



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

2 FEBRUARY 2022



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

The meeting opened at 7:30pm.

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, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Kylie Bennetts, General Manager City Growth and Development, Claire Stevens, General Manager Governance and Organisational Capability, Rachel Russell, Manager Governance and Organisational Performance, Kirsty Pearce, Head of Governance, Emily Williams, Governance Officer, Liam O’Cathasaigh, Governance Officer, Joanne McNeill, Executive Manager Property and Assets, Mark Thompson, Head of Asset Management.

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/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 8 December 2021 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/archive.php>

Public Question Time:

- **Ella Webb:** Will Council follow the lead of the City of Stonnington and update its Council Flag Protocol to fly the Rainbow Flag on the International Day Against Homophobia, Biphobia and Transphobia and Wear It Purple Day and the transgender flag on Transgender Visibility Day and Transgender Day of Remembrance?

Tony Keenan, General Manager Community Wellbeing and Inclusion advises that the City of Port Phillip has observed these important days for a number of years with the flying of the Rainbow and/or Transgender Flag. Council has flown the Rainbow Flag from the highest flagpole on the three Town halls (the main flagpole) for one week leading up to Pride March and has done so since 2004. Council has also flown the Rainbow and/or Transgender flag on the International Day Against Homophobia, Biphobia and Transphobia and Wear It Purple Day and the Transgender flag on Transgender Visibility Day and Transgender Day of Remembrance in line with Council's flag protocol – we fly the flags on the community flagpole at the request of community groups.

- **Nikita Jain:** When will the Pottery program start back at St Kilda Adventure playground, like how it used to be there. It's important program for me and my family, and also a reason I chose to live near park. I would like to know why no one is telling about what is going on in the park and its usual programs being removed or being resumed.

Tony Keenan, General Manager Community Wellbeing and Inclusion advised that the ceramic program hasn't stopped and classes have increased from once a week to often twice a week. The staff member who runs the program is casually employed so we are not able to run the program if he is not available. If not available, parents and families are notified of this. In addition, ceramic sessions have been occurring on some Saturdays when the worker is available and the art sessions are scheduled to occur on Thursdays. I'm not aware of any programs not returning, the programs are running as they always have, we had an increased schedule over the school holidays.

- **Stephen Pennells:** How many buildings and land has council sold in the past five years and how many have they purchased?

Joanne McNeill, Executive Manager Property and Assets took the question on notice.

- **David Latimer:** In regard to the Council proposal to sell three Childcare Centres - Has the Council received advice or correspondence from the State government in relation to the availability of State government funding for improvement works at these three centres? If so, what was the nature of this advice?

Tony Keenan, General Manager Community Wellbeing and Inclusion advised that Council has received advice from the Minister for Early Childhood, The Hon. Ingrid Stitt, who advised Council how the Building Blocks Grants work and that Council could be eligible for funding. The Minister advised that there is no requirement for an applicant to deliver a minimum of 22 licensed places and 66 license places for new early learning facilities as advertised in the Building Blocks Program. Council has met and will continue to meet with the Victorian Schools Building Authority which is the State body that administers that grant funding.

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- **Simon James:** I refer to the 1st December Council Meeting, on Portfolio Management of the Childcare Centres. Council states, "most of the Council owned facilities can be made significantly more fit for purpose over the next 10 to 15 years". Can Council explain why these 3 early childhood centres are not being afforded at least a reasonable period of time to plan for necessary upgrades?

Tony Keenan, General Manager Community Wellbeing and Inclusion, advised that that particular statement refers to the total Childrens services portfolio across Port Phillip (17 Childcare and kindergarten buildings), not just the three centres in question. Most of the Council owned facilities can be made significantly more fit for purpose over the next 10-15 years, as those centres come up for renewal. The three centres in question are already beyond the need for renewal.

Joanne McNeill, Executive Manager Property and Assets added that the reason the proposal has been made to sell these three centres rather than to reinvest in them is that they've reached a point in their asset lives that they are very difficult to just simply renew. They are very old buildings, some 100+ years, some heritage listed and some with a lot of compliance issues. In addition to condition issues that need to be addressed they trigger then additional works, it ends up being quite a large replacement of the centres and so it's not able to be undertaken as part of the normal renewal program. Which is where the value for money questions come in, is it best value to reinvest in these centres or to invest in other building of capacity across the network which allows for a longer term solution.

- **Brenda Forbath:** How does Council propose to improve kindergarten participation by reducing the number of places available?

Tony Keenan, General Manager Community Wellbeing and Inclusion advised that Council does have a proposal, but no decision has been made and Council is currently out for consultation. The Kindergarten Infrastructure Support Plan (KISP) refers to participation in kindergarten and the issue around participation is not solely around places that are available, we have an excess of places at the moment but you correctly note we are not meeting our participation rates. This is to do with a range of issues including factors of vulnerability for families, at the moment, no child in a wheelchair would be able to access kindergarten at any of the three centres in question because they are not accessible. Council is investing heavily to increase participation, most importantly through the introduction of assertive outreach workers and the introduction of the early education grants to assist participation of vulnerable children in kindergarten. Having said that, clearly places are an important factor but places alone don't guarantee participation. In addition, Council has commissioned further modelling to provide updated modelling on demand and supply for a period longer than the modelling provided in the KISP and we hope to have that available soon.

- **Rhonda Small:** Is Council aware that their proposal to sell the three early childcare centres and thus reduce kindergarten places in Port Phillip, does not meet their own agreement committed to in the Kindergarten Infrastructure and Services Plan (KISP)?

Tony Keenan, General Manager Community Wellbeing and Inclusion took the question on notice.

- **Andrew Feeney:** Why didn't Council provide the cost estimates for the upgrade works before proposing to sell the three early childhood centres? And how could the Councillors



vote on the proposal, which was predicated on the costs being uneconomic, without seeing any indicative costs?

Tony Keenan, General Manager Community Wellbeing and Inclusion, advised that costings by an independent quantity surveyor were undertaken in 2016 and shared with the Committees at the time. As construction costs have escalated significantly since that time, Officers have obtained updated costs and uploaded them to the Document Library of the 'Have Your Say' webpage. Current costings for two of the centres, Elwood and Eildon Road are up to date on the website, we are awaiting updated costings for the third centre, The Avenue. These will be uploaded as soon as we receive them.

Joanne McNeill, Executive Manager Property and Assets added that there has been work done on these three properties over an extended period of time. Costings were done a few years ago, these are now being updated to current estimates as we have had significant increases in costs for construction. We are making sure that we have got very accurate and up to date costings available. We are publishing on the website as this information becomes available.

Councillor Pearl clarified if the costings were done before the consultation started?

Joanne McNeill, Executive Manager Property and Assets advised we've had costings for the works at these sites that indicate approximately \$2million worth of work at each site. We're making sure that we are reviewing those figures to ensure we have the most up to date amount in line with current construction costs. We're also undertaking further reports to fill any gaps in understanding, particularly for everyone involved in the centres. We understand that this is something where people need to know more information than less. Where there is older information we are replacing that with new and up to date information. Councillors were provided with numbers that indicated that the works to address these three centres was overwhelmingly not cost-effective for the outcome that it would produce. Whereas investing in a different outcome in a different centre would produce more capacity in that centre for better functional and longer term outcome. That was the information that was provided to Councillors and those figures are now being updated which will no doubt show an escalation in costs from the original figures.

- **Sara Roth:** Each of the centres are contributing well over \$100k per annum in a Maintenance Levy to the City of Port Phillip. Can Council provide any information on how that money has been used (or not used) by Council in the maintenance of these sites, and after repeated requests, why have two of the centres still not received any response to those requests?

Tony Keenan, General Manager Community Wellbeing and Inclusion, advised that Council has written to the centres explaining we are having difficulty getting some of this information predominantly due to staff absences with COVID and delays gaining historical information across multiple systems. This information will be provided as soon as we have it available.

Councillor Pearl followed up, could we provide any indication or a timeline.

Joanne McNeill Executive Manager Property and Assets, advised that we have aggregated figures across the three centres for the five years, which we engaged Councillors on earlier in the year. We can provide those figures immediately, however we've been waiting to segregate those figures per Centre. We have been short on resources here and apologise for the delay. It is not through lack of intention and we will provide that breakdown of the ten years as soon as we have it available. The aggregated figures across the five years we can provide within the next two days.



Councillor Pearl advised the question would be taken on notice to ensure the information is provided once available.

- **Helene Kammoun:** Firstly, why have council officers consistently mischaracterised the availability of state government funding in relation to smaller early childhood services? This has been misinforming Councillors, officers have repeatedly put forward the lack of government funding as a barrier to bringing the centres up to current standards, referring in particular to the need to have a 66 place centre or increasing by 22 spots to get access to funding. Our discussion with state government and in particular the Minister for early childhood Ingrid Stitt have clarified that there is no such rule around the number of spots to access the state government funding through the Building blocks program. What actions has CoPP taken to explore state and federal funding opportunities to help upgrade the centres since the last meeting?

Tony Keenan, General Manager Community Wellbeing and Inclusion, noting the seriousness of the allegation, put on the record that Council officers have not misinformed Council. Council officers provided advice that was on the public record and public documents around the building block funding and we offered that up in good faith. As I referred to earlier in a response that the Minister has written and provided clarification as to how the Building Blocks Grants work and that Council could be eligible for funding. Mayor Pearl has responded to that letter and Councillors will be discussing whether or not and how they might access that funding. Council officers have already met with the Victorian Schools Building Authority.

Councillor Pearl elaborated regarding funding, what actions have we taken to explore state and federal government funding opportunities?

Tony Keenan, General Manager Community Wellbeing and Inclusion advised that we have met and will continue to meet with the Victorian Schools Building Authority which is the state body that administers that grant funding. We haven't met with the Commonwealth, as there is no commonwealth funding available other than for building centres in disadvantaged areas which Port Phillip would not qualify for. As there is a Federal election this year, Councillors may choose to engage with candidates around potential federal funding, but at the moment there is no federal funding stream available.

Councillor Pearl added that we have had correspondence with both State and Federal members of Parliament and our door remains open if anyone would like to talk to us about funding options.

- **Simon Rashleigh:** We agree that the building could definitely be maintained better, and a renovation or two might be overdue, but what exactly is the existential problem that makes the building beyond saving? Why is council proposing 17 Eildon road be sold so soon? Council officers advised at the December meeting the timeline was made on an assessment of risk. So what is the big risk that means ERCK should not operate in 2023? Unless there's a compelling reason why 17 Eildon Road must be offloaded this calendar year, why would Council take childcare places out of the market before there are similar replacements? Wouldn't it make sense to take the pressure off all stakeholders and amend the timeline for the sale of 17 Eildon Road to 2023, allowing all parties a more reasonable timeframe to work on alternative solutions? Can Council advise why 17 Eildon Road must be sold in 2022 rather than 2023?

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Tony Keenan, General Manager Community Wellbeing and Inclusion advised that we are currently in the consultation period to receive feedback on the proposed timelines.

Joanne McNeill, Executive Manager Property and Assets, noted that while the engagement on this proposal began in December 2021, there has been engagement with the three centres as early as 2016 around the challenges of these buildings. So while I note that there is surprise around the condition issues, we have been endeavouring to engage with the centres on these challenges over time. In 2019 when the policy work was underway, the asset overview paper was also part of that broader piece of work discussing the issues with the centres. Over time the condition of those centres is not getting any better and that's where we're looking at the need and timeline to sell. That timeline provided can be reviewed and that is part of the consultation. The centres have requested more information and we apologise for the resourcing challenges we have already noted earlier this evening, in addition to the normal leave that occurs over late December to early January, we've also had the COVID 19 outbreak to deal with that has caused delays. Apologies, we are working on responding to all of the outstanding questions as soon as possible now. In response to the question regarding Eildon Road, the condition issues need to be addressed, we can't address those issues without undertaking a larger program of work. We do have specific engagement with each of the three centres to go through in detail any questions that are still outstanding. There is also a huge body of information available to view on the Have Your Say webpage. Around the specific issues at each of the centres, we are happy to follow up on any specific questions around the condition and compliance issues for each of the centres which are different for each centre of course.

- **Sophie Hine:** Why has it taken until just this week for Council to get quotes for the upgrade works?

Tony Keenan, General Manager Community Wellbeing and Inclusion, advised that as previously provided in an earlier response, costings by an independent quantity surveyor were undertaken in 2016 and shared with the Committees at the time. As construction costs have escalated significantly since that time, Officers are obtaining updated costs and uploading them to the Document Library of the 'Have Your Say' webpage when they come available.

- **John Brooksmith:** In relation to 175b Beaconsfield Parade Albert Park - are all Council tenanted venues permitted to act in this way or is that privilege only conferred some leases? Can this Council request a Council staff member to report on
 1. the Venue's current and continuing alleged breaches,
 2. why alleged breaches are never prosecuted
 3. when will the Venue be compliant with its obligations

Lisa Davis, Manager Safety and Amenity, advised that Council officers have responded to each of Mr Brooksmiths' complaints over a number of years and that officers are currently working with the operator of the venue to implement further noise mitigation around their events. At that venue there is a new operator and that operator is cooperating with us to improve sound emission and putting in new equipment to mitigate the noise impacts on residents. We will reach out and continue to work with Mr Brooksmith regarding his complaints.



Council Report Submissions:

Item 7.1 Petition - Public Spaces on Port Phillip Beaches - Inclusion and Safety

- Catherine MacGillivray
- Brodie Mitchell
- Adrienne Sarkozy
- Mark Terrill
- Anne Landers
- Patricia Goldie
- Elizabeth Morrison

Item 7.2 Petition Responses – Safety Issues, Linton Street, Balaclava

- Robert Gangi

Item 9.1 Positive Ageing Policy - Proposed Policy Scope and Process

- Freda Erlich

5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** In relation to repair works taking place on the nature corridor on Danks Street, Albert Park. Can officers provide information about these works and when they are expected to conclude?

Mark Thompson, Head of Asset Management, advised that the Danks Street project is a gas operator replacing low pressure pipe line with a high pressure pipe line. This project is being monitored closely by our asset protection and open space officers. A significant amount of remediation work is required once work has concluded including additional planting. Works are due to conclude within the next four weeks. Planting will not happen straight after the works are complete, these are due to happen in April when the cooler climate comes in to allow the plants a better chance of survival.

- **Councillor Sirakoff:** In relation to the public question raised regarding 175b Beaconsfield Parade, Albert Park. What engagement has Council had with the operator about implementing a new sound eliminating equipment so it's not affecting neighbouring residents?

Chris Carroll, General Manager Customer Operations and Infrastructure took the question on notice to provide a response back to Councillors directly.

6. SEALING SCHEDULE

Nil.



7. PETITIONS AND JOINT LETTERS

7.1 Petition - Public Spaces on Port Phillip Beaches - Inclusion and Safety

A Petition containing 19 signatures was received from local residents.

MOVED Crs Cunsolo/Crawford

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioners for their petition.
3. Notes the challenges involved in balancing the desires of dog walkers with the views and needs of all other users of our beaches and open spaces.
4. Notes that the Domestic Animal Management Plan and People and Places: Public Space Strategy 2022-32 contains actions in response to community feedback to review dog restrictions in all open spaces, including beaches.
5. Considers the development of Off-Leash Dog Guidelines in the 2022/23 Council Budget and Plan. This project will investigate opportunities for new, and review permitted times in (including) existing, dog off-leash areas (in all open spaces, including beaches).
6. Includes community consultation in the development of the Off-Leash Dog Guidelines which will consider the views of a diverse range of stakeholders.
7. Encourages petitioners to contact the Strategic Engagement Team for any ideas or concerns regarding community consultation for this project - engagement@portphillip.vic.gov.au.

A vote was taken and the MOTION was CARRIED unanimously.

7.2 Petition Response – Safety Issues, Linton Street Balaclava

A Petition was received from 11 residents of Linton Street, Balaclava and presented to a previous Council Meeting.

MOVED Crs Bond/Clark

That Council:

1. Thanks the community for their petition.
2. Notes the works already undertaken by Officers in relation to footpath maintenance.
3. Notes that Council policy is to retain healthy and structurally sound trees, and to only consider removal if there are no other viable options.
4. Denies the request for tree removal consistent with Council's Greening Port Phillip Strategy.
5. Refers consideration of budget for \$70,000 to engage CitiPower to undertake street lighting design to ascertain if 3m extension brackets can be installed on the 3 identified poles as part of the 2022/23 budget process.

A vote was taken and the MOTION was LOST.



FORESHADOWED MOTION

MOVED Crs Cunsolo/Martin

That Council:

1. Thanks the community for their petition.
2. Notes the works already undertaken by Officers in relation to footpath maintenance.
3. Notes that Council policy is to retain healthy and structurally sound trees, and to only consider removal if there are no other viable options.
4. Denies the request for tree removal consistent with Council's Greening Port Phillip Strategy.

A vote was taken and the MOTION was CARRIED.

8. PRESENTATION OF CEO REPORT

Nil.

9. INCLUSIVE PORT PHILLIP

9.1 Positive Ageing Policy - Proposed Policy Scope and Process

Purpose

- 1.1 To present the proposed scope and process for developing a new Positive Ageing Policy which will establish a decision-making framework for responding to the needs and aspirations of older people in our municipality and guiding Council's response to Commonwealth Government reforms to the aged care sector.

MOVED Crs Martin/Pearl

That Council:

- 3.1 Notes the intended policy scope, process and community engagement for developing Council's new Positive Ageing Policy outlined in this report and Attachments 1 and 2.
- 3.2 Endorses the following changes to the commitment defined in the Council Plan 2021-2031 that Council 'provide':
 - 3.2.1 A new Older Persons Policy Positive Ageing Policy by March 2022 November 2022 to set out the needs and aspirations for older people in our municipality and guide Council's response to major reforms happening in the aged and disability sectors.

A vote was taken and the MOTION was CARRIED unanimously.



10. LIVEABLE PORT PHILLIP

Nil.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

Nil.

13. WELL GOVERNED PORT PHILLIP

13.4 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/Martin

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 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 20 October 2021 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.



EN BLOC MOTION

MOVED Crs Copsey/Pearl

That Council moves the following items en bloc:

- 13.1 Councillor Expenses Monthly Reporting - November 2021
- 13.2 Appointment of Authorised Officer Pursuant to the Planning and Environment Act 1987
- 13.3 Appointment of Councillor Representative to Housing First Board

A vote was taken and the MOTION was CARRIED unanimously.

13.1 Councillor Expenses Monthly Reporting - November 2021

Purpose

- 1.1 To report on the expenses incurred by Councillors, in accordance with the Councillor Expenses and Support Policy for the month of November 2021.

MOVED Crs Copsey/Pearl

That Council:

- 3.1 Notes the monthly Councillor expenses report for November 2021 (**Attachment 1**) and that this will be made available on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Appointment of Authorised Officer Pursuant to the Planning and Environment Act 1987

Purpose

- 1.1 To approve new appointments as Authorised Officers pursuant to the *Planning and Environment Act 1987*.

MOVED Crs Copsey/Pearl

That Council:

- 3.1 Approves the attached Instruments of Appointment and Authorisation.
- 3.2 Affixes the common seal of Council to the Instruments of Appointment.

A vote was taken and the MOTION was CARRIED unanimously.



13.3 Appointment of Councillor Representative to Housing First Board

Purpose

- 1.1 To appoint an additional Councillor representative to the HousingFirst Board, following the previous appointments of Councillors to Committees in December 2021.

MOVED Crs Copsey/Pearl

That Council:

- 3.1 Appoints Cr Marcus Pearl as its representative (in addition to Cr Peter Martin) to the HousingFirst Board effective from the date of this resolution until December 2022.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

Nil.

15. REPORTS BY COUNCILLOR DELEGATES

Councillor Pearl reported to Council on the opening of the Fishermans Bend Secondary College: *It was a privilege and an honour for Council to be invited to attend the opening. I would say it is the largest single investment in our municipality of a school, it is a multi-story facility which is a very substantial investment. Council formally appreciates and thanks everything that the State government has done to put the infrastructure we need. A secondary college and a primary school 4 or 5 years ago. Councils been working with the Victorian Schools Building Authority and we thank the local Member Martin Foley for advocating for these two facilities. The facility was opened by the Education Minister, James Merlino who was very open and welcoming to the students there and a proud moment for Council to be invited to the opening.*

16. URGENT BUSINESS

Nil.



17. CONFIDENTIAL MATTERS

MOVED Crs Pearl/Bond

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	<i>Audit and Risk Committee - Independent Member Appointment</i>	<i>(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.</i>

A vote was taken and the MOTION was CARRIED unanimously.

As there was no further business on the open agenda the meeting closed to the public at 9.20pm.

Confirmed: 16 February 2022

Chairperson _____