



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

2 MARCH 2022



Please consider  
the environment  
before printing



Consider carefully how  
the information in this  
document is transmitted



**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL  
HELD 2 MARCH 2022 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

**PRESENT**

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

**IN ATTENDANCE**

Peter Smith, Chief Executive Officer, Claire Stevens, General Manager Governance and Organisational Capability, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Kylie Bennetts, General Manager City Growth and Development, Rachel Russell, Manager Governance and Organisational Performance, Brian Tee, Executive Manager City Planning and Sustainability, Lachlan Johnson, Executive Manager Construction Contracts and Operations, Alli Griffin, Acting Head of Governance, Liam O’Cathasaigh, Governance Officer, Felicity Leahy, Executive Manager Family, Youth & Children and Div Performance, Dana Pritchard, Acting Manager Open Space, Recreation and Community Resilience, Joanne McNeill, Executive Manager Property and Assets, Anthony Savenkov, Head of Real Estate Portfolio (Development and Transactions), Che Sutherland, Acting Manager Partnerships and Transport.

*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.*

**ACKNOWLEDGEMENT**

Before commencement of the formal agenda, the Mayor made a statement in recognition of the serious situation unfolding in the Ukraine, and the flooding events occurring in Eastern Australia.

**WITHDRAWAL OF ITEM**

The Mayor advised that the confidential report *17.2 M9 Advocacy Housing* had been withdrawn from the agenda due to a recent change of Victorian State Government Policy.

**1. APOLOGIES**

Nil



## 2. CONFIRMATION OF MINUTES

### **MOVED** Crs Martin/Sirakoff

That the minutes of the Meeting of the Port Phillip City Council held on 16 February 2022 be confirmed.

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

## 3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Clark declared a general interest in item 17.1 M9 Waste.

## 4. PUBLIC QUESTION TIME

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:

- **Harry Grainger** - My neighbour is feeding pigeons from her balcony every single day which inevitably causes them to flock and have their droppings in my area. I've already spoken to the animal people within your council and they say that they're effectively powerless to stop her from feeding the birds. This is a bit of a health hazard as it can cause hypersensitivity pneumonitis or "Bird Fanciers Disease" which can lead to a chronic restrictive lung disease. Is there any plans within council to stop people feeding birds in their houses?

*Kylie Bennetts, General Manager City Growth and Development, advised that there are no specific plans within Council to stop people from feeding birds at their houses, however Council's public health team can conduct a site specific investigation to determine whether the circumstances constitute a public health nuisance, and contact would be made with Mr Grainger in relation to that. Ms. Bennetts further stated that previous experience with these cases informs us that it can be a challenge to fully establish the buildup of bird droppings at a location, and whether that's dangerous to the health of another individual or not. Our experience is also that usually these matters are resolved privately or in the case of flats and apartments, through owners corporation rules. As previously indicated council's public health team will reach out to Mr Grainger for a site inspection.*

- **Alex Darton** - In relation to the median strips down Brighton Rd, specifically between Glen Huntly Rd and here at St Kilda Town Hall, who is responsible for the tree planting and ongoing maintenance? What plans does the Council have for them?

*Lachlan Johnson, Executive Manager Construction Contracts and Operations advised that the maintenance of these median strips is the responsibility of the department of Transport (VicRoads). The City of Port Phillip has a contractual relationship with VicRoads around different assets to be maintained. At the moment Council is responsible for the trees but the maintenance of the verge and other elements within these median strips remains the responsibility of VicRoads. There aren't any current plans to undertake tree planting along this specific section of road. Council has advised VicRoads that we will be ceasing maintenance of the trees under contract at the beginning of April 2022.*

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 2 MARCH 2022



*Councillor Pearl further advised that the location of these median strips is in the middle of multiple municipalities and authorities and offered that Mr Darton email his ideas and concerns for these median strips directly and Cr Pearl would forward onto the relevant authorities and advocate to VicRoads on his behalf.*

- **Helen Halliday** - I wish to know where and how many trees are being planted in the CoPP in the 2021-22 year? What criterion is being used to make these decisions? Where can the tree planting program be viewed? Where is the most up to date information of progress to reduce the impact of hot spots with particular reference to areas of social need? In addition to Mr Darton's concerns previously raised regarding the median strips on Brighton Road, can Council provide information on previous proposed plans for tree planting in these areas, and what will happen to these plans when Council 'ceases maintenance of the trees under contract at the beginning of April 2022'.

*Tony Keenan, General Manager Community Wellbeing and Inclusion, advised that this financial year there are 894 trees being planted. This includes all trees, not just the ones directed under Greening Port Phillip. The street tree planning program is based on the priority list from the street tree planting guide which is available on the website. This year Greening Port Phillip is being reviewed and updated, this will cover a whole range of issues including tree canopy cover, heat island affect, social data, increasing bio diversity etc.*

*Helen Halliday followed up, given that the street tree planning program was established in 2017, and a number of areas have been done and others haven't been done, by what process will you be doing this work and questioned the figure of 850 trees was actually the figure for last year? My understanding is that you have \$740,000 to spend this year which is more than two thirds of the amount spent last year.*

*Mr Keenan confirmed that it was 894 trees this year, and the amount would depend on what trees are planted, for example if there were some palm trees along Beaconsfield Parade, the cost of those are immense. So, the amount spent would depend on the type of the trees that were planted. In relation to the criteria about where trees are planted, this will be developed as part of the greening port Phillip work and the priorities.*

Councillor Pearl followed up to ask if we have a document of where each of the 894 trees are planted? And also queried the issue raised regarding tree planting on the median strips.

*Mr Keenan took the question on notice for further response.*

- **John Brooksmith:** Raised a number of issues in relation to alleged lease and Planning Breaches at 175b Beaconsfield Parade, Albert Park (Sandbar) Issues raised related to excess rubbish, excess of patrons and excessive noise from functions.

*Councillor Pearl took the concerns on notice for response.*

## **Council Report Submissions:**

### **Item 10.1 Park Street Streetscape Improvement Project - Consultation Outcomes**

- Mark Enticott
- Fraser Read Smith
- Joe Leong

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 2 MARCH 2022



- Emilio Badoer
- David MacGowan
- Adrian Yong
- George Swinburne
- Gillian Barclay
- Vicky Tutton

## **Item 13.2 Childcare Centres Improvement – Adjustment to Sale Timeframe**

- Rhonda Small
- Brenda Forbath
- Claire Byrne
- Caroline Thornton
- Mark Leslie
- Sarah Roth
- Rebecca Sanders
- Louise Hird

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

### **Public Question Time:**

- **Matty Wells** - Given that the motion to reinstate trampolines at adventure playgrounds was passed two weeks ago now, when can the community expect the trampolines be reinstated? Chris Carroll mentioned that the Council were waiting for a report outlining “some options” for the trampolines- Could you please confirm whether the trampolines will be replaced like for like as implied by the use of the word ‘reinstate’ used in Councillor Bond’s motion?

*Felicity Leahy, Executive Manager Family, Youth & Children and Div Performance advised that officers have obtained quotations for the trampoline reinstatement and will proceed with a similar style of trampolines which will be the same size or where possible a larger Olympic size of trampoline will be installed. Either option will allow for improvement to the surrounds and compliance to the Australian standards. Once the details are confirmed and a definitive timeline is in place for the installation, we can provide that advise to the next Council meeting. However, officers are on track to undertake the preliminary works shortly.*

- **Adrian Jackson** – Why is another noisy outdoor concert scheduled for 5 March between 12 noon and 10 PM in Catani Gardens? Music promoters can make a profit, at \$169 per ticket, at ratepayers' expense who have to suffer the noise all day and evening? Is the income to council derived from these concerts worth the attack on our residents' peaceful amenity? Why are St Kilda West and Middle Park resident forced to suffer councils' direction that they are helping St Kilda economically, which is not true? Why should Catani Gardens be closed off for a private concert so local residents and picnic visitors can't fully use the gardens in peace? Why does Council favour St Kilda which is only a part of Port Phillip? St Kilda has two closely located shopping strips, Acland St and Fitzroy St, and Fitzroy St has been a failure for decades so why doesn't council rezone Fitzroy St for residential apartments and concentrate on Acland St for retail/cafes etc.?



*Kylie Bennetts, General Manager City Growth and Development, advised that holding events within the municipality brings a multitude of benefits, including direct expenditure with local business, increased tourism and visitation, opportunities for our creative sector and practitioners, and cultural opportunities for the community as audience members and attendees. Events staged within Port Phillip in turn support a range of other industries, including hospitality, tourism, live music and a range of creative industries. Support for events and these industries is a commitment made through our Council Plan, existing Events Strategy and Creative and Prosperous City Strategy. Economic recovery for the municipality, including all activity centres and our creative industries, is a priority for Council.*

- **Adrian Jackson** - The use of word botanical in the name of St Kilda Botanical Gardens is old fashioned and a mouthful to say. Will council bring the gardens name into line with other gardens like the nearby Royal Botanic Gardens, Melbourne and change botanical to botanic? The modified name suggested being St Kilda Botanic Gardens.

*Claire Stevens, General Manager Governance and Organisational Capability, advised that the Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2016 (the naming rules) sets out step-by-step information on naming, renaming or changing the boundaries of roads, features and localities in Victoria. Any public or private road, feature or locality within Victoria can be named, renamed or have its boundary changed using the principles, requirements and procedures in the naming rules. <https://www.land.vic.gov.au/place-naming/understand-the-naming-process/the-naming-rules> As per the naming rules, this proposal would have to be supported by Council and would be subject to a public submission process. Mr Jackson is welcome to submit a formal application to Council to rename the garden.*

## **Item 10.1 Park Street Streetscape Improvement Project - Consultation Outcomes**

- Don Keyte
- Karen Baynes

## **5. COUNCILLOR QUESTION TIME**

- **Councillor Pearl:** Can officers provide any details on the impact of the proposed third runway at Melbourne Airport, and the impact on Port Phillip residents? Is Council making a submission to the consultation process?

*Peter Smith, Chief Executive Officer took this question on notice.*

- **Councillor Clark:** This question was raised via the MAV and CIV recent discussions, and my question is would it be possible to have an opt in charge box on the rates so that people can tick the box saying they voluntarily support climate change initiatives, and it could have a value of fifty dollars or one hundred dollars or a chosen amount?

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

## **6. SEALING SCHEDULE**

Nil.



## 7. PETITIONS AND JOINT LETTERS

### 7.1 - Petition – Keep Street Gardening Growing In the City of Port Phillip

A Petition containing 5935 signatures was received from via change.org.

#### **MOVED Crs Copsey/Cunsolo**

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioners for their Petition
3. Notes that there has been significant feedback on the original draft Nature Strip Guidelines
4. Notes that the feedback provided will inform a new draft Nature Strip Guidelines which will be open to community consultation in May/June 2022.
5. Encourages the petitioners to register their interest in future consultation on this topic on the Have Your Say page of the website.

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

### 7.2 - Petition – Introduce ByLaws to Stop Hoons on Our Streets

A Petition containing 199 signatures, was received from Josh Burns MP, Federal Member for MacNamara.

#### **MOVED Crs Copsey/Cunsolo**

That Council:

1. Receives and notes the petition.
2. Notes that a full response to this petition will be provided to a future Council meeting.

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

*The Mayor adjourned the meeting for a break at 8.15pm.*

*The meeting resumed at 8.24pm.*

### 7.3 Petition against loss of car parking on Park Street

A petition containing 12 signatures, was received from residents of Park Street, South Melbourne.

#### **MOVED Crs Copsey/Bond**



That Council:

- 1) Receives and notes the Petition.
- 2) Notes that on 1 September 2021 Council requested that the Victorian Department of Transport include the Park Street pop up as part of the State Government's pop up bike program.
- 3) Requests officers to consider the issues raised by the petition and provide a response at a future Council meeting.

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

## 8. PRESENTATION OF CEO REPORT

### 8.1 Presentation of CEO Report – Issue 83

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

Councillor Martin – I see that Council has won a waste management initiative award. Can you please share some background on this and what that means for the Council?

*Peter Smith, Chief Executive Officer, took this question on notice.*

#### **Purpose**

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

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

That Council:

- 3.1 Notes the CEO Report Issue 83 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in January 2022.

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

## 9. INCLUSIVE PORT PHILLIP

Nil.

## 10. LIVEABLE PORT PHILLIP

### 10.1 Park Street Streetscape Improvement Project - Consultation Outcomes

#### **Purpose**

- 1.1 To present the outcome of community engagement on the draft concept design for the Park Street Streetscape Improvement Project (the Project) and seek Council endorsement to proceed to detailed design and construction of the Project.





**MOVED Crs Copsey/Bond**

That Council:

- 3.1 Thanks community members who provided feedback on the Park Street Streetscape Improvement Project draft concept detailed in **Attachment 3**.
- 3.2 Notes the findings of the Park Street Streetscape Improvement Project Engagement Report as outlined in **Attachment 1**.
- 3.3 Endorses proceeding to detailed design and construction, incorporating changes proposed in response to community feedback detailed in **Attachment 2**.
- 3.4 Notes the total estimated project cost of \$2m for design and construction is funded by:
  - 3.4.1 \$1.2m State Government funding (via Rail Projects Victoria)
  - 3.4.2 \$800k Council funding from Council's Transport Reserve Fund as part of the 2022-2023 Council Budget

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

**Cr Cunsolo called for a DIVISION.**

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

**AGAINST: Crs Sirakoff, Pearl and Clark**

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

The Mayor advised that, in accordance with the Governance Rules, item 13.2 *Childcare Centres Improvement – Adjustment to sale timeframe* would be brought forward on the agenda for consideration.

**13.2 Childcare Centres Improvement - adjustment to sale timeframe**

**Purpose**

- 1.1 To propose extending the timeframe to the potential sale of 17 Eildon Road, St Kilda, a Council owned property currently leased and operated as a childcare centre.

*The Mayor adjourned the meeting at 8:53pm.*

*The meeting resumed at 9:02pm.*

**MOVED Crs Crawford/Baxter**

That Council:

1. Halts the process of the intention to sell the three early childhood centres.
2. Completes the engagement process so that feedback can be used to inform the analysis of future options
3. Requests the CEO to provide a report to council on possible options including and not limited to consideration of upgrade/refurbishment, rebuilding, relocation, lease to own arrangements, community purchase.



4. Investigates and analyses further possible funding options including seeking clarity from the VSBA on funding options and timeframes.
5. Includes and applies the following principles in analysing the viability of options to inform the Options Analysis Report required in 3 above:  
No permanent loss of the total places in council operated or community managed centres in Elwood, East St Kilda or St Kilda as reported in the KISP.
  - Buildings to be fit for purpose and compliant with any regulatory requirements, including DDA compliance (with necessary exemptions).
  - Centres that service the local area and promote healthy travel to centres.
  - Provides families access to a variety of models and scale of centres.
  - Maximises funding opportunities from state or federal governments.
  - Broader community benefit including gender considerations.
  - Alignment with Council's adopted policies
6. Notes that some of the options in 3 above may require re-starting an intention to sell process in the future if the preferred option of Council involves sale of one or more properties.
7. Notes that the CEO and officers will continue to work collaboratively with the Committees of Management from each of the three centres.

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

**Cr Pearl called for a DIVISION.**

**For: Cr Copey, Cr Baxter, Cr Crawford, Cr Martin**

**Against: Cr Clark, Cr Pearl, Cr Sirakoff, Cr Bond**

**Abstained: Cr Cunsolo**

**The MOTION FAILED.**

*The Mayor adjourned the meeting for a break at 9:36pm*

*The meeting resumed at 9:45pm*

**Moved Crs Martin/Baxter**

That Council:

1. Notes that in relation to each proposed sale a community engagement process in accordance with Section 114(2)(b) of the Act, has commenced, including ongoing dialogue and information sharing with the Committees of Management of the relevant Childcare Centres to identify any alternative viable options to sale and requests the CEO to expedite the report on the engagement and feedback received on the proposed sale of the three early childhood centres.
2. Requests the CEO to provide a report to council on possible options including and not limited to consideration of upgrade/refurbishment, rebuilding, relocation, lease to own arrangements, community purchase.



3. Investigates and analyses further possible funding options including seeking clarity from the VSBA on funding options and timeframes.
4. Includes and applies the following principles in analysing the viability of options to inform the Options Analysis Report required in 2 above:
  - No permanent loss of the total places in council operated or community managed centres in Elwood, East St Kilda or St Kilda as reported in the KISP.
  - Buildings to be fit for purpose and compliant with any regulatory requirements, including DDA compliance (with necessary exemptions).
  - Centres that service the local area and promote healthy travel to centres.
  - Provides families access to a variety of models and scale of centres.
  - Maximises funding opportunities from state or federal governments.
  - Broader community benefit including gender considerations.
  - Alignment with Council's adopted policies
5. Notes that Council will not make a final decision on the sale of the properties and the future of the services until they have the feedback from the community engagement, and the options analysis.
6. In relation to the potential sale of 17 Eildon Road, St Kilda, moves the indicative timing of its settlement from early 2023 to the end of 2023.
7. Acknowledges the value provided by the respective centres to the community and the municipality, and as a matter of principle, shall endeavour to minimise the uncertainty and disruption to the delivery of those services.
8. Notes that the CEO and officers will continue to work collaboratively with the Committees of Management from each of the three centres.
9. Requests the CEO to bring back options for support for the centres during this process such as (but not limited to) a reduction in maintenance levies

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

**Cr Crawford called for a Division**

**For: Cr Sirakoff, Cr Copey, Cr Consolo, Cr Pearl, Cr Martin, Cr Crawford, Cr Baxter**

**Against: Cr Clark**

**Abstained: Cr Bond**

**The motion was CARRIED.**

## **11. SUSTAINABLE PORT PHILLIP**

### **11.1 Amendment C203port (Planning Scheme Review) - Consideration of submissions**

#### **Purpose**



- 1.1 To consider written submissions received to Amendment C203 (Planning Scheme Review) to the Port Phillip Planning Scheme during the public exhibition stage.
- 1.2 To determine whether to request the Minister for Planning to appoint an independent Planning Panel to consider submissions and the Amendment.
- 1.3 To consider endorsing a response to issues raised in submissions, including recommended changes to the Amendment, to form the basis of Council's position at the Panel Hearing.

### **MOVED Crs Bond/Copsey**

That Council:

- 3.1 Having formally considered all written submissions made to Amendment C203port to the Port Phillip Planning Scheme including the one late submission, endorses the officers' response to the issues raised by the submissions and recommended changes to the Amendment (set out in **Attachments 1, 4 and 5**) as the basis for Council's submission to the Panel.
- 3.2 Requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions received to Amendment C203port, in accordance with Part 8 of the *Planning and Environment Act 1987*.
- 3.3 Refers those submissions received to Amendment C203port to the Panel to be appointed by the Minister for Planning, including any late submissions.
- 3.4 Writes to all submitters to Amendment C203port to inform them of Council's decision.

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

## **12. VIBRANT PORT PHILLIP**

Nil.

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

### **13.1 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 Local Government Act.

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

That Council

- 2.1 Receives and notes the written records of Informal Meetings of Councillors (attached) as required by the Local Government Act.

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



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

Nil.

#### **15. REPORTS BY COUNCILLOR DELEGATES**

Nil

#### **16. URGENT BUSINESS**

Nil.

#### **17. CONFIDENTIAL MATTERS**

##### **MOVED Crs Bond/Cunsolo**

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:

##### **17.1 M9 Waste**

The information in this report is considered to be confidential in accordance with the Local Government Act 2020, as it relates to:

- 3(1)(a). Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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

The meeting closed to members of the public at 10.11pm.

The meeting was reopened to the public at 10.17pm.

As there was no further business the meeting closed at 10.17pm.

Confirmed: 16 March 2022

Chairperson \_\_\_\_\_