



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

6 OCTOBER 2022



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL  
HELD 6 OCTOBER 2022 IN ST KILDA TOWN HALL AND VIRTUALLY  
VIA WEBEX**

The meeting opened at 6:30pm.

**IN ATTENDANCE**

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

Chris Carroll, Interim Chief Executive Officer, Brian Tee, Acting General Manager City Growth and Development, Felicity Leahy, Acting General Manager Community Wellbeing and Inclusion, Lachlan Johnson, Acting General Manager Customer Operations and Infrastructure, Claire Stevens, General Manager Governance and Organisational Capability, Michelle Rysanek, Senior Project Manager Strategic Projects, Mitch Gillett, Workplace Experience Lead, Samuel Yeo, Council Business Officer, Emily Williams, Council Business Advisor.

*The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.*

**REQUESTS TO ATTEND BY ELECTRONIC MEANS**

**MOVED Crs Pearl/Cunsolo**

That Council approves the request to attend the meeting electronically received from Councillor Baxter..

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

**1. APOLOGIES**

Nil.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Pearl/Bond**

That the minutes of the Meeting of the Port Phillip City Council held on 7 September 2022 be confirmed.

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



### 3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

### CONDOLENCE MOTIONS

#### HER MAJESTY QUEEN ELIZABETH II

After 70 years of service as Head of state in the United Kingdom and 14 other Commonwealth countries, including Australia. Her Majesty Queen Elizabeth II sadly passed away on September 8th at the age of 96.

#### MOVED Crs Pearl/Bond

That Council

- Expresses its deep regret on the passing of Her Majesty Queen Elizabeth II
- Offers its sincere condolences to her family
- Places on record its appreciation for her service

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

#### UNCLE JACK CHARLES

Actor, musician and Victorian Aboriginal elder Uncle Jack Charles sadly passed away on September 13th, at the age of 79.

#### MOVED Crs Baxter/Pearl

That Council

- Expresses its deep regret on the passing of Uncle Jack Charles
- Offers its sincere condolences to his family
- Places on record its appreciation for his service to the City of Port Phillip.

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

### 4. PUBLIC QUESTION TIME AND SUBMISSIONS

Public questions are summarised below. The 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:

- **Peter Koetsier:** Are there plans to alter traffic flow around St Vincent place South, Albert Park? Many cars are using St Vincent's Street & Merton street as a short cut, especially at peak times. They often travel at speed and due to the curved nature of the street it is impossible for motorists to see people using the park or crossing the road. Considering the playground, children are at particular risk as they enter and leave the park. Has the council considered the addition of simple measures such as traffic islands/refuges to slow traffic and clear signage on speed?

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*John Bartels, Acting Manager Partnerships and Transport advised that Council Officers have not been made aware of any recent unsafe vehicle speeds or increased volumes of traffic along St Vincent Place South prior to this public question being raised. Council's traffic engineers have confirmed that that fortunately there have been no crashes involving pedestrians reported in the last five years. Because of this, there are no current proposals to implement interventions to slow traffic or provide additional crossing opportunities in this location.*

*However, in response to the public question, Council's traffic engineers will investigate the concerns raised. This will involve a site visit in the coming weeks and for car traffic data to be collected in this location and reported back to Council officers. The findings of this investigation, including any recommended interventions to encourage safer vehicle speeds will be brought back to a forthcoming Council meeting.*

- **Dennis Jones:** As a member of the Port Melbourne road safety committee, I would like to thank Council for the implementation of the new mobile CCTV system. Has all of the funding for that system been allocated in the use of that system, and are there funds available for the purchase of a second system, to allow for greater coverage as we move into the "hooning season".

*Brian Tee, Acting General Manager City Growth and Development advised that Council works closely with Victoria Police to minimize honing. The mobile CCTV system is moved from time to time to areas of greatest need, which are determined in consultation with the police. The camera will be expanded shortly to include license plate recognition to assist police in their enforcement role. Police also have a separate mobile camera which can be used in the City of Port Phillip from time to time, when required. Council does not have plans to purchase another camera at this time.*

*The Mayor noted that the resolution by Council was to purchase a single unit, and that Council would have to provide direction to purchase another unit if that were deemed to be appropriate.*

- **Alex Darton:** How will the council go about integrating and promoting the use of grey water throughout the City of Port Phillip?

*John Bartels, Acting Manager Partnerships and Transport advised Council is committed to exploring all types of alternative water supply including rainwater, stormwater and wastewater (black and grey water). Each recycled water opportunity is explored for its technical and financial feasibility. One example is in Fishermans Bend, where South East Water have started planning for a recycled water plant and network, and Council are exploring uses of this recycled water. This is part of the integrated approach to water management for Fishermans Bend embed in the State Government's Water Sensitive City Strategy for this urban renewal area.*

*Furthermore, Council has partnered with 31 other Victorian Councils on the Elevating ESD Targets Project. A project to influence the design of private developments by setting Environmentally Sustainable Development (ESD) requirements through the Planning Scheme. This project includes setting new standards for water efficiency and potable water demand reduction, including optimising the reuse of water onsite.*



**Council Report Submissions:**

**Item 10.1 St Kilda Marina - Submission for Landlord Approval - Consideration of the Revised Changes to the Lease Concept Design**

- Philip bird
- Peter Tanner
- Peter Holland
- Geoff Gowers
- Trevor White

**5. COUNCILLOR QUESTION TIME**

Nil.

**6. SEALING SCHEDULE**

Nil.

**7. PETITIONS AND JOINT LETTERS**

Nil.

**CHANGE TO ORDER OF BUSINESS**

*The Mayor advised the order of business within "Presentation of Reports" would be altered to consider items where there is public interest.*

**10. LIVEABLE PORT PHILLIP**

**10.1 St Kilda Marina - Submission for Landlord Approval - Consideration of the Revised Changes to the Lease Concept Design**

**Purpose**

- 1.1 To seek approval of key changes proposed to the lease concept design for the redevelopment under the new St Kilda Marina lease that have been revised since the last Council Meeting on 20 July 2022 when they were not approved by the Landlord.

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

**Councillor Cunsolo** asked whether overshadowing of the bay trail, bike, and walking path had been considered already, or will that be part of the planning approval process, statutory to that proposed second story addition to the northern building of the Marine Parade retail strip?

*Michelle Rysanek, Senior Project Manager Strategic Projects took the question on notice.*

**MOVED Crs Bond / Crawford**

That Council:

- 3.1 Notes that there are two parts to the landlord approval process for the St Kilda Marina redevelopment:

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- Items Council approves (key changes to the concept approved with the lease) to progress to the planning stage
  - Items that are approved by Officers under delegation (detailed review of the documentation and alignment to the St Kilda Marina Site Brief and Planning Scheme requirements) to progress to the planning stage
- 3.2 Notes that a landlord approval pack prepared by AMDC, the tenant and developer, was presented to Council at a public meeting on 20 July 2022 when Council was asked to consider material departures from the lease approved concept.
- 3.3 Notes that of the eleven design changes presented, three were not approved, and it is these elements plus the revised overall development plan that Council is asked to consider.
- 3.4 Conditionally approves the following material departures from the lease approved concept for the St Kilda Marina, with the requirement that all the identified issues and actions detailed within Section 4 of this report are resolved prior to completion of the planning approval process:
- 3.4.1 Peninsula Promenade modifications including the turning circle
  - 3.4.2 New foreshore building and second storey addition to the northern building of the Marine Parade retail strip
  - 3.4.3 The floating venue
- 3.5 Notes there is an element of the submission, circulation to and at the public boat ramp, that is approved by Council officers under delegation to progress to the planning stage, with conditions attached to resolve the design to the satisfaction of the Landlord.
- 3.6 Notes that the outcomes from this Council Meeting combined with the outcomes from the 20 July 2022 Council meeting complete that Landlord Approval response to the tenant until such time as a future landlord approval submission is made.
- 3.7 Notes that any substantial changes to the design approach that result from the tenant addressing the issues listed in the report or any issues raised through an authority approval process or at the tenant's instigation will require a re-submission to be made for Landlord Approval.
- 3.8 Notes that Officers will issue a formal response to the landlord approval submission by the tenant detailing the above.
- 3.9 Notes the staging for the redevelopment works as defined in Section 4 of this report.
- 3.10 Thanks the Australian Marina Development Corporation (AMDC) for the revised elements of the landlord approval submission and the work they are doing to deliver the significant community, environmental and financial benefits agreed within the lease between Council and AMDC, and wishes them well in their management of the site and endeavours to obtain planning approval.

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

**Cr Copsey called for a DIVISION.**

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

**AGAINST: Crs Baxter and Copsey**

**The MOTION was CARRIED.**



## 8. PRESENTATION OF CEO REPORT

### 8.1 Presentation of CEO Report – Issue 89

#### Purpose

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

#### MOVED Crs Pearl / Martin

That Council:

- 3.1 Notes the CEO Report Issue 89 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in August 2022.

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

## WITHDRAWAL OF REPORTS

*The Mayor advised that the following items have been removed from tonight's agenda:*

- 10.2 Palais Theatre Luna Park Precinct – Completion of Statutory Road Closure Process
- 13.2 Councillor Expenses Monthly reporting August 2022

## 9. INCLUSIVE PORT PHILLIP

Nil.

## 11. SUSTAINABLE PORT PHILLIP

Nil.

## 12. VIBRANT PORT PHILLIP

### 12.1 Presentation of Annual Report - Palais Theatre Year 5

#### Purpose

- 1.1 To present the Annual Report as required by the Lease for the activities undertaken by Live Nation at Palais Theatre for the period ended 31 March 2022.

#### MOVED Crs Bond / Sirakoff

That Council:

- 3.1 Accepts and notes the Palais Theatre Annual Report and declares it is satisfied with the activities undertaken by Live Nation for the period ended 31 March 2022.

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





### **13. WELL GOVERNED PORT PHILLIP**

#### **13.1 In Principle approval of the Annual Financial Statements 2021/22 and Performance Statement 2021/22**

##### **Purpose**

- 1.1 To obtain Council's in principle approval of the annual financial statements and performance statement for the financial year ending 30 June 2022.

##### **MOVED Crs Pearl / Bond**

That Council:

- 3.1 Gives in principle approval to the annual financial statements and performance statement (the statements) for the financial year ended 30 June 2022.
- 3.2 Authorises the Mayor, Councillor Marcus Pearl, and Deputy Mayor, Councillor Tim Baxter or delegates to certify the annual financial statements and performance statement for the financial year ended 30 June 2022.
- 3.3 Approves the materiality threshold in the performance statement at +/- 10 percent of Council's 2020/21 result for the explanation of variances between the 2021/22 and 2020/21 result.
- 3.4 Authorises the Mayor and Chief Executive Officer to certify the Governance and Management checklist.

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

#### **13.3 Appointment of Authorised Officer Pursuant to the Planning and Environment Act 1987**

##### **Purpose**

- 1.1 To approve a new appointment as an Authorised Officer pursuant to the *Planning and Environment Act 1987*.

##### **MOVED Crs Pearl / Crawford**

That Council:

- 3.1 Approves the attached Instrument of Appointment and Authorisation.
- 3.2 Affixes the common seal of Council to the Instrument of Appointment.

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





#### **13.4 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 as required by the Governance rules

##### **MOVED Crs Pearl / Martin**

That Council

- 2.1 Receives and notes the written records of Informal Meetings of Council (attached) as required by the Governance Rules.

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

#### **13.5 South Melbourne Market Governance Review**

##### **Purpose**

- 1.1 To seek Council endorsement of the recommended governance model for the South Melbourne Market, changes to delegations and approach to implementation.

##### **MOVED Crs Pearl / Cunsolo**

That Council:

- 3.1 Resolves to continue with a South Melbourne Market Advisory Committee (Option Two), incorporating the proposed changes to delegations as described in Attachment Two.
- 3.2 Notes that the South Melbourne Market Instrument of Delegation and Charter will be updated and brought to Council for adoption.
- 3.3 Notes that the South Melbourne Market Advisory Committee membership will be refreshed through a phased recruitment and appointment approach, commencing with the appointment to the position of Committee Chair, and that all proposed appointments will come to Council for approval.

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

#### **14. NOTICES OF MOTION**

Nil.



## 15. REPORTS BY COUNCILLOR DELEGATES

Councillor Martin reported to Council as the delegate for the Older Persons Advisory Committee (OPAC) that this week is Victorian Seniors Week and there is a smorgasboard of activities taking place. He encouraged people, regardless of age, to attend the events.

Councillor Baxter reported to Council on the actions of City of Port Phillip's Environmental Leaders Program, the second such for 2022. Councillors attended the evening, where the members pitched their environmental projects, which was a success. Some of the existing projects are now flourishing, such as the Port Phillip Pickers, who pick olives from trees on Council land and press them into oil. Councillors were presented with some of the first press of olive oil from that program, which will both promote sustainable harvesting and also make use of the olives which otherwise fall from the trees.

## 16. URGENT BUSINESS

Nil.

## 17. CONFIDENTIAL MATTERS

### RECOMMENDATION

That Council resolves to move into confidential to deal with the following matters pursuant to section 66(2) of the *Local Government Act 2020*:

#### 17.1 Rupert Bunny Fund Visual Arts Fellowship and Special Program Funding Recommendations

3(1)(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

#### 17.2 Procurement of Contractor for Towing Obstructing Vehicles and Vehicles from Clearways

3(1)(h.) A matter which the Council or special committee considers would prejudice the Council or any person.

The meeting closed to members of the public at 7:36pm.

The meeting reopened at 7:43pm.

As there was no further business the meeting closed at 7:44pm.

Confirmed: 19 October 2022

Chairperson \_\_\_\_\_