



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

7 JUNE 2023



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MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 7 JUNE 2023 IN ST KILDA TOWN HALL AND VIRTUAL VIA WEBEX

The meeting opened at 6:35pm.

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, 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, Dana Pritchard, Manager Open Space, Recreation and Community Resilience.

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.

WITHDRAWAL OF AGENDA ITEM

Chris Carroll, Chief Executive Officer advised that with the Mayors consent and following a request for deferral from Councillor Nyaguy, item 14.1 'Notice of Motion – Councillor Nyaguy-Voice to Parliament' was removed from the agenda under Governance Rule 19. This item will be deferred as effected stakeholders require further notice to prepare responses.

REQUESTS TO ATTEND BY ELECTRONIC MEANS

MOVED Crs Pearl/Nyaguy

That Council approves the request to attend by electronic means received by Councillor Baxter.

A vote was taken and the MOTION was CARRIED unanimously.

1. APOLOGIES

Nil.



2. CONFIRMATION OF MINUTES

MOVED Crs Sirakoff/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 17 May 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:

The following two questions were asked in relation to dog statistics and a combined response provided.

- **Alex Makin:** At the 1 March 2023 Council Meeting, Council stated it had 'just started the count process' to assess the number of dogs (and owners) using 'recreational open space and our beach areas' what is the progress of these counts and when will Council 'make it available to the community' as per the minutes on 1 March 2023?
- **Celine Whiting:** I would like to know when you share this information about the dog count and the user count, will you be sharing the time of day that you counted, the average time spent counting and the location of the counts?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience advised that dog counts have been undertaken across 18 dog off-leash spaces within the City of Port Phillip during February and March 2023 over a 14 day period. The counts were undertaken by Council officers at random times, across a variety of weather conditions and the aim was to ensure that key times of the day were covered such as before and after work. The data collected showed a variety of findings including the total number of dogs which was 1,730 dogs across dog off leash areas and 290 dogs across our beaches. This information will be included in our background report for the Dog Off Leash Guidelines which will be shared first with our deliberative panel and also on the Have Your Say page over the next month.

The following public questions were asked in relation to public safety issues and the proposed public toilet on Fitzroy Street, St Kilda, and a combined response provided.

- **Rowena Fitzgerald:** Given the continued anti-social behaviour on Fitzroy Street, St Kilda, will council reconsider its proposal to build a public toilet just meters away from the entry to St Kilda Park Primary School? Are Councillors aware that in the past fortnight, our vibrant, open minded school has had to deal multiple issues that have directly impacted the safety of students and the community. Last week a Mother and Daughter were physically attacked on their way to School, the week before this, a stranger walked onto

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the School grounds and into a classroom while lessons were taking place. Public toilets across the City of Port Phillip attract anti-social behavior. We ask Council to take this project off the table and look at other locations that will better suit the needs of residents and visitors to the City of Port Phillip.

- **David Williams:** In Council's draft "Public Toilet Plan 2023 – 2033", why did Council only disclose a \$270,000 spend for the proposed Fitzroy Street public toilet, when Council has already allowed \$600,000 to complete the project? With a typical new toilet costing \$240,000, does this represent value for money? (\$240,000 relates to the last public toilet built in Shakespeare Grove, St Kilda). If costings to complete the necessary works to connect sewerage etc. are not yet final. Will Council undertake to provide ratepayers with full transparency of the final costing before any work proceeds?
- **Elisa Webb:** I would like to ask about the detail in the 2023-2033 public toilet plan, specifically Council's forthcoming investigation into closing the public toilets located on the corner of Dandenong Road and Chapel Street due to 'poor condition and ongoing antisocial behaviour'. Can Council provide an explanation around how children as young as 4, with no convenient alternative access to their school premises, should be tasked with passive crime prevention around a public toilet, when the Dandenong Road toilets, involving much older students with alternative safe access, are causing enough concern to require daily defensive strategies from the school and for the facilities to be considered for closure or demolition?
- **Neil Scott:** My question is in relation to the decision of Council to build a public toilet within meters of our School. I am the Principle of St Kilda Park Primary School. In the last week we have had several incidents involving school parents being assaulted and members of the public coming onto the school grounds. How can Council reassure us that our safety concerns will be addressed, by building a public toilet on the door step of the school?
- **Hannah Lawson:** This project is pushing ahead despite significant objections and increased public safety concerns connected to the environment around the St Kilda Primary School, we do understand the need for these types of facilities within the local area and are aware of the crime prevention through environmental design principles, but we need to be clear that the current community safety crisis on parts of Fitzroy street is far from normal and cannot be compared to other locations within the City of Port Phillip. This all seems at odds with Council's own commitment to creating a child safe Port Phillip through its Child Safe Policy. Given the continued violence and safety issues, why would Council build a public toilet in the very area where child's safety issues are most pressing and urgent?

Lachlan Johnson, General Manager, Operations and Infrastructure advised that Council considered a number of aspects including potential anti-social behaviour issues, relating to the proposed Fitzroy Street Public Toilet at the 15 June 2022 Council meeting and agreed to continue with the project.

The draft public toilet plan which is out for consultation at the moment, does list some proposed works to three public toilets that have been known to be subject to varying forms of anti-social behaviour, however this is not the main or only driver for the proposed upgrades. The current and draft public toilet plan also notes that previously public toilets have been



poorly located, hidden away and poorly designed creating ideal spaces for anti-social behaviour.

A number of the changes proposed to public toilets includes the learnings from these previous sites and incorporate Crime Prevention Through Environmental Design (CPTED) design to reduce the likelihood of this behaviour. I believe questions may have stemmed from the item in the draft toilet plan noting that the public toilets located on Dandenong Road are to be further investigated for potential closure or demolition. Whilst we do experience occurrences of vandalism at this site, we suspect that these public toilets are highly under-utilised in this area and would like to investigate the usage of the toilets to determine the future of the site and whether they are necessary in this location. This is the main driver for the feasibility study. The outcome of this would help Council to understand whether the toilets are necessary in the area. In contrast, Fitzroy St does not have any public toilets, with the nearest toilets being those near the foreshore in Catani Gardens, a significant distance from the Albert Park end of the street.

The Dandenong Road toilets differ significantly. These toilets are located along a busy commuter road, however they are relatively isolated, there is no stopping/parking outside the toilets, it is likely that pedestrians not commuting through the area would utilise the park more than the footpath, and the visibility of the toilets is partially concealed by a large tree in front of the toilets and the buildings surrounding it, making it less recognisable to the general public as a public toilet. Therefore moving it to a more suitable location may deter some of the anti-social behaviour that is known to occur there. Additionally the toilet is an old brick building with entrances for male and female toilets rather than standalone cubicles. This creates greater space internally and opportunities to conceal oneself, making it poorly designed and not aligned with CPTED safety principles.

In contrast, in Fitzroy Street we have demand for the toilets and are taking lessons learned from other toilet sites and implementing CPTED principles when considering the location of the toilets such as high accessibility and high visibility. It is one of the reasons we are not able to move the toilet block any further down towards Lakeside Drive than the additional 20 metres which was committed to at the 15 June 2022 Council meeting.

The draft public toilet plan provides a strategy of how Council aims to plan for improved public amenities across the City and consultation of this will end in the coming weeks where the community will have the opportunity to provide feedback on the proposed toilet plan, feedback received will be brought to a Council meeting for consideration in the coming weeks.

The City of Port Phillip has not denied that anti-social behaviour does affect public toilets, the current and draft public toilet plan both acknowledge that this has occurred, often due to historical poor siting and design, and identifies a number of different ways that we are looking to reduce opportunities for this type of behaviour, including locating new toilets in highly visible locations and incorporating CPTED design principles.

Council has not been made aware of any concerns raised by St Mary's School, or the requirement for any daily defensive strategies around the public toilet area. There are also significant differences between the Dandenong Road public toilets and the proposed Fitzroy St toilet as previously outlined.

The typical new toilet cost referenced appears to be an average cost to replace existing toilets with available service connections. Fitzroy Street differs in that this is a new toilet located in an area with not easily accessible underground services to connect into. Council has received early indicative costs of approximately \$150,000 (noting this was estimated in 2022 and is subject to market/inflationary changes currently being experienced), however we are unable to confirm these costs at this point, until the designs have concluded.

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At the 15 June 2022 Council Meeting, Councillors approved delegation to the CEO of up to \$300,000 for any required underground services works, however if the costs were to exceed this amount, the costs would be presented back to Councillors in the public chamber for a decision to approve any further funding required.

Councillor Nyaguy asked a follow up question. Given the kind of community interest, is there an opportunity for Councillors to have further consideration of this project before it goes ahead?

Chris Carroll, Chief Executive Officer advised that Council has made a decision on this project following extensive feedback from the Community. It is Council officers' legal responsibility now to implement that decision. There are some parameters for us to operate within and if we can't meet those parameters we would need to come back to Council to have a further conversation, which could be an opportunity to revisit the decision. Alternatively it will be up to Council and Councillors around attempting to rescind the Council decision. The CEO undertook to provide further advice on this if requested to do so by a Councillor.

Due to a technical difficulty with the livestreaming, the Mayor adjourned the meeting at 7:03pm.

The meeting resumed at 7:08pm.

Council Report Submissions:

Item 7.1 Petition – Prioritise urgent upgrades to Port Melbourne Soccer Club facilities

- Anja Nikolic

Item 7.2 Petition - Stop Parklets occupying valuable Parking Space

- Sandra Mulvihall

Item 7.3 Petition - Stop current plans to redevelop Lagoon Reserve

- Ana Cecilia Garcia
- Mark Goldblatt
- Natalie Bikicki
- Alex Makin
- Steve Dimatroski
- Celine Whiting

Item 13.2 Draft Council Plan 2021-31 Year 3 and Draft Budget 2023/24: Hearing of Feedback

- Liam McAuliffe
- Dianne Toulson
- Brian Hanlon
- Wendy Priddle
- Nicholas Capes
- Emma Giakoumatos
- Susan Farley
- Milos Ristic
- Suzanne Thomas

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- Greg Gibbins
- Mark Goldblatt
- Pam O'Neil
- Cecile Van Der Burgh
- Nancy Otis
- Campbell Spence
- Stephen Pennells
- Jennifer Roper
- Zoe Pappas
- Freda Erlich
- Coralie Ling
- Jack Halliday
- Helen Halliday
- Phillip Bird
- Beti Jay
- Sally Jacobs
- Michael Farley
- Betty Alexooulos
- John Spierings
- Rodney Mitchell
- Les Rosenblatt

The Mayor adjourned for a break at 8:07pm (*during public question time and submissions*). .
The meeting resumed at 8:17pm.

5. COUNCILLOR QUESTION TIME

- **Councillor Martin:** In relation to the EcoCentre Lease as referenced tonight during public question time and submissions. The Council budget documents refer to a 10-year lease and the EcoCentre are requesting up to a twenty-one year lease. Can officers advise what actions would need to be taken if we wanted to change the lease term as currently defined in the draft budget?

Brian Tee, General Manager City Growth and Development took the question on notice.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Petition – Prioritise urgent upgrades to Port Melbourne Soccer Club facilities

A Petition containing 964 signatures was received electronically via change.org.

MOVED Crs Pearl/Bond

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioners for their Petition
3. Notes the identified need from Port Melbourne Soccer Club to upgrade the sportsground lighting for Pitch 2; but declines investment in temporary lighting measures as upgrade works are due to commence in 2024.



4. Continues with the current timing of delivery for the redevelopment of both JL Murphy Reserve Pitch 3 (2023/24) and Pitch 2 (2024/25).
5. Declines the request to permit use of adjacent grounds at JL Murphy Reserve due to sportsground capacity; but notes future use will be considered through the seasonal allocation process.
6. Declines the request to upgrade the canteen facilities within the JL Murphy Reserve Soccer Pavilion.
7. Approves \$80k to upgrade the second changerooms within the JL Murphy Reserve Soccer Pavilion to further support female and junior participation in sport (noting this would be prioritised within the budget and project management capacity of the minor capital works program in 2023/24).
8. Notes that additional storage facilities will be included in the upgrade to Pitch 2 and therefore declines the request to provide additional storage facilities onsite outside that project.

A vote was taken and the MOTION was CARRIED unanimously.

7.2 Petition – Stop parklets occupying valuable parking space

A Petition containing 44 signatures was received from local residents and businesses.

MOVED Crs Martin/Bond

That Council:

1. Receives and notes the Petition.
2. Notes that Council has recently endorsed an Outdoor Trading (Dining) Policy and Business Parklet Guidelines to ensure proper management of business parklets on an ongoing basis.
3. Continues to implement the Policy and Guidelines to manage parklets in Ormond Road, including adherence to the cap of 8 parking bays agreed upon.

A vote was taken and the MOTION was CARRIED.

7.3 Petition – Stop current plans to redevelop Lagoon Reserve

A Petition containing 832 signatures, was received from local residents.

MOVED Crs Bond/Crawford

That Council:

Receives and notes the Petition and provides a response to a future Council meeting.

A vote was taken and the MOTION was CARRIED.

8. PRESENTATION OF CEO REPORT



8.1 Presentation of CEO Report - Issue 96

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 96 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in April 2023.

A vote was taken and the MOTION was CARRIED unanimously.

9. INCLUSIVE PORT PHILLIP

Nil.

10. LIVEABLE PORT PHILLIP

Nil.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

Nil.

13. WELL GOVERNED PORT PHILLIP

13.1 S6 Instrument of Delegation - Council to Members of Staff

Purpose

- 1.1 To present to Council an updated S6 Instrument of Delegation from Council to Members of Council Staff.

MOVED Crs Pearl/Nyaguy

That Council:

- 3.1 Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation from Council to Members of Council Staff (Attachment 1) the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that instrument.



- 3.2 Affixes the common seal of Council to the Instrument of Delegation from Council to Members of Council Staff.
- 3.3 Notes that this Instrument of Delegation from Council to Members of Council Staff comes into force immediately from when the common seal of Council is affixed to that Instrument.
- 3.4 Revokes the current Instrument of Delegation from Council to Members of Council Staff dated 19 October 2022 upon the coming into force of the Instrument (Attachment 1).
- 3.5 Notes that the duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any policies of Council that it may from time to time adopt.
- 3.6 Authorises the CEO to make administrative changes to the document to correct any titles and typographical errors, to enable the documents to be appropriately sealed.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Draft Council Plan 2021-31 Year 3 and draft Budget 2023/24: Hearing of Feedback

Purpose

- 1.1 To receive and hear community feedback on the draft updated Council Plan 2021-31 Year 3, including the draft Budget 2023/24.

MOVED Crs Bond/Crawford

That Council:

- 3.1 Receives the report detailing the feedback received on the draft Council Plan 2021-31 Year 3, including the draft Budget 2023/24.
- 3.2 Thanks those who have spoken in support of their submission at the meeting on 7 June 2022.
- 3.3 Notes that a further report on the final changes proposed to the Council Plan and Budget, will be presented at a Special Meeting of Council on 20 June 2023.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

Item 14.1 Notice of Motion Councillor Nyaguy – Voice to Parliament, was deferred to a future meeting.



15. REPORTS BY COUNCILLOR DELEGATES

Councillor Nyaguy reported to Council to note that they had the pleasure of attending a planning and land use training session facilitated by the Municipal Association of Victoria (MAV). It was very valuable and it will help them to be a better participant in planning decisions going forward.

Councillor Crawford reported to Council as a ward Councillor for Canal ward, notifying Councillors and the Community of our local Historian Isaac Hermann who has recently just released a book called Enchanted Beneath the Bluff. The book is about two women, Agnes and Geraldine who pursued Elwood's allusive diamonds when they mined for black coal at Red Bluff, now Point Ormond. This book portrays a significant and interesting part of our history.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 9:46pm.

Confirmed: 21 June 2023

Chairperson _____