



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

21 JUNE 2023



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  
21 JUNE 2023 IN ST KILDA TOWN HALL AND VIRTUAL VIA WEBEX**

The meeting opened at 6:34pm.

**IN ATTENDANCE**

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

Chris Carroll, Chief Executive Officer, Brian Tee, General Manager City Growth and Development, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Lachlan Johnson, General Manager Operations and Infrastructure, Joanne McNeill, General Manager Governance, Capability and Experience, Lauren Bialkower, Executive Manager - Advocacy and Stakeholder Engagement, Nellie Montague, Coordinator Strategic Transport, Darryn Hartnett, Executive Manager Governance and Organisational Performance, Xavier Smerdon, Head of Governance, Emily Williams Council Business Advisor, Charmaine Mackrodt Governance and Council Meetings Officer.

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

**REQUESTS TO ATTEND BY ELECTRONIC MEANS**

Nil.

**1. APOLOGIES**

Nil.

*Councillor Pearl arrived at 6:54pm.*

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Martin/Bond**

That the minutes of the Meeting of the Port Phillip City Council held on 7 June 2023 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:

- **Michelle Thomas:** I received a notice from the Council informing me about parking permit cost increase for concession card holders, which was previously free for the first permit. The letter did not state why Council has chosen to put a price on a Concession Permit. Why is Council contributing to the cost of living stress to those who need to use a concession card?

*Nellie Montague, Coordinator Strategic Transport advised that the Parking Management Policy Review took place between September 2022 and 17th May 2023. Council sought additional feedback from the community on scope of the review through Council's Have Your Say website between 28 November and 19 December 2022 and over 400 requests from the first year of the Policy from the community were considered to understand how the first year of implementation of the Parking Management Policy had gone. Feedback was received about the complexity and challenges with the first permit free, subsequent parking permits half price approach, especially for residents with multiple permits and for households with more than one person with a concession card. This complexity resulted in poor customer experiences and delays in receiving parking permits.*

*As with all fees and charges charged by Council parking permit fees were considered as part of the 22/23 budget process. The flat fee of \$25 for all concession card holder parking permits was endorsed to be rolled out from 1 July 2023, in comparison to full fee parking permits which cost between \$68 and \$142 per parking permit.*

*In recognition of the financial hardship some in our community are facing as part of the review, we also added an exceptional circumstance for financial hardship to waive the cost of the \$25 fee if severe financial hardship is being experienced. This will be available for all residents applying for parking permits after 1 July 2023.*

- **Alex Dalton:** Would the City of Port Phillip help facilitate a renters of Port Phillip information night? I would like to engage any and all interested groups and experts that could help (at the very least) the majority of our community that rent better understand their position in our current rental crisis.

*Marc Jay, Acting Manager Safety and Amenity advised that Council is aware of the issues confronting renters and through our Housing Strategy, we are looking to ensure there is sufficient supply of housing including for renters. Our sustainability initiatives are looking for opportunities to improve sustainability outcomes in homes including those where we do have renters. To address the specific proposal raised by Alex Dalton, an officer will make contact to thoroughly understand this request and see if Council can support renters with initiatives such as a proposed information session.*

*The Mayor adjourned the meeting due to technical difficulties at 6:55pm.*

*The meeting resumed at 7:03pm.*

- **Shaun Lancashire:** I'm the Deputy Principal at St Mary's College in St Kilda East and Windsor. In relation to the public toilet block on the corner of Chapel Street and Dandenong Road, we have put in place over the course of this last ten to fifteen years, preventative measures to stop our students from having to walk past the public toilet



block, given that there are over five hundred students that walk past it every day and the known concerns, danger and activity surrounding the toilet block. Can Council provide some assurances that there will be an investigation into what can be done and some commitment to demolishing the toilet block?

*Lachlan Johnson, General Manager, Operations and Infrastructure advised that Council has a number of older toilet blocks that are not compliant to current Crime Prevention Through Environmental Design (CPTED) standards and expectations of which this toilet is one. Council is aware issues at these toilets, we do have occasional occurrences of vandalism including people breaking in when toilets are locked at night and graffiti. We have been made aware recently of any defensive measures that the school has had to put in place.*

*The toilets have been listed in the draft public toilet plan for further investigation to identify the utilisation of the toilets as we believe they are likely underutilised due to their location and the having nearby toilets located in Alma Park that are currently being reconstructed.*

*We have recently started trialling smart technology sensors that can provide utilisation data – we can confirm that we will be expanding this trial and will be installing sensors in this toilet as a priority to help inform the next steps with this facility. Should the investigations suggest that these toilets are under-utilised, Council will seek to close the toilets deeming them not required. If investigations suggest that toilets are still required, Council will include planning and feasibility to upgrade the facility to a CPTED compliant building.*

- **Rowena Fitzgerald:** Why is the Council considering investing hundreds of thousands of dollars in a new toilet public toilet facility outside of St Kilda Park Primary School when there are already public toilet facilities located nearby in the Metropol building. Could council provide information as to why the public toilets in the Metropol building were closed to the public and confirm whether public safety concerns were one of the issues considered in making that decision?

*Lachlan Johnson, General Manager, Operations and Infrastructure advised that a detailed assessment of these issues was considered by Council on 15 June 2022. As outlined in that Council report, Council had previously had an agreement with the Metropol which was entered into in 2014/15 to provide public toilets to service Fitzroy Street. Public Safety concerns were raised and in late 2016, a public safety audit was completed on the Metropol toilets which recommended their closure primarily due to their lack of passive visual surveillance at the site. As a result the license was not renewed and since this time there has been no public toilet provision along Fitzroy St.*

*The following two submissions were read out by a Council Officer:*

- **Martin Skin:** The State Government briefed residents around Gasworks Park on 31 May about a new school Arts Centre project at the corner of Pickles and Richardson Street, Albert Park. The presenters told us that the parking problems would be handled by the Council. About 60 locals attended, and over half were concerned about parking and traffic. We are all supporters of the arts, but only at a reasonable cost. Can the City of Port Phillip please guarantee that there will be free and generous local permit parking for all residents within 500 metres of the new building for the next 30 years?  
Can the Council ask the State Government to provide much earlier briefings to residents about future works in their areas? In this case, the 31 May presentation was only a few days before the Construction phase of the project start. Can Council negotiate for local residents to get well discounted tickets to shows at the arts centre? Can the Council

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 21 JUNE 2023



ensure that the project pays attention to the risk of the large Gasworks wall collapsing, as happened in Carlton on 28 March 2013, killing two people.

*Nellie Montague, Coordinator Strategic Transport advised that the Parking Management Policy 2020 guides how Council manages the changing on-street car parking needs of the community. This includes parking controls and the issuing of residential parking permits. We have limited on-street parking and the policy helps us balance the competing demands of residents, visitors and workers. Council policy needs to be flexible to adjust to changing community needs. We therefore we cannot guarantee parking controls will stay the same for the next 30 years. Council will consider the appropriate parking settings on a case by case basis after consultation with impacted groups. In scenarios such as the development of the art centre we have a few options we can respond with including providing time restricted parking. This will restrict how long visitors who can use parking and encourage parking turnover. Residents with residential parking permits are exempt from these time restrictions. The cost of parking permits are determined by Council as part of the budget process and any request for exemptions to paying for permits will be considered as part of the annual budget process. Council engages with the Victorian School Building Authority and will pass on concerns about the timely nature of the engagement on behalf of residents.*

- **David Williams:** As representatives of the St Kilda Park Primary School community, we are telling Council that that the proposed public toilet in front of our school will adversely affect perceptions of safety as our children journey to and from school each day. Given this, how does Council expect to achieve its objectives in the Move, Connect, Live “Integrated Transport Strategy”? These objectives aim to make it easier and safer for people to walk to and around activity centres, key public transport stops and other destinations in our City’s neighbourhoods. How will Council achieve its plan for 10 minute neighbourhoods, which states an intention to “implement walking priority and safety improvements on routes to schools”. How does Council expect to achieve its aim to increase Walking +36% and Bike Riding +151% if parents and children are already being attacked in Fitzroy Street? How will building this toilet improve the likelihood that we want our kids walking or riding to school?

*Lachlan Johnson, General Manager, Operations and Infrastructure advised that Council has previously considered these concerns raised about the public toilet at its meeting on 15 June 2022 and resolved to continue with the delivery of the project. Officers are currently working to implement that decision. As outlined in detail in the June report, the proposed public toilet is CPTED designed to reduce the likelihood of antisocial behaviour to the greatest degree possible. It is not anticipated that the inclusion of a public toilet in this location will adversely impact active transport.*

## **Council Report Submissions:**

### **Item 10.1 Adoption of Community Amenity Local Law 2023**

- Jennifer Roper

### **Item 10.2 Approach to review of the Move, Connect, Live Integrated Transport Strategy**

- Mathieu Cadet



**Item 14.1 Notice of Motion- Councillor Tim Baxter – Reaffirm commitment to  
LGBTIQA+ Community**

- Sean Mulcahy
- Claire Proctor

**5. COUNCILLOR QUESTION TIME**

- **Councillor Pearl:** Can officers provide an update on funding commitments from the Federal Government for Childcare asses renewals in the City of Port Phillip. Particularly based on comments made during the Federal Election by the local member Josh Burns, in relation to potential commitments that could be made at the Federal level for childcare infrastructure within the City?

*Lauren Bialkower, Executive Manager - Advocacy and Stakeholder Engagement advised that Council submitted a budget submission in January this year requesting that the Federal Government contribute ten million dollars to the upgrading of our childcare centres over the next five years. A copy of this submission was provided to the Federal Member for McNamara, Josh Burns.*

*Council requested Federal funds to supplement State Government funding and council investment for the upgrades for our childcare centres, with all funds raised to go towards upgrading the buildings that early Education and child care delivered from.*

*Josh Burns did not make any commitment at the 2022 Federal Election for childcare funding and no funding has been allocated in this year's Federal Budget. Whilst no direct financial commitments were made, Josh Burns did attend numerous community meetings and indicates strong public support for saving the centres giving rise to expectations of Federal support. Officers and the Mayor will be meeting with Josh Burns in July and will raise this issue accordingly. The results of those discussions will be reported back to Councillors in due course.*

**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 2022 Annual Report

#### Purpose

- 1.1 To present the Multicultural Advisory Committee 2022 Annual Report (Attachment 1)

#### MOVED Crs Clark/Baxter

That Council:

- 3.1 Receive the Multicultural Advisory Committee 2022 Annual Report
- 3.2 Acknowledge the work undertaken by the Committee, and formally recognise their advocacy and contribution to the City.

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

## 10. LIVEABLE PORT PHILLIP

### 10.1 Adoption of Community Amenity Local Law 2023

#### Questions taken on notice during the debate:

**Cr Cunsolo:** Has legal advice been sought on whether the proposed amendment would breach the human and legal rights of people who need additional assistance because of a mental or physical disability or illness?

*Cindy Stubbs, Local Laws Review Consultant, advised that we do have a charter of human rights assessment but it is based on the current Local Law Clause 42 camping on Council land not the amended suggested clause. This assessment would need to be re-done, therefore took the question on notice.*

#### Purpose

- 1.1 To update Council on the outcomes of the community engagement process in relation to the proposed Community Amenity Local Law 2023.
- 1.2 To propose that Council make the Community Amenity Local Law 2023, in accordance with the Local Government Act 2020.

*Cr Clark moved an alternative motion:*

#### MOVED Crs Clark/Sirakoff

That Council:

- 3.1 Acknowledges and thanks the community for the feedback provided through the community consultation period.
- 3.2 Pursuant to section 71 of the Local Government Act 2020, makes the Community Amenity Local Law 2023 (Attachment 1) to replace the Local Law No.1 (Community Amenity) 2013 and that the Community Amenity Local Law 2023 takes effect on 1 August 2023.



- 3.3 Notes the tabling of the certificate pursuant to section 74(3) of the Local Government Act 2020 from Sherwell Harrison Munro Lawyers (Attachment 2).
- 3.4 Pursuant to section 71 of the Local Government Act 2020, gives notice of its decision to make Community Amenity Local Law 2023 in the Government Gazette, a local newspaper and on the City of Port Phillip's (Council) website, stating the title, objectives and the effect of the local law, and that a copy of the local law is available for inspection at Council offices and on the Council website.
- 3.5 Notes that the operating document – the Procedures and Protocols Manual that accompanies the new Community Amenity Local Law 2023 has been updated.
- 3.6 Propose a local law to amend Clause 42 Camping on Council land as follows:
- Current Clause 42 Camping on Council Land
- A person must not camp on any Council land or in any public place in a vehicle, tent, caravan or any other type of temporary or provisional form of accommodation.
- A person is not guilty of an offence under sub-clause (1) where that person establishes that they:
  - Are homeless or in need of secure accommodation; or
  - Have complex needs or is in the need of additional assistance because of mental or physical disability or illness.
- Amended Clause 42 Camping on Council Land
- A person must not camp on any Council land or in any public place in a vehicle, tent, caravan or any other type of temporary or provisional form of accommodation.
  - A person is not guilty of an offence under sub-clause (1) where that person establishes they are homeless or in need of secure accommodation.
- 3.7 Authorises commencement of the statutory process for the making of the proposed Community Amenity (Amendment) Local Law 2023, in accordance with the community engagement policy.
- 3.8 Authorises the publication of a notice pursuant to section 73(3) and 73(4) of the Local Government Act 2020 by giving public notice in a local newspaper and on Council's website of its intention to make the Community Amenity (Amendment) Local Law 2023. The notice will state the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at Council's office and on Council's website, and the community engagement process that applies in respect of the making of the local law.

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

**Cr Clark called for a DIVISION.**

**FOR: Crs Bond, Sirakoff, Clark and Cunsolo**

**AGAINST: Crs Baxter, Crawford, Martin, Pearl and Nyaguy**

**The MOTION was LOST.**





*The Motion reverted to the officer's recommendation.*

**MOVED Crs Bond/Martin**

That Council:

- 3.1 Acknowledges and thanks the community for the feedback provided through the community consultation period.
- 3.2 Pursuant to section 71 of the Local Government Act 2020, makes the Community Amenity Local Law 2023 (Attachment 1) to replace the Local Law No.1 (Community Amenity) 2013 and that the Community Amenity Local Law 2023 takes effect on 1 August 2023.
- 3.3 Notes the tabling of the certificate pursuant to section 74(3) of the Local Government Act 2020 from Sherwell Harrison Munro Lawyers (Attachment 2).
- 3.4 Pursuant to section 71 of the Local Government Act 2020, gives notice of its decision to make Community Amenity Local Law 2023 in the Government Gazette, a local newspaper and on the City of Port Phillip's (Council) website, stating the title, objectives and the effect of the local law, and that a copy of the local law is available for inspection at Council offices and on the Council website.
- 3.5 Notes that the operating document – the Procedures and Protocols Manual that accompanies the new Community Amenity Local Law 2023 has been updated.

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

*The Mayor adjourned the meeting at 8:24pm.*

*The meeting resumed at 8:35pm.*

**10.2 Approach to the Review of the Move, Connect, Live Integrated Transport Strategy**

**Purpose**

- 1.1 To seek endorsement for the scope, principles and key changes proposed for the mid-strategy review of the Move, Connect, Live Integrated Transport Strategy 2018 – 2028.

**MOVED Crs Cunsolo/Bond**

That Council:

- 3.1 Endorses the scope, principles, and key changes proposed for the review of the Move, Connect, Live Integrated Transport Strategy 2018 -2028.
- 3.2 Endorses community consultation on the Review to take place in August/September 2023.

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

**Cr Bond called for a DIVISION.**



**FOR:** Crs Bond, Sirakoff, Clark and Cunsolo

**AGAINST:** Crs Baxter, Crawford, Pearl and Nyaguy

**ABSTAINED:** Cr Martin

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

## 11. SUSTAINABLE PORT PHILLIP

### 11.1 Establishment of a South Eastern Biodiversity Network

#### Purpose

- 1.1 To report to Councillors on the progress made in relation to the request for the establishment of a South Eastern Biodiversity Network (SEBN), put forward as a Notice of Motion at the Ordinary Meeting of Council on 16 November 2022.

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

That Council:

- 3.1 Notes that Council officers are undertaking this work to respond to the Notice of Motion presented at the Ordinary Meeting of Council on 16 November 2022
- 3.2 Authorises Council officers to continue discussions with the existing networks to determine whether the scope of these networks could be expanded to include biodiversity and support the goals of the proposed SEBN
- 3.3 Notes that Council officers will undertake a more in-depth options analysis and continue to develop an understanding of the financial and resource implications to Council for the establishment of a new network.

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

## 12. VIBRANT PORT PHILLIP

### 12.1 St Kilda Live Music Precinct Policy 2023 - 26

#### Purpose

- 1.1 To present the results of further community consultation on the draft St Kilda Live Music Precinct Policy 2023 -26 and key document amendments in response to feedback provided.
- 1.2 To recommend adoption of the St Kilda Live Music Precinct Policy 2023-26.
- 1.3 To seek approval to proceed with further steps to strengthen the live music precinct model, including planning study work to support a local planning scheme amendment to designate a live music precinct in the Port Phillip Planning Scheme and advocacy and collaboration with state government to streamline regulation.



**MOVED Crs Bond/Pearl**

That Council:

- 3.1 Notes the results of the broad community consultation via Have Your Say on the draft policy as presented in this Report and as Attachment Two.
- 3.2 Adopts the St Kilda Live Music Precinct Policy (Attachment One) and delegates to the CEO the ability to make changes that do not alter the substantive content of the document.
- 3.3 Formally declares the St Kilda Live Music Precinct - recognising the importance of the live music in St Kilda and safeguarding its future while balancing the needs of surrounding residents
- 3.4 Authorises officers to proceed with next steps to strengthen the benefits of the precinct, including planning study work to determine the benefits of a local planning scheme amendment to designate a live music precinct in the Port Phillip Planning Scheme, and state government advocacy to streamline regulation of live music activity.

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

## **EN BLOC MOTION**

**MOVED Crs Martin/Sirakoff**

That the following items be moved en bloc:

- 13.1 Councillor Expenses Monthly Reporting - April & May 2023
- 13.2 Status of Council Decisions and Questions Taken on Notice recorded by Council: 1 January - 31 March 2023
- 13.3 Records of Informal Meetings of Council

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

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

### **13.1 Councillor Expenses Monthly Reporting - April & May 2023**

**Purpose**

- 1.1 To report on the expenses incurred by Councillors during April and May 2023, in accordance with the Councillor Expenses and Support Policy.

**MOVED Crs Sirakoff/**

That Council:

- 3.1 Notes that the February 2023 Councillor expenses included an incorrect figure for the 'Councillor Allowance' expense attributed Cr Louise Crawford (**Attachment 1**). This figure has been adjusted to the correct amount and will be reflected on Council's website.



- 3.2 Notes the monthly Councillor expenses report for April 2023 (**Attachment 2**) and that this will be made available on Council's website.
- 3.3 Notes the monthly Councillor expenses report for May 2023 (**Attachment 3**) and that this will be made available on Council's website.

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

## **13.2 Status of Council Decisions and Questions Taken on Notice recorded by Council: 1 January - 31 March 2023**

### **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 January - 31 March 2023 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 January - 31 March 2023 and the status of questions taken on notice that were previously reported as outstanding in the last quarterly status report.

### **MOVED Crs Sirakoff/**

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.**

## **13.3 Records of Informal Meetings of Council**

### **Purpose**

- 1.1 The purpose of this item is to report to Council written records of Informal Meetings of Councillors at the City of Port Phillip as required by the Governance rules.

### **MOVED Crs Sirakoff/**

That Council

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

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



## 14. NOTICES OF MOTION

### 14.1 Notice of Motion – Councillor Tim Baxter – Reaffirm Commitment to LGBTIQ+ Community

#### MOVED Crs Baxter/Nyaguy

That Council:

1. Publicly reaffirms its commitment to the inclusion of LGBTIQ+ people in our community.
2. Condemns far right terrorism and hate speech perpetuated against the LGBTIQ+ community their allies and supporters.
3. Continue to work with the LGBTIQ+ Advisory Committee, Victorian Pride Centre, Municipal Association of Victoria, Victoria Police and other key bodies on the safe delivery of LGBTIQ+ programs, community events and recognition moving forward.
4. Report back to Council on item 3 above within six months

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

**Cr Nyaguy called for a DIVISION.**

**FOR: Crs Baxter, Crawford, Bond, Sirakoff, Martin, Nyaguy and Cunsolo**

**AGAINST: Nil**

**ABSTAINED Crs Pearl and Clark**

**The MOTION was CARRIED.**

## 15. REPORTS BY COUNCILLOR DELEGATES

Nil.

## 16. URGENT BUSINESS

Nil.

## 17. CONFIDENTIAL MATTERS

### RECOMMENDATION

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

#### 17.1 Confidential Notice of Motion - Councillor Marcus Pearl - Potential Acquisition

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

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 21 JUNE 2023



- 3(1)(c). land use planning information, being information that if prematurely released is likely to encourage speculation in land values
- 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.

The gallery was closed to the public at 9:41pm.

The gallery reopened at 9:52pm

As there was no further business the meeting closed at 9:52pm.

Confirmed: 5 July 2023

Chairperson \_\_\_\_\_