



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

16 MARCH 2022



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL  
HELD 16 MARCH 2022 IN PORT MELBOURNE TOWN HALL**

The meeting opened at 6:32pm.

**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, Kylie Bennetts, General Manager City Growth and Development, Lachlan Johnson, Acting General Manager Customer Operations and Infrastructure, Rachel Russell, Manager Governance and Organisational Performance, Alli Griffin, Acting Head of Governance, Rebecca Purvis, Governance Officer, Emily Williams, Governance Officer, Merryn Shaw, Governance Officer, Dana Pritchard, Acting Manager Open Space, Recreation and Community Resilience, Joanne McNeill, Executive Manager Property and Assets, Christopher Cook, Coordinator Open Space Projects, Zoe O'Mahoney, Head of Sustainability and Climate Change, Emma Murdoch, Business Strategic Lead - Property and Workplace Operations.

*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 Baxter/Martin**

That the minutes of the Meeting of the Port Phillip City Council held on 2 March 2022 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

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:

- **Simon Rashleigh:** My question relates to the proposed Sale of 3 Early Learning Centres. In previous Council meetings we've been advised that council officers have been in dialogue with the Victorian Department of Education and Training (and VSBA) on the Building Blocks Grants, and been informed that these centres would indeed be eligible. Can Council Officers please provide an update on their progress in applying for these grants to date? And, if there's not been any applications submitted to date or being prepared, can Council officers please outline their plans and timelines for applying for the available grants?

*Tony Keenan, General Manager Community Wellbeing and Inclusion advised that an application was made to Victorian Department of Education and Training (VSBA) on 9 March, adding that it would be inappropriate while in discussion at this point to have a public discussion about the nature of the application and individual grants.*

- **Claire Byrne:** In relation to the proposed sale of Childcare Centres. I am sure that you are all well aware the delays we have experienced in receiving responses to our requests for information, at times I have been following up on a weekly basis. Most recently I have been following up on queries regarding the asset management of 46 Tennyson Street, Elwood. Specifically, I have requested a copy of the City of Port Phillip's most recent National Asset Management Framework Assessment as well as the Asset Management plan for our building. These are documents that should be readily available. I initially asked for this information three months ago. I have made numerous follow-ups since that time. Most recently I have sent two reminders to officers, copied to the CEO and Mayor. I had received no response until I put this public question in today. At 5:21 this evening I have finally received a response, so my question tonight is a little bit not needed anymore but I would also just like to point out that I have been very patient and also really persistent. I want to point out that I am exasperated with how hard it is to get information out. So my question was to provide information on the requested asset management but I acknowledge that it has been provided at 5:21 this evening.

*Councillor Pearl apologised to Ms Byrne for the experience encountered and the CEO reiterated the apology, noting disappointment that the response had only been issued on the evening of the Council meeting.*

- **Rebecca Sanders:** Regarding the proposal to sell childcare centres. We heard from the last council meeting that the main reason for continuing with this sale consultation was to allow council time to negotiate for state and federal funding. The state funding conversation has been going on for multiple months. What specific actions have been taken and what proposal specifically is being put forward to the state government by council? What is the timeline for the state funding to be agreed?

*Tony Keenan, General Manager Community Wellbeing and Inclusion advised that the minutes indicated that Council had requested consultation be expedited: the decision was not related to negotiating funding. The main priority was further consultation with the centres' committees of management, after which a report will be brought to Council. As noted elsewhere, an application has been made for Victorian Schools Building Authority Building*

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 16 MARCH 2022



*Block Grants. There are no Commonwealth funds available other than funding for centres in highly disadvantaged areas for which Port Phillip would be ineligible. Information has been provided to federal election candidates on request and federal advocacy requests are being prepared for all the candidates in the forthcoming election.*

## **Council Report Submissions:**

### **Item 11.1 Elsternwick Park Nature Reserve Masterplan**

- Natalie Davey
- Helen Halliday
- Jack Halliday

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

### **Public Question Time:**

- **Adrian Jackson:** Can council provide statistical evidence of the benefits they claim the other community members get, (e.g.) the arts, from local events? Is Council aware that in nearby Armstrong St there is a down turn in business as concert attendees mostly park and depart at the end of the concert and buy nothing mostly? Why does this council talk up support for the St Kilda arts community at the expense of residential ratepayers?

*Kylie Bennetts, General Manager City Growth and Development advised that Council collects data regarding the economic impact of our events program in a variety of ways and the intent and purpose of hosting such events is to benefit our wider community. Council has received no negative feedback regarding our events program from Middle Park traders, in fact the majority of our traders are highly supportive of events and wish to see these and other activations increase given the patronage that events encourage to our activity centres. Our events program is not limited to the arts, not does it only cover St Kilda. We work with a wide range of providers and incorporate a wide range of locations throughout the year.*

- **Peter Holland:** In August 2021 Council approved a motion moved by Councillor Bond, to request the CEO to provide a report to Council on the next stage of the Council's 2016 Triangle Masterplan and to begin discussions with the State and Federal Governments about support including the development of a business case. State MP Martin Foley and Federal MP Josh Burns had previously endorsed this approach so we can hope for a bipartisan position on our iconic asset. Can Council give us an update on what has happened since August?

*Joanne McNeill, Executive Manager Property and Assets advised that officers had undertaken an initial review of the Triangle Masterplan and the technical reports that were prepared at the time, to develop a draft project plan leveraging past work and input. Councillors have been briefed on options to progress the Triangle in accordance with the resolution and requested further work. Once that has been completed a report for decision will be considered by Council. In addition, discussions have been initiated with the Department of Environment Land Water and Planning about support for the plan.*



- **Laura Hill:** The Avenue Children's Centre and Kindergarten is fielding questions and concerns from local families that wish to enrol their child or children at the centre, but are hesitant to do so because of the proposal to sell. On several occasions, staff have been told by interested parents that Council staff have told them not to bother putting their names down on the Register for Children's Services Waiting List (CSWL) for the three affected centres 'because they are being sold.' Can the Council please share (in writing) with the affected centres what messaging and information is being provided to the Register for CSWL staff? Can Council please publish information on the Register for CSWL web page that clearly states the proposal to sell does not affect potential enrolments at these centres. Can the council please share the draft copy with the affected centres for input/approval before publishing?

*Tony Keenan, General Manager Community Wellbeing and Inclusion expressed concern about the seriousness of the allegation and advised that following investigations today, Council could be assured that no staff member had provided advice regarding the waiting list for the register of children's services at the three centres. Accordingly, there was no need to update or change enrolment information on the website. Parents were invited to contact the General Manager Community Wellbeing and Inclusion directly should they have concerns about a Council officer.*

## **Item 10.1 Palais Theatre and Luna Park Precinct Revitalisation - Proposed Road Closure Submissions**

- Adrian Jackson

## **5. COUNCILLOR QUESTION TIME**

- **Councillor Bond:** Can Council officers provide an update on the reinstatement of the trampoline at the St Kilda Adventure Playground?

*Tony Keenan, General Manager Community Wellbeing and Inclusion advised that Council officers were nearing completion of preliminary works at the sites and currently obtaining quotations for both the required soil works and trampoline installation as per the procurement policy. Although formal quotations have not yet been received it was expected that both trampolines would be completed and installed by around the end of April.*

- **Councillor Martin:** Football Victoria has changed its season dates, so many of the competitions are now commencing in mid March but the winter sports allocation program runs from the beginning of April. This has meant that some local clubs are not able to play home games in March. Will Council be able to negotiate with Football Victoria to see if this practice is going to continue in future years? If this is the case can Council work with Football Victoria and the clubs to see if it may be possible to perhaps rejig winter allocations so that clubs are able to play their home games in the beginning of the season?

*Tony Keenan, General Manager Community Wellbeing and Inclusion advised that one of the issues was ground maintenance and resting the playing surface between seasons. It was proposed to deploy artificial or synthetic cover on one of the pitches that had a lot of damage, which would increase the capability to have more games on that ground.*



*Dana Pritchard, Acting Manager Open Space, Recreation and Community Resilience addressed negotiations with Football Victoria, advising that the timing of the season was an agreed position with Football Victoria and the policy had been used for a number of years. Discussions could be held with Football Victoria about whether the approach to scheduling was likely to continue. It was understood that Football Victoria would like to extend the season at both ends if possible but that would impact other sports that share the grounds.*

- **Councillor Cunsolo:** Raised concerns on behalf of a constituent who is unable to access the South Melbourne Market via the 236 bus route due to a road closure at the Market. Can Council officers elaborate on the reason for the road closure and when the road is predicted to re-open? In the meantime are there alternative provisions for bus users to access the market?

*Kylie Bennetts, General Manager City Growth and Development took the question on notice.*

## 6. SEALING SCHEDULE

Nil.

## 7. PETITIONS AND JOINT LETTERS

Nil.

## 8. PRESENTATION OF CEO REPORT

Nil.

## 9. INCLUSIVE PORT PHILLIP

### 9.1 Local Roads & Community Infrastructure Program - Reallocation of Savings to Point Ormond Playground Upgrade

#### Purpose

- 1.1 The purpose of this report is to update Councillors on the progress of the delivery of the Point Ormond Play Space Project and to seek endorsement for savings from projects funded through the Federal Government's Local Roads & Community Infrastructure grant program to be reallocated to Point Ormond.
- 1.2 The report further seeks Council authorisation to temporarily lift the CEO's financial delegation to amend the construction contract to enable a timely conclusion to the project.

#### MOVED Crs Baxter/Crawford

That Council:

- 3.1 Endorses the transfer of savings from the construction of Local Roads & Community Infrastructure Projects to the value of \$265,000 to the construction of the Point



Ormond Playground Upgrade Project increasing the project budget from \$1.33m to \$1.595m.

- 3.2 Authorises the Chief Executive Officer to approve variations within the amended project budget of \$1.595m for the Point Ormond Playground project in line with Council's existing Procurement Policy.

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

## 10. LIVEABLE PORT PHILLIP

### 10.1 Palais Theatre and Luna Park Precinct Revitalisation - Proposed Road Closure Submissions

#### Purpose

- 1.1 To hear and consider feedback from those who have made written submissions on the proposed closure of Lower Esplanade, St Kilda.

#### MOVED Crs Copsey/Crawford

That Council:

- 3.1 Notes that on 8 December 2021 in support of the Palais Theatre and Luna Park Revitalisation Project, Council resolved to commence the process for the road closure of Lower Esplanade, St Kilda, and the change in road function of Lower Esplanade, St Kilda, and converting the current one-way roadway to a two-way roadway.
- 3.2 Receives and considers all written and verbal submissions to the proposed closure of Lower Esplanade to facilitate the creation of the Palais Theatre plaza, as part of the Palais Theatre and Luna Park Precinct Revitalisation project.
- 3.3 Extends its gratitude to all submitters and to persons presenting at this meeting.
- 3.4 Notes that officers will bring back a report for consideration for Council at a future meeting on the closure of the Lower Esplanade.

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

## 11. SUSTAINABLE PORT PHILLIP

### 11.1 Elsternwick Park Nature Reserve Masterplan

#### Purpose

- 1.1 To consider a Council funding contribution towards delivery of the Elsternwick Park Nature Reserve Masterplan.

#### MOVED Crs Crawford/Baxter

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 16 MARCH 2022



That Council:

- 3.1 Notes Council's commitment on March 2018 to co-fund an Urban Forest and Wetland in Elsternwick Park North subject to an evidence-based assessment that will deliver:
  - reduced downstream flooding
  - improved water quality
  - improved opportunity and capacity for water harvesting and distribution
  - improved public amenity
  - protected and enhanced biodiversity.
- 3.2 Commends and congratulates Bayside City Council on the development of the Elsternwick Park Nature Reserve Masterplan, which was adopted by Bayside City Council on 24 March 2020.
- 3.3 Thanks Bayside City Council for including the City of Port Phillip Council Officers' and community representatives' input into the development of the Masterplan through membership of the Community Reference Panel and through the Elster Creek Catchment Working Group.
- 3.4 Authorises the CEO or delegate to make a contribution to the City of Bayside for a total of \$350 000 in 2022/23 for the following:
  - For the extensive and early work on the already completed Masterplan and the conversion of the golf course to public open space (\$150K)
  - Towards developing a business case and detailed designs for the Wetland stages of the Elsternwick Park Nature Reserve Masterplan, to ensure that the design considers: (\$80K)
    - the distribution of water harvesting to the City of Port Phillip
    - quantified water quality benefits that will contribute towards Council's targets
  - For the future improved public amenity for the Port Phillip community and for the protection of and enhanced biodiversity both in the park and in the bay (\$120K)
- 3.5 Authorises that the remaining funds of \$600,000 be held in the Council's forward budget for flood mitigation, water quality and potable water reduction target efforts to retain climate resilient public spaces in Port Phillip, particularly the Elster Creek Catchment. Any future allocation of this funding to construction of infrastructure would be subject to a further Council decision which would consider the outcome of the Business Case referred to in 3.4 and any additional infrastructure requirements within Port Phillip.
- 3.6 Recognises that the Australian Government has committed \$6m towards the delivery of the Masterplan and commits to partnering with Bayside City Council to advocate to the Victorian Government and Melbourne Water to co-fund the delivery of the Masterplan.

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

**Cr Crawford called for a DIVISION.**

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

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

**The MOTION was CARRIED.**





## 12. VIBRANT PORT PHILLIP

Nil.

## 13. WELL GOVERNED PORT PHILLIP

### 13.1 Audit and Risk Committee Biannual Report as at 31 December 2021

#### Purpose

- 1.1 To present the Audit and Risk Committee Biannual Report as at 31 December 2021.

#### MOVED Crs Sirakoff/Copsey

That Council:

- 3.1 Notes the Audit and Risk committee Biannual Report as at 31 December 2021, which details activities of the Committee covering scheduled meetings held on 7 September 2021 and 23 November 2021 and one special Councillor Expenses meeting held on 4 August 2021.

**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 October 2021 - 31 December 2021

#### 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 October 2021 and 31 December 2021 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 October 2021 and 31 December 2021

#### MOVED Crs Pearl/Baxter

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 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/Copsey

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 2 February 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.**

## 13.4 Road Discontinuance and Sale of Roads Policy Update

### Purpose

- 1.1 To present the results of the internal review of the Road Discontinuance and Sale of Roads Policy 2011 and seek approval for the revised Road Discontinuance and Sale of Roads Policy.

### MOVED Crs Copsey/Martin

That Council:

- 3.1 Approves the adoption of the revised Road Discontinuance and Sale of Roads Policy 2022.
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to the Road Discontinuance and Sale of Roads Policy 2022 to correct any minor changes that do not materially alter its intent.

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



## 14. NOTICES OF MOTION

### 14.1 Notice Of Motion – Councillor Tim Baxter – Welcoming Cities

#### **MOVED Crs Baxter/Copsey**

That Council:-

- 1.1. Commits to join and participate in the Welcoming Cities Network at free member status.
- 1.2. Authorises the Mayor and CEO to sign and submit the Welcoming Cities commitment form to the Welcoming Cities Network.
- 1.3. In agreeing to become a member of the Welcoming Cities Network, support greater understanding of how Council might strengthen its capacity to work alongside the many cultural groups living within this community, and support a more cohesive approach to migration, settlement and belonging.

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

**Cr Baxter called for a DIVISION.**

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

**AGAINST: Nil**

**ABSTAINED Cr Bond**

**The MOTION was CARRIED.**

## 15. REPORTS BY COUNCILLOR DELEGATES

Councillor Cunsolo thanked and gave a special mention to Council officers for putting together an incredible event over the weekend for International Women's Day.

## 16. URGENT BUSINESS

Nil.

## 17. CONFIDENTIAL MATTERS

Nil.

## ACKNOWLEDGEMENT

Councillor Pearl advised that tonight was the last Council meeting for Rebecca Purvis, Senior Governance Officer, for some time as she is about to go on maternity leave. Councillor Pearl thanked her for her service and wished her well.

# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 16 MARCH 2022



As there was no further business the meeting closed at 8:16pm.

Confirmed: 6 April 2022

Chairperson \_\_\_\_\_