Financial Hardship Policy to provide assistance to those ratepayers experiencing Financial Hardship with additional support for pensioners. The Policy and details on how to apply for assistance are on the Council’s website. With respect to the statement regarding freezing staff numbers and expenses, there are 2.3m in efficiency savings that are in the proposed budget, but also recognising the significant savings over the last 4 years of the previous Council of over \$12m. Senior officers have a keen focus on managing the resources of the city in a sustainable manner, that we look to the future and long-term growth, and that we don’t forget the people who are doing it tough, and provide support that we can within the remit of Council.

5 COUNCILLOR QUESTION TIME

Councillor Pearl asked officers to provide an update on installation of lighting in Tarver Street, Port Melbourne.

Chris Carroll, General Manager Customer Operations and Infrastructure took the question on notice.

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Councillor Pearl asked in relation to school crossings from Fishermans Bend to Port Melbourne Primary School. I understand there is currently an investigation into school crossings and pathways to the Secondary school. Having met residents in Fishermans Bend this week, there is concern about Williamstown Road safe passage to the Primary School. Can the CEO advise of any plans to work with the State Govt to ensure those pathways are safe?

Peter Smith, Chief Executive Officer, advised that Council is meeting shortly with VicRoads around pedestrian safety at the Secondary School, and will raise the Primary School issue at the same meeting.

Councillor Pearl asked if the CEO could provide an update on Fishermans Bend precinct planning that is due from the State Government.

Peter Smith, Chief Executive Officer advised that Council is still waiting for the Minister to sign off on the draft precinct plan ahead of consultation. Council is undertaking strong advocacy to get the report brought to Council and to be put out for community consultation. Current advice from the Government suggests it will be around six weeks away.

Councillor Martin asked a follow-up question from the previous Council Meeting, 19 May, where a question was asked about Council staffing, and the Chief Financial Officer advised staffing had gone up by 1% FTE over the past 5 years. Over the last 5 years, the population has gone up by 11%; does that indicate that our staffing per head of population had dropped by 10%? If that's the case, has this resulted in a reduction of Council services by 10% or has this achieved an increase in productivity?

Dennis O'Keeffe, Chief Financial Officer advised that he is not aware of any significant diminution to core services during that period, although there have been significant efficiency savings. He took the remainder of the question on notice.

Councillor Martin asked: given the number of questions we receive at Council on financial issues, it is possible to place on our website an Essential Services Commission publication entitled "Local Council Outcomes Report"?

Dennis O'Keeffe, Chief Financial Officer advised that this is a public document available on the Essential Services Commission website. Officers are considering options to provide that in some form on the website, and will be taking a proposal to the Executive regarding this in the coming weeks.

Councillor Cunsolo asked: I saw a video on local social media this week of a near miss of a cyclist at St Kilda Junction, and have heard of a death in the same area last year. Has Council developed an advocacy plan to the State Government for a bike lane to protect cyclists heading north at the Junction? And if so what is included?

Lili Rosic, General Manager Development Transport and City Amenity advised that Council has written on numerous occasions to the Minister and also more recently to the Secretary of the Department of Transport (DoT) advocating for a safe bicycle corridor to be delivered on St Kilda Road. We most recently wrote in December to the DoT. Officers are also discussing the St Kilda Road corridor with the DoT at our regular meetings. We recognise the safety concerns. With the release of the State Government's new budget, it provides another opportunity for Council to advocate for additional investment to ensure safety of cyclists in that area is addressed and we have a bicycle corridor delivered.

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Councillor Baxter asked to clarify in regard to earlier questions from the public what the actual overall rates increase from Council is, and how that can affect or not affect people's individual rates?

Dennis O'Keeffe, Chief Financial Officer advised that the State Government under its rate capping framework has put a limit on Councils - unless they make an application through a different process through the Essential Services Commission - to an increase on total revenue, limited to whatever is prescribed by the Minister in Local Government for that budget year. For 21/22, the Minister has prescribed that Councils can only lift their rates revenue by 1.5% based on the rate from the previous year. That is the total amount of rates, however individual ratepayers will pay an amount based on the value of their property as valued by the Valuer-General Victoria at 1 January each year, and will pay the value of their property as a percentage of the value of all properties in the municipality. So notwithstanding that the City of Port Phillip can only increase its total rate revenue by 1.5%, it's possible that some ratepayers may have a rate decrease, some may have an increase up to 1.5%, and others may have an increase above the 1.5%. And that is linked to their property value.

Cr Baxter: To clarify, a statement that Council is raising residential rates by 4.5% is totally incorrect?

Dennis O'Keeffe confirmed this is incorrect.

Councillor Baxter: Regarding misinformation being circulated online, especially regarding rates. What can we do as a Council to combat misinformation?

Peter Smith, Chief Executive Officer advised our job as local government is to communicate clearly and educate the community. Issues around rates and valuations are difficult concepts to understand. In terms of being able to correct misinformation on social media pages, that's up to the owner of those pages. Generally we would use our own social media and media website to try and educate people. Our job is to make sure our own information is accurate and to be available to answer any questions, including through the Public Question Time function at Council.

Councillor Sirakoff: In regard to the Draft Budget, is it true that the rate in the dollar will be increased by 2.4%? And if you own a residential property, and your property neither increases or decreases in value, your rates will go up by 2.4%? And if your property value goes by 2%, then your rates are likely to go up by 4.5%?

Dennis O'Keeffe, Chief Financial Officer took the question on notice, to provide the figures outlined in the draft budget .

Peter Smith Chief Executive Officer clarified that there is a difference between a rates cap increase of 1.5%, which is on total revenue collected, and a rate in the dollar increase, which is dependent on a number of variables, including a) the amount of revenue that we're seeking to raise, b) the total valuations across the city, and c) the number of rateable properties.

Chris Carroll, General Manager Customer Operations and Infrastructure added that the rates cap is on existing ratepayers only. We also have growth in the ratepayer base which is outside the cap, in terms of additional properties that are added to the municipality, so the rates take can be a mix of the rate increase on existing ratepayers plus new ratepayers.



6 SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Item 7.1 Petition - Neighbourhood Community Laneway Garden, Park Street, South Melbourne

A Petition containing 12 signatures was received from local residents.

MOVED Crs Pearl/Martin

That Council:

- 1 Receives and notes the petition
- 2 Thanks the community for their petition and acknowledge the health and community benefits and social connectiveness delivered by community gardens.
- 3 Advises the petitioners that they can commence an application for a Community Garden under the Community Garden Assessment Guidelines
- 4 Notes that Officers' advice is that the current proposal would likely not comply with these guidelines, as the proposed garden is on land falls under the regulation of the Road Act and is not made by an incorporated association or auspiced by a community group
- 5 Advises the residents that they could undertake these gardens on the nature strips outside their properties under Council's Nature Strip Guidelines. Officers can provide advice on this.
- 6 Requests Council officers to provide further options for community gardens in laneways via a report to Council.

AMENDMENT

MOVED Crs Cunsolo/Baxter

- 7 Requests officers to speak further to the petitioners and bring a report back to Councillors on this particular laneway.

The vote was taken under division

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION WAS CARRIED unanimously.

The Amendment became the Substantive Motion.

- 1 Receives and notes the petition
- 2 Thanks the community for their petition and acknowledge the health and community benefits and social connectiveness delivered by community gardens.
- 3 Advises the petitioners that they can commence an application for a Community Garden under the Community Garden Assessment Guidelines



- 4 Notes that Officers' advice is that the current proposal would likely not comply with these guidelines, as the proposed garden is on land falls under the regulation of the Road Act and is not made by an incorporated association or auspiced by a community group
- 5 Advises the residents that they could undertake these gardens on the nature strips outside their properties under Council's Nature Strip Guidelines. Officers can provide advice on this.
- 6 Requests Council officers to provide further options for community gardens in laneways via a report to Council.
- 7 Requests officers to speak further to the petitioners and bring a report back to Councillors on this particular laneway.

The vote was taken under division

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION WAS CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 75

Purpose

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

MOVED Crs Martin/Copsey

That Council:

- 3.1 Notes the CEO Report Issue 75 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in April 2021.

The vote was taken under division

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION WAS CARRIED unanimously.

9. PEOPLE AND COMMUNITY

Nil.

10. TRANSPORT AND PARKING

Nil.



11. SUSTAINABILITY

Nil.

12. PLANNING

Nil.

13. ARTS CULTURE & ECONOMIC DEVELOPMENT

Nil.

14. ORGANISATIONAL PERFORMANCE

14.1 Proposed Tenancy Agreements - Various Children's Services/ Childcare Centres and Kindergartens.

Purpose

1.1 To seek Council's approval to commence the statutory procedures under the *Local Government Act 1989 (Vic)* (**Act**) for the granting of new tenancy agreements (**Proposed Tenancy Agreements**) for:

- Ada Mary A' Beckett Children's Centre Inc at 2 Batman Road, Port Melbourne;
- Clarendon Children's Centre Co Op Ltd at 410 Clarendon Street, South Melbourne (aka 404-412 Clarendon Street, South Melbourne);
- Poets Grove Family and Children's Centre Inc. at 18 Poets Grove, Elwood;
- Lilian Cannam Kindergarten Inc at 97 Eastern Road, South Melbourne;
- Albert Park Pre-School Centre Inc. at 18 Dundas Place, Albert Park;
- South Melbourne Child Care Co-Operative Limited at 5-11 Carter Street, Albert Park; and
- Pre School Assn Middle Park Inc (Civic Kindergarten) at 254-256 Richardson Street, Middle Park,

(individually and collectively referred to in this report as "**Tenant**" and "**Tenants**", respectively).

MOVED Crs Crawford/Copsey

That Council:

3.1 Resolves that the statutory procedures be commenced under section 190 of the *Local Government Act 1989 (Vic)* (**Act**) for the new tenancy agreements (**Proposed Tenancy Agreements**) summarised below by publishing a notice in The Age newspaper inviting interested persons to make a submission under section 223 of the Act:

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Tenant	Premises	Permitted Use	Commencement Date	Term	Rent
Ada Mary A' Beckett Children's Centre Inc	2 Batman Road, Port Melbourne	Children's services and associated activities	1 July 2021	To 31 December 2022	\$10 per annum plus GST, if demanded
Clarendon Children's Centre Co Op Ltd	410 Clarendon Street, South Melbourne (aka 404-412 Clarendon Street, South Melbourne)	Children's services and associated activities	1 July 2021	To 31 December 2022	\$10 per annum plus GST, if demanded
Poets Grove Family and Children's Centre Inc	18 Poets Grove, Elwood	Children's services and associated activities	1 July 2021	To 31 December 2022	\$10 per annum plus GST, if demanded
Lilian Cannam Kindergarten Inc	97 Eastern Road, South Melbourne	Kindergarten	1 July 2021	To 31 December 2022	\$10 per annum plus GST, if demanded
Albert Park Pre-School Centre Inc.	18 Dundas Place, Albert Park	Kindergarten	1 July 2021	To 31 December 2022	\$10 per annum plus GST, if demanded
South Melbourne Child Care Co-Operative Limited	5-11 Carter Street, Albert Park	Childcare centre	1 July 2021	To 31 December 2022	\$10 per annum plus GST, if demanded
Pre School Assn Middle Park Inc (Civic Kindergarten)	254-256 Richardson Street, Middle Park	Kindergarten	1 July 2021	To 31 December 2022	\$10 per annum plus GST, if demanded

- 3.2 Notes that the proposed term for each Tenant aligns with the three-year transitional arrangement endorsed by Council on 4 September 2019 in relation to the Every Child, Our Future: Children's Services Policy subject to aligning the dates of the leases to the same date on the acknowledgment that the lease may be terminated in the event that the premises, building fabric or other unexpected exigency is deemed to be a risk to any person.
- 3.3 Notes that the proposed rent of \$10 per annum plus GST (on-demand) helps support the continuous provision of childcare services;
- 3.4 Notes that the Proposed Tenancy Agreements have funding deeds that will expire on 31 December 2022;
- 3.5 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; and
- 3.6 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.



The vote was taken under division

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION WAS CARRIED unanimously.

14.2 Proposed Tenancy Agreement with Lady Forster Kindergarten Incorporated at 63B Ormond Esplanade, Elwood

The following question was taken on notice during discussion of the item:

Councillor Clark asked if other residents can still use this garden on weekends or after hours after this new agreement?

Joanne McNeill, Executive Manager Property and Assets took the question on notice

Purpose

- 1.1 To seek Council's approval to commence the statutory procedures under the *Local Government Act 1989 (Vic)* (**Act**) for the granting of a new tenancy agreement (**Proposed Tenancy Agreement**) with Lady Forster Kindergarten Incorporated (**Tenant**) at 63B Ormond Esplanade, Elwood (**Premises**).

MOVED Crs Martin/Baxter

That Council:

- 3.1 Resolves that the statutory procedures be commenced under section 190 of the *Local Government Act 1989 (Vic)* (**Act**) for the new tenancy agreement (**Proposed Tenancy Agreement**) summarised below by publishing a notice in The Age newspaper inviting interested persons to make a submission under section 223 of the Act:

Tenant	Lady Forster Kindergarten Incorporated
Premises	All that land shown outlined in yellow and red on the attached plan at 63B Ormond Esplanade, Elwood
Permitted Use	Area outlined in yellow – kindergarten and associated activities Area outlined in red – community garden and associated activities
Term	From 1 July 2021 to 31 December 2029
Rent	\$104 per annum plus GST

- 3.2 Notes that Council at its meeting on 18 September 2019 endorsed support for the Tenant's continued use of the kindergarten premises in line with the Elwood Foreshore Redevelopment Plan and requested that Officers develop and implement an advocacy strategy for an extension of the Tenant's existing tenancy agreement beyond 2022 on the basis that:

- 3.2.1 Demand modelling indicates that there is a need for kindergarten services in the area;



- 3.2.2 At this time, there are no viable facilities that would adequately meet demand for kindergarten services in the area (particularly with the increase of three-year old kindergarten); and
- 3.2.3 The Tenant provides a high-quality kindergarten service to over 100 children and has embraced its beachside location in the development of its curriculum which is dependent on its coastal location.
- 3.3 Notes that the community garden area that is currently on a separate licence issued to the Tenant is now added in to form part of the leased Premises;
- 3.4 Notes that the proposed rent of \$104 per annum plus GST helps support the continuous provision of a kindergarten facility and a community garden which aligns with Council Property Policy;
- 3.5 Notes that the Proposed Tenancy Agreement will be on terms and conditions similar to the current lease and generally in accordance with Council's Property Policy;
- 3.6 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; and
- 3.7 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

The vote was taken under division

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION WAS CARRIED unanimously.

14.3 119 Neville Street, Middle Park - Removal of Land Parcel from the Road Register

Purpose

- 1.1 The purpose of this report is to seek approval from Councillors on the proposed removal of land parcel R1991 (**Land**) abutting 119 Neville Street, Middle Park (**119 Neville Street**) from Council's Register of Public Roads (**Register**).

MOVED Crs Crawford/Bond

That Council:

- 3.1 Notes that the land abutting 119 Neville Street, Middle Park, also known as R1991 on Council's Register of Public Roads (Register), being part of the land in Certificate of Title volume 7224 folio 704, (Land) was included in the Register in 2004 when the Register was first gazetted.
- 3.2 Notes that the Land does not meet the common law test for "public highway" as it cannot be argued that the Land is reasonably required for public use nor was it expressly dedicated to the public use as a right of way (as opposed to a private laneway) and accepted by the public as a right of way by way of historical public use (as opposed to use by the adjoining owners only).



- 3.3 Notes that unlike other situations where a road, once discontinued, would then be sold by Council, in this case it is considered that the Land, which is burdened by a passage-way easement, should not have been put on the Register in the first place. If the Land is not considered as a road under the common law test, it cannot be discontinued and sold.
- 3.4 Acting under section 17(4) of the Road Management Act 2004 (Vic), resolves that the land abutting 119 Neville Street, Middle Park, also known as R1991 on the Register, being part of the land in Certificate of Title volume 7224 folio 704, be removed from the Register on the basis that the Land is not reasonably required for general public use, as:
- 3.4.1 The Land is not a thoroughfare and has never been used for general public use, having been fully fenced within the physical boundary of 119 Neville Street, and only being required to provide access to one neighbour as a passageway easement marked on the certificate of title for 119 Neville Street.
- 3.4.2 The Land is not constructed as a road and is not maintained by Council as a road. It does not connect roadways as it is a dead end and is not wide enough for vehicles to pass through.
- 3.5 Authorises the removal of the Land from the Register and Council's IntraMaps application

The vote was taken under division

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION WAS CARRIED unanimously.

14.4 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 Pearl/Martin

That Council

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

The vote was taken under division

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Sirakoff, Copsey, Martin, Pearl and Clark

AGAINST: Nil

The MOTION WAS CARRIED unanimously.



15. NOTICES OF MOTION

Nil.

16. REPORTS BY COUNCILLOR DELEGATES

Councillor Baxter reported as the Municipal Association of Victoria representative: The MAV recently held their State Council, which is held twice a year, and it was my first experience at a state Council. It was a great day where we took on some strong advocacy positions on behalf of local governments across Victoria. Port Phillip's position was represented well, and I hope to do that again soon.

Councillor Martin reported on behalf of the Housing First board: It has been an eye-opener how much work goes into contract negotiations but by early next week we should know the identity of the successful tenderer for the Marlborough Street housing project and exciting work will be underway.

Councillor Cunsolo attended the Environmental Leaders meeting on 1 June: They have postponed their pitch night and graduation until after lockdown, but I was really impressed to hear their visions for the program, inspiring regarding leadership and sustainability.

17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 8:04pm.

Confirmed: 16 June 2021

Chairperson _____