



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

15 SEPTEMBER 2021



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MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 15 SEPTEMBER 2021



MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD VIRTUALLY ON 15 SEPTEMBER 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, Brian Tee, Acting 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, Dennis O'Keeffe, Chief Financial Officer, Rachel Russell, Manager Governance and Organisational Performance, Rebecca Purvis, Acting Head of Governance, Emily Williams, Council Meetings Officer, Anthony Traill Manager Open Space, Recreation and Community Resilience, Lauren Bialkower, Manager City Growth and Culture, Lachlan Johnson, Executive Manager Construction Contracts and Operations, Jim Maclean, Coordinator Building Maintenance, Anthony Savenkov, Head of Real Estate Portfolio (Development & Transactions), Joanne McNeill, Executive Manager Property and Assets, Zoe O'Mahoney, Coordinator Sustainable Policy, Claire Stevens, Executive Manager People Culture and Safety.

The City of Port Phillip respectfully acknowledges the Traditional Owners of this land. 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/Baxter

That the minutes of the Meeting of the Port Phillip City Council held on 1 September 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

Peter Smith, Chief Executive Officer, declared an interest in item 13.8 CEO Employment and Remuneration Policy. Mr Smith advised that he would withdraw his chair during discussion of the item and that Claire Stevens, Executive Manager People Culture and Safety will assume his chair for the remainder of the meeting.

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:

- **Colin Sindall:** Regarding the resolution to council from the recent port Phillip climate emergency action network (pecan) online forum on local climate action. My question is: in light of the resolution. Will Council commit to partnering with the community to co-design a comprehensive local response to the latest IPCC report and help lead and accelerate local climate action?

Kylie Bennetts, General Manager City Growth and Organisational Capability advised that Council's commitment to sustainability and the climate emergency are outlined in the Council Plan, and strategies such as Act and Adapt, Greening Port Phillip and Don't Waste It. In the 2021/22 Council Plan, Council has allocated more than \$20.9M to contribute to climate action and a summary of this work is outlined in the Council Plan. At this point in time there are no specific plans to develop a standalone Climate Emergency Plan. If Council wished officers to undertake the creation of a standalone plan or understand what would be required to achieve this outcome, this would require that a notice of motion is put forward by a Councillor, and if passed officers would undertake the decision of Council accordingly.

- **Deborah Sykes:** Would Council work with our community to consolidate, integrate and update its various plans, strategies and reports to develop a comprehensive Climate Emergency Action Plan, which maps out a clear plan of urgent action to address climate change?

Kylie Bennetts, General Manager City Growth and Organisational Capability advised that as previously mentioned, if a Councillor wished to explore the proposals that have just been put forward by both Colin and Deborah, they would need to put forward a notice of motion. If that was passed by Council, officers would action that accordingly.

Council Report Submissions:

Item 7.1 Petition Response – Hoon Driving

- Tim Norman
- Bill Fisher

Item 10.1 Conservation Management Plan: South Melbourne Town Hall

- Carolyn Hutchens

Item 12.2 Skyline Ferris Wheel Application

- Jay Jones



Item 13.4 South Melbourne Town Hall: Outcome of Negotiation with ANAM

- Carolyn Hutchens
- Nick Bailey
- Adair Bunnett
- David Brand
- Stephen Pennells
- Alan Renshaw
- Michael Sabada

Item 13.5 Councillor Expenses Monthly Reporting – June and July 2021, and Response to Council Resolution Relating to Childcare Provisions of the Councillor Expenses and Support Policy

- Rhonda Small
- Joanne Slatter

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

Public Question Time:

- **Josh Szental:** If a Councillor attacks a resident on social media, are they breaking the code of conduct or any other Council rules? Are Councillors who use social media accounts other than their primary account used for Council purposes still bound by the same set of rules? What processes are in place in Council to handle complaints of this nature from residents in the city, and how does Council advertise these to residents so they are aware of how to make a complaint? If a Councillor is found to breach council rules, what actions are available to the CEO, Council, or external bodies to ensure Councillors act within the rules and do not bring the City into disrepute? Are there any additional consequences for Councillors that repeatedly break Council rules?

Kylie Bennetts, General Manager City Growth and Organisational Capability advised that under Standard 1 of the Councillor Code of Conduct – Treatment of Others, Councillors undertake to treat others, including members of the community with dignity, fairness, objectivity, courtesy and respect. Amongst other things Councillors undertake to not engage in abusive, obscene or threatening behaviour in their dealings with others.

It is difficult for officers to comment on whether a particular interaction would be a breach of the code as officers are not involved in the assessment of allegations. The Councillor Code of Conduct that was adopted by Council in February 2021 has both an internal and external process. The Mayor (for informal) or the Principal Conduct Registrar who is independent of Council (for formal) considers the matter based on an assessment of any allegations made.

The Councillor Code of Conduct applies to a Councillor who is conducting the business of Council or conducting the business of the office to which they have been elected or appointed and or acting as a representative of Council.

At this point in time Council does not have a Media or Social Media Policy and this was recently noted by Council through the Psychological Safety Policy that was passed several meetings ago. Officers will be discussing the development of a Media and Social Media Policy with Councillors shortly.

In the past from time to time officers have provided advice to Councillors about ways to ensure separation between the roles Councillors hold and the various social media accounts

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they may use for the different roles they hold. Officers would recommend that all users of social media be mindful of legislation that governs the use of social media and digital communications.

With respect to resolution processes these are outlined in the Councillor Code of Conduct, which is available on Council's website. In short, access to the informal and formal resolution process through the Code of Conduct is only available to Councillors. As community concerns are not able to be considered through this mechanism, the Code highlights that any community concerns are best directed to an external agency, for concerns of this nature the Local Government Inspectorate would probably be the most appropriate external body.

Within the Code of Conduct, this outlines the actions available if a breach of the Code is found as an outcome of a formal process. An arbiter can recommend a range of actions from requiring a Councillor to issue an apology, suspension from office or an office holding / position for a period of time to directing a Councillor to undertake training or counselling.

With respect to the last question, this would depend on the individual circumstances and would need to be considered on a case by case basis and typically would be action as a result of a formal process independent from Council.

- **Adrian Jackson:** What will be the ramification for Port Phillip if the F1-GP in Albert Park Reserve scheduled for November is cancelled? Ramification include financial, if any, by Port Phillip for road closure support etc. but also for foreshore Summer events and festivals that to may have to be cancelled to follow the F1-GP 's lead?

Lauren Bialkower, Manager City Growth and Culture advised that the Formula Grand Prix scheduled for November has already been cancelled, with the Premier making this announcement in July. The major financial cost to Council is the lost economic impact opportunity for local traders. No events or festivals were scheduled for this period and none are dependent on the Grand Prix in general. The Grand Prix relies heavily on interstate and international tourism to make it viable. Council does not have the same dependence on such visitors for our own events.

- **Adrian Jackson:** Given visitor numbers to Port Phillip over Summer for events and festivals, what protection from COVID19 being brought in from other municipalities will be available for Middle Park residents, like road closures similar to that for the F1-GP, during large event like the St Kilda Festival?

Lauren Bialkower, Manager City Growth and Culture advised that all events including the St Kilda Festival will be guided by the Victorian Government's COVID-19 Public Events Framework. This sets out the procedures we must adhere to in delivering a COVID safe event. Our COVID safe plan will include, but not be limited to, a number of COVID safe event controls including those relevant to public transport hub, car parks, ventilation of indoor spaces, food and beverage preparation and service areas, stages and any other areas that encourage congregation and co-mingling.

- **Adrian Jackson:** Playgrounds in the past used to have apparatuses made of long lasting steel. This equipment lasted for decades and need no replacement which was less cost to ratepayers. In the 1980's this equipment was removed and replaced with plastic equipment. Plastic is susceptible to vandalism. Will Council ensure that new playground equipment is more useful and not just pretty to look at?



Anthony Traill Manager Open Space, Recreation and Community Resilience advised that Play value and accessibility are more important than our old style play structure, some of these steel structures do deteriorate quite quickly in a foreshore environment. Our playground renewal program looks to achieve a combination of robust, safe and sustainable equipment with nature based play opportunities integrated for supporting child development outcomes as a priority. We ensure all our equipment is maintained, renewed and installed to Australian standards.

Council Report Submissions

Item 11.1 Cleaning of Council Buildings and Amenities

- Jennifer Edge

Item 13.7 In Principle Approval 2020/21 Annual Financial Statements and 2020/21 Performance Statement

- James Woollett

5. COUNCILLOR QUESTION TIME

- **Councillor Martin:** As a follow up from Councils 2020 declaration of a climate emergency, will Council put together a public document which summarises what Council is currently doing as at September 2021, to mitigate climate change. This includes information that is published within documents such as Councils *Act and Adapt Sustainable Environment Strategy*, its *Greening Port Phillip* document and *Don't Waste It Strategy*. Will Council develop a City of Port Phillip climate emergency action plan, perhaps using the summary document referred to in the previous question? What timelines and costs will be involved if Council were to go down this path? If Council was developing such a Climate Emergency Plan, would Council be able to incorporate key funding strategies from the plan in its next Council budget?

Kylie Bennetts, General Manager City Growth and Organisational Capability advised that as mentioned in response to public questions earlier in the meeting, there are currently no specific plans to develop a standalone climate emergency plan. If Councillors wished officers to undertake a standalone plan or interested in understanding what might be required to achieve these outcomes. Potentially a range of different outcomes that Council could consider in terms of size and scope for that piece of work. It is recommended that a Councillor puts a notice of motion to Council. If that was passed and depending what was outlined by the Council, then officers would undertake the decision of Council accordingly.

- **Councillor Martin:** What action can Councillors take when they are subjected to attacks via social media by members of the public?

Peter Smith, Chief Executive Officer, advised that there are a number of laws and regulations, most of these commonwealth laws around digital media including social media. Anyone using social media is strongly recommended to be aware of those laws. A Councillor or any citizen who believes they have been targeted or social media is being used inappropriately towards them can raise their complaint with the police if they believe that a law has been broken. We would always advise also for peoples own wellbeing to try and shut

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off or block those people on social media. The course of action for anyone is to avail themselves of the laws. There is a commonwealth ombudsman that can help with those types of complaints, there are various laws around breach of privacy, harassment, threats and bullying for anyone using social media needs to be aware of and make sure that they are within the bounds and laws of this country.

- **Councillor Cunsolo:** On the weekend there was a report of a six year old girl hit by a cyclist on the shared zone of the St Kilda Foreshore, she is okay, but has bruising and cuts. What measures are in place to ensure it is safe as a shared zone? Do we have things to encourage people to slow down such as rumble strips?

Brian Tee, Acting General Manager Development Transport and City Amenity advised that Council understands that St Kilda Police are investigating the crash between the bike rider and a pedestrian. Council officers have been in contact with the police and will work with them to understand if there is any action that Council should or could take to consider making the area safe. That may include some of the suggestions that you have put forward this evening.

- **Councillor Sirakoff:** A resident has pointed out that the Fountain in the O'Donnell Gardens, St Kilda is in a poor state, with no running water and stagnant water within. Can Council provide information on the maintenance of this fountain, and when will it be brought back to life for the community to enjoy? Is there a program in which funds can be found to reactivate this fountain?

Peter Smith, Chief Executive Officer, took the questions on notice.

- **Councillor Sirakoff:** Residents are taking their food scraps to the three Food Organics Garden Organics (FOGO) locations across City of Port Phillip. It has been a very popular exercise with bins are overflowing with food scraps. Yesterday I visited one site at the corner of Canterbury Road and Cowderoy Street, St Kilda West, where most of the bins had food scraps still within plastic bags. Does the plastic mean that the bins are contaminated and that the waste will end up in Landfill? If so, can Council erect signage to inform residents not to include items that will cause contamination? Currently there are signs, but the location of these may need to be moved to be more visible.

Lachlan Johnson, Executive Manager Construction Contracts and Operations advised that the communal FOGO service trial has been extremely popular as you have pointed out. The service commenced in April/May 2021. Initially 3x 240L communal FOGO bins were positioned at Lagoon Reserve, HR Johnson Reserve and adjacent to the Rats of Tobruk Reserve memorial. Initially the bins were collected weekly, equating to about 720 litres of capacity each week.

As mentioned before, the service has been incredibly popular as the trial has progressed, officers have noticed that the bins have been reaching capacity very quickly. This has caused multiple issues, when the bins are at capacity, this limits use for community members, heavy bins are providing an OHS risk as well. Officers have responded reducing the size of the individual bins to 120L but increased the number of bins at each site from 3 to 6 and have added a second collection during the week so bins are now collected twice a week. These changes have resulted in a doubling of weekly capacity from 720 litres to 1400 litres.



To date, contamination levels have been relatively low, small levels of contamination can be removed through processing which is undertaken by Councils contractor 'Cleanaway'. High levels of contamination that are significant and although they haven't been found in the communal FOGO stream to date, but if they are found it would mean that the communal FOGO would have to be disposed of to landfill. At the Cleanaway facility, the materials are sorted, decontaminated where possible and then shredded, the products are then ready for repurposing into solid and compost products. In reference to signage, officers will investigate any additional signage that may be required.

- **Councillor Pearl:** A small number of residents have been in contact to report that their rates notices have been delayed this year, when other Councils have sent theirs out already. Can officers confirm if City of Port Phillips rates notices have been delayed compared to previous years, and what is the timeline for the issuing the notices and payment dates ?

Dennis O'Keeffe, Chief Financial Officer advised that Council's annual rate notices are expected to be issued in late September. We are currently working with our Printing partner to mitigate any delays that may impact given reports of slight delays in mail delivery service. As you are aware Council's Property & Rates software has been replaced effective 2/8/21 which has contributed to a delay of approximately 4 weeks in distributing rates notices. Approximately 35% of our ratepayers avail of the e-notice and Bpay view options as opposed to a printed Notice. The notices sent via the post 12 months ago were received around 21 – 22 September 2020. For ratepayers choosing to pay in 4 instalments the first payment falls due on October 15 2021 but as occurred last year with COVID-19 delay in distributing Notices, the Rates team will be pragmatic and empathetic in working with our ratepayers on their intentions regarding the 1st payment.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Item 7.1 Petition Response – Hoon Driving

A Petition containing 8 signatures, was received from the Port Melbourne Road Safety Group and considered by Council on 21 August 2021.

MOVED Crs Pearl/Martin

That Council:

1. Thanks the PMRSG for their advocacy on behalf on the community.
2. Notes that Council officers, Victoria Police and DoT are working to prevent antisocial and illegal hooning activities.
3. Supports the delivery of the actions identified in this report to reduce speed limits, provide physical barriers to reduce access to Pier Road, review existing signs, and introduce new signs and parking restrictions. Noting that funding for the installation of the physical barriers will need to be sought through the budget process.

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4. Notes the progress in relation to the delivery of the mobile speed camera, including the use of the City of Stonnington mobile CCTV trailer and Council's application for six additional fixed cameras.
5. Requests that Council officers advocate for the development and use of noise camera technology by Police and the State Department of Transport and report back to Council on developments.
6. Requests Council officers to provide a formal report to Council in October 2021 with options for Council to proceed with the acquisition (either purchase or hire) of a mobile CCTV unit for the Port Phillip Police Service Area. The report should include financial costs, details of consultation with Victoria Police about the use of a unit in the Port Phillip Police Service Area and any required policy updates to facilitate the acquisition (either purchase or hire) and use of the unit.

The vote was taken under DIVISION.

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

AGAINST: Crs Baxter and Copsy

The MOTION was CARRIED.

CHANGE TO ORDER OF BUSINESS

The Mayor sought a motion from Councillors to bring forward section 14 of the agenda (Notices of Motion) prior to the Presentation of Reports in order to manage the conflict of interest at item 13.8 being the last report on the agenda.

MOVED Crs Pearl/Martin

That section 14 of the agenda (Notices of Motion) be heard prior to the Presentation of Reports.

The vote was taken under DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

Item 14.1 Notice of Motion – Councillor Peter Martin – EveryAGE Counts

MOVED Crs Martin/Pearl

That Council:-

- 1.1 States its deep concern about the profound impact of ageism on our communities. We recognise that ageism can negatively impact the job prospects, confidence, health, quality of life and control over life decisions of our constituents. Ageism can



limit people from participating in our communities as full citizens. Ageism also has proven negative impacts on the physical health, mental health and longevity of our constituents.

- 1.2 Support the EveryAGE Counts campaign to end ageism and join with others in our communities to create a society where every person is valued, connected, and respected, regardless of age.
- 1.3 Take the pledge to stand for a world without ageism where all people of all ages are valued and respected and their contributions are acknowledged. We commit to speak out and take action to ensure older people can participate on equal terms with others in all aspects of life.
- 1.4 Authorise the Mayor to sign the pledge to raise awareness of the impacts of ageism, by 1 October 2021 to align with EveryAGE Counts awareness day and the commencement of the Port Phillip Senior's Festival.
- 1.5 Inform relevant Federal and State parliamentarians of our support for the EveryAGE Counts campaign and that we have taken the pledge to end ageism.

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 Mayor adjourned the meeting for a break at 8:25pm.

The meeting resumed at 8:32pm.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 78

Purpose

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

MOVED Crs Pearl/Bond

That Council:

- 3.1 Notes the CEO Report Issue 78 (provided as Attachment 1).

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. INCLUSIVE PORT PHILLIP

9.1 Wattie Watson Oval Reconstruction - Tender Award

Purpose

- 1.1 To seek Council approval to allocate an additional \$370,000.00 to the Wattie Watson Oval Reconstruction project, to be funded by \$150,000 of forecast savings on the Point Ormond project and \$220,000 from further portfolio savings during the year or reserves (if needed).
- 1.2 To seek Council's approval to enter into contract number 00092 between City of Port Phillip and Evergreen Turf Pty Ltd for the construction of the Wattie Watson Oval Reconstruction.

MOVED Crs Baxter/Bond

That Council:

- 3.1 Approve a budget increase for this project of \$370,000.00 (excluding GST) to deal with offsite disposal of soil and provide an adequate contingency budget for construction with funding from forecast savings during the year, including from the Point Ormond Play Space Project and/or reserves.
- 3.2 Enter into Contract 00092 with Evergreen Turf Pty Ltd Pty Ltd for the construction of the Wattie Watson Oval Reconstruction.
- 3.3 Note that the contract value is \$1,595,445.80 inclusive of GST (\$1,450,405.33 excluding GST)
- 3.4 Authorises the CEO to approve variations to the contract value within the adjusted approved project budget of \$1,740,000.00 (excluding GST)
- 3.5 Notes that works are expected to take 18 weeks, followed by a 26-week maintenance period, the ground is expected to be ready for use by the start of the 2022 winter sport season (April 2022).
- 3.6 Affixes the Common Seal of the Port Phillip City Council to Contract 00092 between the Council and Evergreen Turf Pty Ltd.

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.

10. LIVEABLE PORT PHILLIP

10.1 Conservation Management Plan: South Melbourne Town Hall

Purpose

- 1.1 This report presents for Council's noting a Conservation Management Plan for the South Melbourne Town Hall.



MOVED Crs Cunsolo/Bond

That Council:

- 3.1 Notes the *South Melbourne Town Hall Conservation Management Plan (2021)*, which updates and supersedes the 1995 version.
- 3.2 Notes that the *Conservation Management Plan* will help ensure that the future use, management and upgrades of the South Melbourne Town Hall enrich rather than diminish its assessed heritage values.
- 3.3 Thanks the contributors to the Conservation Management Plan.

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.

11. SUSTAINABLE PORT PHILLIP

11.1 Cleaning of Council Buildings and Amenities

Purpose

- 1.1 To present the report of the Tender Evaluation Panel ("TEP") for Contract 000062 – Cleaning of Council Buildings and Amenities and recommend awarding of the contract to G.J & K Cleaning Services Pty Ltd.

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

Mayor Crawford took up the questions raised by Jennifer Edge: Regarding the disabled toilet at the St Kilda Life Saving Club, which has a lift and bed. For the past 6 weeks, the toilet has been found unlocked with indications of people living within it. Can officers advise, who patrols this toilet, who cleans it and who is responsible for maintenance and security. Noting that the locks seem to be damaged.

Lachlan Johnson, Executive Manager Construction Contracts and Operations took the questions on notice.

MOVED Crs Bond/Copsey

That Council:

- 3.1 Awards Contract 000062 for the Provision of Council's Cleaning of Building and Amenities to G.J & K Cleaning Services Pty Ltd.
- 3.2 Notes that this contract is for an initial term of three-years with two further one-year options available at Council's discretion, commencing 1 October 2021.
- 3.3 Notes the estimated total spend across the five-year length of the contract to be \$10,000,000 inclusive of GST and is comprised of a lump sum component and an allowance for reactive works based on the submitted schedule of rates.

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- 3.4 Affixes the Common Seal of the Port Phillip City Council to Contract 000062 to G.J & K Cleaning Services Pty Ltd.
- 3.5 Delegates to the Chief Executive Officer the authority to determine if the contract extension is to be exercised and to execute the extension as required (two one-year terms).

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.

11.2 Yarra and Dandenong Catchment Integrated Water Management Plans

Purpose

- 1.1 To present the draft Yarra and Dandenong Integrated Water Management (IWM) Plans (**the Plans**) to Council for endorsement.

MOVED Crs Crawford/Bond

That Council:

- 3.1 Endorses the draft Integrated Water Management Plans for both the Yarra and Dandenong Catchments contained at **Attachments 1 and 2** and delegates to the CEO the endorsement of the final Plans to the extent that they contain minor amendments which do not alter their substantive intent.
- 3.2 Continues to support Council Officer involvement in the Yarra Integrated Water Management Forum and Dandenong Integrated Water Management Forum.

The vote was taken under DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

Councillor Martin left the meeting due to technical difficulties at 8.45pm and was unable to vote on items 11.2 and 12.1 of the agenda.



12. VIBRANT PORT PHILLIP

12.1 Proposed incorporation of the Local Festivals Fund into the Cultural Development Fund

Purpose

- 1.1 To propose that Council cease offering the Local Festivals Fund as a stand-alone fund and instead incorporate the funds available into a dedicated stream of the Cultural Development Fund.

MOVED Crs Pearl/Copsey

That Council:

- 3.1 Notes the findings of the review into the administration of the last round of the Local Festivals Fund, the legal opinion in relation to the Council report prepared on 7 July 2021 and the original intended aims of the Local Festivals Fund.
- 3.2 Disbands the Local Festivals Fund considering the outcome of this review, legal advice received and that the Fund has not been able to realise its intent of rapid funding provision.
- 3.3 Endorses the introduction of a new stream of funding for 'festivals and events' into Council's existing Cultural Development Fund.
- 3.4 Endorses transferring the \$135,000 budgeted for the Local Festivals Fund to the 'festivals and events' stream of the Cultural Development Fund.
- 3.5 Endorses use of the existing eligibility criteria for the Cultural Development Fund and the existing assessment of applications by an independent panel with recommendations brought to Council for endorsement.
- 3.6 Endorses updated information on the Cultural Development Fund as outlined in Attachment 1 and delegates to the Chief Executive Officer the ability to make minor amendments that do not later the substantive intent.

The vote was taken under DIVISION.

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

The MOTION was CARRIED unanimously.

Cr Martin returned to the meeting at 9.06pm.

12.2 Skyline Ferris Wheel application

Purpose

- 1.1 To advise Council that a request has been received from the Skyline Ferris Wheel Operators (the operators) for consideration of provisional approval for an event permit for the Skyline Ferris Wheel to operate in Catani Gardens from October 21 to March 22 for 1-year only at this stage. If Council was to provide this provisional approval, this would be dependent upon the operators receiving consent from Heritage Victoria, DELWP, DJPR and other stakeholders such as Victoria Police



MOVED Crs Bond/Copsey

That Council:

- 3.1 Notes that a new application has been received from the Skyline Ferris Wheel operators seeking an event permit from October 21 to March 22 in Catani Gardens St Kilda and the associated economic benefits they believe it will bring to the surrounding area.
- 3.2 Notes that an earlier application received from the Skyline Ferris Wheel operators to activate the South Beach Reserve between October 21 and March 22 (plus 22/23 and 23/24 pending assessment of the first year) was declined by Council.
- 3.3 Resolves to:
 - A. provide provisional approval for an event permit for the Skyline Ferris Wheel to operate from Catani Gardens from October 21 to March 22 pending consent from Heritage Victoria, DELWP, DJPR and other stakeholders such as Victoria Police

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 Procurement of Street Sweepers

Purpose

- 1.1 To seek Council approval to procure three (3) specialised street sweepers from Garwood International Pty Ltd.

MOVED Crs Copsey/Sirakoff

That Council:

- 3.1 Endorses the procurement of three (3) Schwarze GS6 street sweepers from Garwood International Pty Ltd for a total cost of \$1,036,795.00 inc. GST and stamp duty.
- 3.2 Notes that the procurement process was undertaken using Vendor Panel (Specialised Trucks and Equipment Category ST20092) in full compliance with the provisions of the Local Government Act.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.



13.2 27 Blanche Street, St Kilda – removal of Land from Road Register, Conversion of Land Title and Adverse Possession Claim

Purpose

- 1.1 The purpose of this report is to seek approval from Councillors on the proposed removal of land parcel R3504 (Land) from Council's Register of Public Roads (Register), conversion of the title from General Law Land to the Torrens Title System and for Council to raise no objection to the adjoining owners claim for adverse possession of the Land.

MOVED Crs Pearl/Copsey

That Council:

- 3.1 Notes that the land abutting 27 Blanche Street, St Kilda, also known as R3504 on Council's Register of Public Roads (Register) and registered in the name of the Council of the Borough of Saint Kilda in General Law Land Book 179 Number 197 (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 and accepted by the public as a right of way by way of historical public use.
- 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 should not have been included 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 Notes that the Owners initially approached Council in 2009 seeking to adversely possess the Land but did not pursue this in part due to officers advising them that the Land was included on the Register.
- 3.5 Acting under section 17(4) of the Road Management Act 2004 (Vic), resolves that the land abutting 27 Blanche Street, St Kilda, also known as R3504 on the Register, and registered in the name of the Council of the Borough of Saint Kilda in General Law Land Book 179 Number 197, be removed from the Register on the basis that the Land is not reasonably required for general public use, as:
 - 3.5.1 The Land is not a thoroughfare and has never been used for general public use, having been fully fenced within the physical boundary of 27 Blanche Street; and
 - 3.5.2 The Land is not constructed as a road and is not maintained by Council as a road.
- 3.6 Authorises:
 - 3.6.1 the removal of the Land from the Register and Council's IntraMaps application;
 - 3.6.2 officers making an application to Land Victoria to have the title converted from General Law Land to the Torrens Title System; and



- 3.6.3 no objection to the Owners claim for adverse possession of the Land when Land Victoria seeks submissions from all parties affected.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

13.3 Microsoft Licensing and Services Contract 2021 - 2024

Purpose

- 1.1 To award the Microsoft Enterprise Agreement (MS EA) for a period of 3 years to SoftwareONE Australia Pty Limited as presented by the Tender Evaluation Panel for tender RFQ0002791.

MOVED Crs Pearl/Copsey

That Council:

- 3.1 Awards SoftwareONE Australia Pty Limited the contract to provide Microsoft Licencing to Council for a period of 3 years commencing 1 October 2021 to 30 September 2024.
- 3.2 Notes that the total contract value be \$2,480,000 excluding GST over 3 years.
- 3.3 Authorises the CEO, or his delegate, to execute the necessary contract documents.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

13.4 South Melbourne Town Hall: outcome of negotiation with ANAM

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

Mayor Crawford took up the questions asked by Adair Bunnett: In relation to The Emerald Hill Town Hall Act of 1876, Ms Bunnett mentioned the Act requires Council to retain part usage of the South Melbourne Town Hall. Is this something that we have come across before and will that need to be considered as part of this negotiation?

Anthony Savenkov, Head of Real Estate Portfolio (Development & Transactions) took the question on notice.

Purpose

- 1.1 To report the outcome of the negotiation with the Australian National Academy of Music ("ANAM") for a long term lease of the South Melbourne Town Hall; and
- 1.2 To recommend an approach to dealing with a new proposal of ANAM.



MOVED Crs Martin/Bond

That Council:

- 3.1 Authorises relevant Officers to enter negotiations with ANAM for a new long term lease of the South Melbourne Town Hall.
- 3.2 Allows a maximum of six months for such negotiations, the outcome of which is to be reported publicly to Council.
- 3.3 Instructs that any potential agreement arising from the negotiations is to address the Principal Items of Negotiation identified in Attachment 1 of this report.
- 3.4 Notes that in carrying out this complex negotiation Council will incur costs – for instance, for cost consultancy advice/documentation, legal advice/drafting, and temporarily backfilling existing project commitments – and authorises expenditure of up to \$70,000.
- 3.5 Notes that should a potential agreement for a new long term lease be reached, pursuant to section 115 of the *Local Government Act 2020 (Victoria)*, Council is to undertake a community engagement process on the proposal in accordance with its Community Engagement Policy.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

13.5 Councillor Expenses Monthly Reporting – June and July 2021, and response to Council resolution relating to childcare provisions of the Councillor Expenses and Support Policy

Purpose

- 1.1 To report to Council and the community on the expenses incurred by Councillors, in accordance with the Councillor Expenses and Support Policy for the months June and July 2021.
- 1.2 To respond to the decision of Council on 16 June 2021, which requested that officers undertake benchmarking against other Victorian Councils, on the childcare provisions in the Councillor Expenses and Support Policy and prepare a briefing paper to Councillors with any opportunities to increase the accessibility of childcare provisions in the Policy.

The Mayor noted that due to it's complexity, the recommendation has been prepared in sections.

Section 1

MOVED Crs Pearl/Martin

That Council:

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- 3.1 Receives and notes the monthly Councillor expense report for June 2021 (attachment 1).
- 3.2 Receives and notes the monthly Councillor expense report for July 2021 (attachment 2).
- 3.3 Notes the benchmarking activity undertaken with other Councils, feedback received from Councillors and discussions held by the Audit and Risk Committee.
- 3.4 Amends the current Councillor Expenses and Support Policy (**Policy**) in the following ways:
 - 3.4.1 Remove the mandatory requirement for the childcare / babysitting service provider to hold a current Working with Children's Check (WWCC) and First Aid Certificate.
 - 3.4.2 Increase the age limit for childcare reimbursements claims from 13 years of age to 16 years of age.
 - 3.4.3 Remove the age limit for childcare for a child with a disability where the child requires assistance with daily living tasks.
- 3.5 Considers the following elements of the Councillor Expenses and Support Policy and resolves its preferred option/s.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

Section 2

MOVED Crs Copsey/Martin

- 3.6 Notes the following options with respect to timing requirement for claims:
 - a. Option 1 - 30-days from the end of the month, except for the month of June, where claims must be submitted within 7 days.
 - b. Option 2 - 30 days from the date of service, except for the month of June, where claims must be submitted within 7 days.
- 3.6.1 Adopts **Option 1** - 30-days from the end of the month, except for the month of June, where claims must be submitted within 7 days.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

Section 3

MOVED Crs Pearl/Martin

- 3.7 Notes the following options with respect to invoices and receipts not containing an ABN:

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- a. Option 1 - accept a receipt that does not contain an ABN, and provide an attestation of the expense through the reimbursement form;
 - b. Option 2 – not accept an invoice and receipt that does not contain an ABN
- 3.7.1 Adopts **Option 1** - accept a receipt that does not contain an ABN, and provide an attestation of the expense through the reimbursement form.

The vote was taken DIVISION.

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

AGAINST: Nil

The MOTION was CARRIED unanimously.

Section 4

MOVED Crs Clark/Sirakoff

3.8 Notes the following options with respect to preparatory time:

- a. Option 1 – No inclusion of preparatory time
- b. Option 2 – The inclusion of preparatory time to a maximum amount of 16 hours per month
- c. Option 3 – Provide a maximum amount of 12 hours for the day of Council meetings and Assemblies of Council

3.8.1 Adopts **Option 1** – no inclusion of preparatory time.

The vote was taken under DIVISION.

FOR: Crs Bond, Sirakoff, Pearl and Clark

AGAINST: Crs Baxter, Crawford, Cunsolo, Copsey and Martin

The MOTION was LOST.

MOVED Martin/Copsey

3.8 Notes the following options with respect to preparatory time:

- a. Option 1 – No inclusion of preparatory time
- b. Option 2 – The inclusion of preparatory time to a maximum amount of 16 hours per month
- c. Option 3 – Provide a maximum amount of 12 hours for the day of Council meetings and Assemblies of Council

3.8.1 Adopts **Option 3** – Provide a maximum amount of 12 hours for the day of Council meetings and Assemblies of Council

The vote was taken under DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Copsey and Martin

AGAINST: Crs Bond, Sirakoff, Pearl and Clark

The MOTION was CARRIED.

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Section 5

MOVED Crs Clark/Bond

3.9 Notes the following options for whether claims can be made retrospectively by Councillors from the commencement of this Council term, being 11 November 2020:

- a. Option 1 - No retrospective payments to be made
- b. Option 2 - Allow retrospective claims for six weeks following this resolution of Council

3.9.1 Adopts **Option 1** - No retrospective payments to be made.

The vote was taken under DIVISION.

FOR: Crs Bond, Sirakoff, Pearl and Clark

AGAINST: Crs Baxter, Crawford, Cunsolo, Copsey and Martin

The MOTION was LOST.

Moved Crs Martin/Baxter

3.9 Notes the following options for whether claims can be made retrospectively by Councillors from the commencement of this Council term, being 11 November 2020:

- a. Option 1 - No retrospective payments to be made
- b. Option 2 - Allow retrospective claims for six weeks following this resolution of Council

3.9.1 Adopts **Option 2** - Allow retrospective claims for six weeks following this resolution of Council

The vote was taken under DIVISION

FOR: Crs Baxter, Crawford, Cunsolo, Copsey and Martin

AGAINST: Crs Bond, Sirakoff, Pearl and Clark

The MOTION was CARRIED.

Section 6

Moved Crs Copsey/Martin

3.10 Notes the following options available to change the childcare access provisions to include reimbursement of full day childcare if the Councillor has met the definition in clause 3 of the Councillor Expense and Support Policy:

- a. Option 1 - for at least meeting/s for the day being claimed
- b. Option 2 - for at least hours for the day being claimed
- c. Option 3 - makes no change to the current access provisions of the policy

3.10.1 Adopts **Option 2** for at least **4 hours** for the day being claimed

The vote was taken under DIVISION

FOR: Crs Baxter, Crawford, Cunsolo, Copsey and Martin

AGAINST: Crs Bond, Sirakoff, Clark and Pearl

The MOTION was CARRIED.

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The Mayor adjourned the meeting at 11:08pm.

The meeting resumed at 11:13pm.

Section 7

Moved Crs Copsey/Martin

- 3.11 Requests that the use of the Councillor Expenses and Support Policy forms a regular part of the Internal Audit & Compliance program, and asks the CEO to notify the Audit and Risk Committee of this request.
- 3.12 Requests that the CEO update the Councillor Expenses and Support Policy to reflect this resolution and publish for Councillors and the community at the earliest possible opportunity.

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.

13.6 Proposed Report of Operations for the Annual Report 2020/21

Purpose

- 1.1 To receive and consider the draft report of operations for the year ending 30 June 2021.

MOVED Crs Martin/Copsey

That Council:

- 3.1 Notes the draft report of operations (**Attachment 1**) for the year ending 30 June 2021 which will form part of the Annual Report 2020/21.
- 3.2 Approves the Chief Executive Officer and Mayor to certify that the Governance and Management checklist fairly presents Council's governance and management arrangements, which is required in the report of operations.
- 3.3 Notes that councillors will be kept updated on the progress of the Annual Report 2020/21 before submission to the Minister for Local Government by 30 November 2021.
- 3.4 Notes the finalised and designed version of the Annual Report 2020/21 will be formally presented to Council on 17 November 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.



13.7 In Principle Approval of the Annual Financial Statements 2020/21 and Performance Statement 2020/21

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 2021.

MOVED Crs Martin/Pearl

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 2021.
- 3.2 Authorises the Mayor, Councillor Louise Crawford, and Deputy Mayor Councillor Marcus Pearl (or delegates) to certify the annual financial statements and performance statement for the financial year ended 30 June 2021.
- 3.3 Approves the materiality threshold in the performance statement at +/- 10 percent of Council's 2019/20 result for the explanation of variances between the 2020/21 and 2019/20 result.

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.

Peter Smith, Chief Executive Officer, declared a conflict of interest in item 13.8 CEO Employment and Remuneration Policy and left the meeting at 11.27pm.

13.8 CEO Employment and Remuneration Policy

The Mayor advised that a small administrative error had occurred in section 12 of the CEO Employment and Remuneration Policy report provided on Council's website. Parts 12.3 and 12.4 of the report had been omitted and would be corrected on Council's website shortly.

Purpose

- 1.1 For Council to consider the proposed CEO Employment and Remuneration Policy.

MOVED Crs Copsey/Baxter

That Council:

- 3.1 Adopts the CEO Employment and Remuneration Policy (Attachment 1), as required under Section 45 of the Local Government Act 2020
- 3.2 Notes that the CEO Employment Matters Committee Terms of Reference (Attachment 2) have been reviewed in conjunction with the development of this

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Policy and the Terms of Reference support and are aligned with the proposed Policy and do not need modifications at this time.

- 3.3 Notes that this Policy will be reviewed within 12 months of its adoption by Council, and in conjunction with the Committee Terms of Reference.

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. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

The Mayor advised that there was one item of Urgent Business on the agenda being a confidential parking administration matter. As this matter was confidential, it will be considered in the confidential section of the agenda.

17. CONFIDENTIAL MATTERS

MOVED Crs Pearl/Martin

That in accordance with the Local Government Act 2020, the meeting be closed to members of the public in order to deal with the following matters, that are considered to be confidential in accordance with Section 3 of the Act, for the reasons indicated:

Report No.	Report Title	Confidential reasons
17.1	Urgent Business Confidential Parking Administration Matter	(e) <i>legal privileged information, being information to which legal professional privilege or client legal privilege applies.</i>

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.

As there was no further business on the open agenda the meeting closed at 11:33pm.

Confirmed: 6 October 2021

Chairperson _____