



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

16 NOVEMBER 2022



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL  
HELD 16 NOVEMBER 2022 IN ST KILDA TOWN HALL AND  
VIRTUALLY VIA WEBEX**

The meeting opened at 6:30pm.

**PRESENT**

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

Chris Carroll, Interim Chief Executive Officer, Kylie Bennetts, General Manager City Growth and Development, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Brian Tee, Acting General Manager Customer Operations and Infrastructure, Joanne McNeill, Acting General Manager Governance and Organisational Capability, Xavier Smerdon, Head of Governance, Emily Williams, Council Business Advisor, Samuel Yeo, Council Business Officer, Sandra Khazam, Diversity Officer, John Bartels, Acting Executive Manager City Planning and Sustainability, Lauren Bialkower, Manager City Growth and Culture.

*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, both past and present. We acknowledge and uphold their continuing relationship to this land.*

**REQUESTS TO ATTEND BY ELECTRONIC MEANS**

**Moved Crs Martin / Sirakoff**

That Council approves the request to attend the meeting virtually received by Councillor Crawford.

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

**1. APOLOGIES**

Councillor Copsey is taking a leave of absence from 10 November to 28 November 2022 inclusive.

Councillor Crawford joined the meeting virtually at 6:44pm.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Pearl/Bond**

That the minutes of the Meeting of the Port Phillip City Council held on 2 November 2022 and the Special Meeting of Council held on 9 November 2022 be confirmed.

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



### 3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

### 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/archivephp>

#### Public Question Time:

**Helen Halliday:** In relation to the medians for roads under the jurisdiction of VicRoads:

- Why have some areas been given a rough cut and when will the whole city be made safe?
- What agreements have been reached with the Department of Transport (DoT) to ensure continuing maintenance of VicRoads medians?
- What capacity does the City have to set standards for these works including new trees needed in areas such as Brighton Road?
- Given the poor perception of the city that residents have as a result of this 'stand-off', when will the matter be reviewed in accordance with the CoPP's overall goal to make the city greener, cooler and safer.?

*John Bartels, Acting Executive Manager City Planning and Sustainability, advised that the Department of Transport have advised us that it has commenced grass cutting of medians on State controlled roads, including Brighton Road, within the City of Port Phillip and expects the grass cutting to be completed by the end of next week. Due to the sustained wet weather the Department are encountering roadsides that are heavily saturated and its machinery may be unable to completed the cut. We will return to any of these locations to complete the work. The Department of Transport are also undertaking work at garden beds along the following roads;*

- Princess Highway
- Ferris Street
- Princess Highway East
- Graham Street and Hoddle Highway and
- Nepean Highway
- Canterbury Road
- Beach Road
- Bay Street
- St Kilda Road

*This work has commenced and is expected to be completed mid-December. It is possible that some of this work that has been completed prior to the grass cut may give the impression of incomplete work.*

*The Department of Transport has a schedule of maintenance that provides for grass cutting of maintenance 4 times per year. Council officers continue to strongly advocate to the Department of Transport in relation to improving its level of service for the maintenance of its assets. This occurred most recently at an executive level meeting this morning with an agreement for a senior officer from the Department to meet with our CEO in the near future to further progress resolution on this issue.*

*Brighton Road is one of a number of State controlled roads. Because of this Council has no powers to set standards for tree planting, grass cutting or other asset maintenance by the Department of Transport.*



*Council officers are working hard to secure a suitable asset maintenance arrangement for State controlled roads within the municipality. As I mentioned earlier senior staff including the CEO are advocating to executive levels of the Department of Transport to secure increased State Government funding for maintenance of these State controlled roads. in order to elevate the service levels to better align to the expectation of Council and our community.*

## **5. COUNCILLOR QUESTION TIME**

Nil.

## **6. SEALING SCHEDULE**

Nil.

## **7. PETITIONS AND JOINT LETTERS**

Nil.

## **8. PRESENTATION OF CEO REPORT**

Nil.

## **9. INCLUSIVE PORT PHILLIP**

### **9.1 Multicultural Advisory Committee new appointments and endorsement of Terms of Reference**

#### **Purpose**

- 1.1 To endorse the appointment of new community members to the Multicultural Advisory Committee for the period 2022 - 2024 (refer to confidential Attachment 1).
- 1.2 To endorse updated Terms of Reference for the Multicultural Advisory Committee (refer to Attachment 2).

#### **MOVED Crs Baxter/Martin**

That Council:

- 3.1 Appoints recommended nominees to the Multicultural Advisory Committee as outlined in Confidential Attachment 1.
- 3.2 Appoints recommended nominees to the Multicultural Advisory Committee pool as outlined in Confidential Attachment 1.
- 3.3 Endorses the updated Terms of Reference for the Multicultural Advisory Committee provided as Attachment 2 to this report.
- 3.4 Acknowledges the volunteer commitment of the outgoing MAC members.

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



## 9.2 Community Grants Program 2022/23 Recommendations

### Purpose

- 1.1 To seek Council endorsement of the recommendations made by the Community Grants Assessment Panel for funding of applicants for the Community Grants 2022-2023 Program.

### MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Endorses the Community Grants Assessment Panel's funding allocation recommendations for the Community Grants 2022-23 Program, as detailed in Attachment 1.
- 3.2 Makes public the list of successful applicants for the Community Grants 2022-23 Program on Council's website.
- 3.3 Endorses reallocation of the residual \$19,679 funding from the Community Grants 2022-23 Program for potential allocation under the Quick Response Grants Program.
- 3.4 Formally thanks the voluntary members of the Community Grants Assessment Panel for their valuable time and contribution to the community life of the City of Port Phillip.

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

## 9.3 Northport Oval Crowd Capacity

### Purpose

- 1.1 To review the current restrictions and limitations on crowd numbers at North Port Oval (NPO) and provide Councillors with options to increase the capacity of the site on event days to 6,000 people.

### MOVED Crs Bond/Martin

That Council:

- 3.1 Notes that North Port Oval has capacity of accommodate crowds of 2000 people with current fixed infrastructure and up to 6000 with additional temporary infrastructure.
- 3.2 Notes the limitations with crowd capacity is compliant to Building Code regulations and statutory regulations.
- 3.3 Notes that all users of the site need to comply with the National Construction Code site capacity requirements, and that this may include the need for them to hire additional facilities.
- 3.4 Notes the limitations of the site for large events without additional infrastructure.
- 3.5 Undertakes a minor upgrade to sanitary facilities and fencing to make the fixed infrastructure compliant for a capacity of up to 2000 patrons.
- 3.6 Endorses funding of \$100k to undertake these works.
- 3.7 Includes consideration of increasing sanitary facilities in the NPO Upgrades project which is due to begin feasibility and design early 2023.

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



## 10. LIVEABLE PORT PHILLIP

### 10.1 Love My Place Recommendations 2022/23

#### Purpose

- 1.1 To present the recommended Love My Place grant recipients for 2022/23 for Council's approval.

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

That Council:

- 3.1 Endorses the recommended successful applicants as proposed by the Love My Place Evaluation Panel as outlined in Confidential Attachment 1.
- 3.2 Releases details on the successful recipients of the Love My Place Grants Program from confidence once all applications have been advised of the outcome of their application and those successful have confirmed their ability to proceed with their application.
- 3.3 Thank all applicants who participated in the 2022/23 round for Love My Place Grants Program.

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

### 10.2 Moubray Street Community Park - Road Discontinuance Submissions

#### Purpose

- 1.1 To consider feedback from those who have made submissions on the proposed discontinuance of Moubray Street, between Withers Street and Bridport Street West, Albert Park.

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

That Council:

- 3.1 Notes that on 7 September 2022, Council resolved to commence the process for the discontinuance of Moubray Street, between Withers Street and Bridport Street West, Albert Park; and its removal from Council's Register of Public Roads.
- 3.2 Receives and considers all written and verbal submissions to the proposed discontinuance of Moubray Street to facilitate the creation of the Moubray Street Community Park.
- 3.3 Extends its gratitude to all submitters.
- 3.4 Notes that officers will bring back a report for consideration for Council at a future meeting on the discontinuance of Moubray Street.

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

## 11. SUSTAINABLE PORT PHILLIP

Nil.



## 12. VIBRANT PORT PHILLIP

### 12.1 St Kilda Esplanade Market Annual Report 2021 - 2022

#### Purpose

- 1.1 To present the St Kilda Esplanade Market Annual Report 2021 – 2022 to Council.

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

**Cr Pearl:** Is there a current Strategic plan that the Esplanade Market is working towards?

*Lauren Bialkower, Manager of City Growth and Culture took the question on notice.*

#### MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Notes and receives the St Kilda Esplanade Market Annual Report 2021- 2022 and Market budget figures.
- 3.2 Notes that Officers and the Reference Committee will continue to work together in building visitation and income opportunities for the Market.

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

### 12.2 Cultural Development Fund (CDF) Projects Grants 2022/2023 Recommendations

#### Purpose

- 1.1 To present the recommended Cultural Development Fund-Projects grant recipients for 2022/23 for Council's approval.

#### MOVED Crs Crawford/Bond

That Council:

- 3.1 Endorses the recommended successful applicants (project numbers 1) as proposed by the Cultural Development Fund Committee for the Cultural Development Fund – Projects grants for 2022/23 as outlined in Confidential **Attachment 1**.
- 3.2 Endorses the recommended successful applicants (project numbers 2 to 18) as proposed by the Cultural Development Fund Committee for the Cultural Development Fund – Projects grants for 2022/23 as outlined in Confidential **Attachment 2**.
- 3.3 Notes that in the event a successful applicant is not able to proceed with their project, the Committee's highly commended applications are recommended for funding in the order as outlined in Confidential Attachments 1 and 2.
- 3.4 Makes public successful applicants for the Cultural Development Fund - Projects grants 2022/23 following an applicant notification process.
- 3.5 Thanks the Cultural Development Fund Reference Committee for their work in assessing applications and making recommendations to Council.
- 3.6 Thanks all applicants who participated in the 2022/23 funding round of the Cultural Development Fund.

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



## 12.3 Creative and Prosperous City Strategy 2023-2026

### Purpose

- 1.1 To seek Council's endorsement of the Creative and Prosperous City Strategy 2023-2026.

### MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Endorses the Creative and Prosperous City Strategy 2023-2026 (Attachment 1)
- 3.2 Thanks the community and key stakeholders for the feedback they provided in shaping this Strategy.
- 3.3 Authorises the CEO to make minor amendments that do not change the nature or intent of the Strategy and to make the document publicly available via Council's communications channels.

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

## 12.4 Outdoor Trading (Dining) Policy

### Purpose

- 1.1 To seek Council's endorsement of the Outdoor Trading (Dining) Policy.

### MOVED Crs Clark/Martin

That Council:

- 3.1 Endorses the Outdoor Trading (Dining) Policy (Attachment 1).
- 3.2 Notes that Officers will now commence work on revised Parklet and Footpath Trading Guidelines incorporating the agreed outcomes of this Policy and that these will be the subject of engagement.
- 3.3 Authorises the CEO to make minor amendments that do not change the nature or intent of the Policy and to make the document publicly available via Council's communications channels.

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

## 13. WELL GOVERNED PORT PHILLIP

### 13.1 Status of Council Decisions and Questions Taken on Notice recorded by Council: 1 July - 30 September 2022

### Purpose

- 1.1 To provide Councillors with an update on the status of all Resolutions passed by Council at Council and Planning Committee Meetings between 1 July 2022 and 30 September 2022 and the status of actions that were previously reported as outstanding in the last quarterly status report.





- 1.2 To provide Council with an update on the status of Questions Taken on Notice during Council Meetings from 1 July 2022 and 30 September 2022 and the status of questions taken on notice that were previously reported as outstanding in the last quarterly status report.

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

**Cr Bond:** In relation to a resolution from 6 July 2022 regarding a fence that will interface with Gasworks and the new proposed Primary School. Can officers advise if this will come back to Councillors for a decision, and if so when?

*Chris Carroll, Interim Chief Executive Officer took the question on notice.*

**MOVED Crs Martin/Pearl**

That Council:

- 3.1 Notes the implementation status of Council and Planning Committee Resolutions as contained in Attachments 1 and 2.
- 3.2 Notes the response status of questions taken on notice during Council Meetings as contained in Attachment 3.

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

## 13.2 Management of Legal Services

### Purpose

- 1.1 To note the Chief Executive Officer's determination that the management of legal services meets the 'extraordinary circumstance' provision in the Procurement Policy.

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

**Cr Pearl:** In relation to the overall budget, can officers confirm if we are within budget for legal expenditure for this financial year?

*Chris Carroll, Interim Chief Executive Officer advised that we are currently working to an overall organisational budget where there is a fair degree of variability on our legal spend each year. Legal expenditure is often supplemented through project expenditure, we may not have budgeted for legal expenditure but we ensure that it is within the project spend and the overall organisational budget. Specifically if we are within budget for this financial year, Mr Carroll took the question on notice.*

**MOVED Crs Bond/Pearl**

That Council notes that:

- 3.1 In accordance with Clause 4.3 (b) of the City of Port Phillip Procurement Policy, the interim CEO has deemed the procurement of legal services from Maddocks and Best Hooper an extraordinary circumstance.
- 3.2 The interim CEO has endorsed an exemption for Maddocks Lawyers up to \$500,000 and Best Hooper up to \$200,000 above normal Procurement Policy requirements.
- 3.3 Any new legal matters will be referred to providers on the MAV Procurement Legal Services Panel.

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



## 14. NOTICES OF MOTION

### 14.1 Notice of Motion – Councillor Tim Baxter – Fossil Fuel Advertising Ban

#### **MOVED Crs Baxter/Crawford**

That Council:-

1. Ban fossil fuel advertising in the City of Port Phillip, to the extent that it has control over such advertising and valid mechanisms to do so. Specifically, this includes taking steps to:
  - 1.1 Add “Fossil Fuel products or services” to the list of sponsorship exclusions under the St Kilda Festival Sponsorship Policy, and
  - 1.2 Add to the terms and conditions of Venue Hire for City of Port Phillip Town Hall the condition that “Fossil Fuel promotion or advertising will not be permitted “to ensure temporary advertising signage at City of Port Phillip Town Halls does not promote Fossil Fuel, and
  - 1.3 Ensuring Fossil Fuel products are excluded from any commercial advertising opportunities that may be managed by Port Phillip into the future.

#### **PROCEDURAL MOTION - ADJOURNMENT OF DEBATE INDEFINITELY**

#### **MOVED Crs Martin/ Cunsolo**

1. That this matter be adjourned until further notice.

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

**Cr Baxter called for a DIVISION.**

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

**AGAINST: Crs Baxter and Crawford**

**ABSTAINED Cr Bond**

**The MOTION was CARRIED.**

### 14.2 Notice of Motion – Councillor Tim Baxter – Southeastern Councils Biodiversity Network

#### **MOVED Crs Baxter/Martin**

That Council receives a report at the earliest possible opportunity exploring the establishment of a Southeastern Councils Biodiversity Network (consisting of the cities of Hobson’s Bay, Melbourne, Port Phillip, Kingston, Frankston, Mornington Shire and Bayside). The network to be comprised of Councillors and supported by Council officers from the network councils in the Southeastern metropolitan region, with the purpose of:

- information sharing
- collaboration in relation to joint projects
- advocacy in relation to common objectives
- work with State and Federal Governments on environment initiatives

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- explore wildlife corridors across the region
- engage with traditional owners across the region

**Cr Baxter called for a DIVISION.**

**FOR:** Crs Baxter, Crawford, Cunsolo, Martin and Pearl

**AGAINST:** Crs Sirakoff and Clark

**ABSTAINED** Cr Bond

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

## 15. REPORTS BY COUNCILLOR DELEGATES

Nil.

## 16. URGENT BUSINESS

Nil.

## 17. CONFIDENTIAL MATTERS

**MOVED** Crs Bond/Martin

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 Alma Park Public Toilets - Exceptional Circumstances declared (Procurement Policy)

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.

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

The meeting was closed to the public at 7:47pm.

The meeting reopened at 7:57pm.

As there was no further business the meeting closed at 7:57pm.

Confirmed: 7 December 2022

Chairperson \_\_\_\_\_