



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

19 OCTOBER 2022



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD 19 OCTOBER 2022 IN ST KILDA TOWN HALL AND VIRTUAL
VIA WEBEX**

The meeting opened at 6:34pm.

IN ATTENDANCE

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

Chris Carroll, Interim Chief Executive Officer, Kylie Bennetts, General Manager City Growth and Development, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Lachlan Johnson, Acting General Manager Customer Operations and Infrastructure, Joanne McNeill, Executive Manager Governance and Organisational Performance, John Bartels, Acting Manager Partnerships and Transport, Gary Spivak, Coordinator Community Impact and Housing, David MacNish, Head Major Transport Projects Domain Precinct, Sandra Khazam, Diversity Officer, Mitch Gillett, Workplace Experience Lead, Emily Williams, Council Business Advisor, Samuel Yeo, Council Business 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

MOVED Crs Pearl/Cunsolo

That Council approves the requests to attend the meeting electronically received from Crs Clark and Copsey.

A vote was taken and the MOTION was CARRIED unanimously.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Pearl/Martin

That the minutes of the Meeting of the Port Phillip City Council held on 6 October 2022 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Clark Councillor Clark declared a material conflict of interest in relation to confidential item 17.2 Waste & Recycling Collection Services, and noted she would leave the meeting at the point where this item was considered.

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:

- **Lauren Sherson:** How can the City of Port Phillip support traders to attract and retain employees via new parking options that remove constant car moving and fines?

John Bartels, Acting Manager Partnerships and Transport, advised that in terms of Council's support for traders, the economic impact associated with responding to the health challenges of COVID-19 continued to impact our City in 2021/22, along with the loss of income from visitors. Council responded by rolling out more initiatives to support our local businesses and creative organisations, including event, outdoor dining and activation support and have recently announced a major shopfront vacancy project in Carlisle Street.

Consistent with Council's Parking Management Policy, the available kerb space is allocated to types of parking that best reflect the needs of people in a specific street or area. This includes a range of time restricted parking to cater to different types of visitors to activity centres as well as other parts of our City. For instance, short term 15 minute parking for things like pickups of takeaway food or drop offs at post offices as well as short term parking for grocery shopping or coffee catch ups and longer-term car storage.

Should there be concerns around the suitability of parking controls in specific locations, I encourage the member of the public to communicate these to Council for investigation by Council officers and considered in line with Council Parking Management Policy.

- **Petrina Alexander:** What plans are in place for the next few months to improve post covid isolation and disconnect in the gateway community on St Kilda Road and Queens Road area?

Allison Kenwood, General Manager Community Wellbeing and Inclusion, advised Council continues to run a diverse range of activities, programs and events in line the Council Plan strategic direction: Inclusive Port Phillip which are aimed at connecting people with each other.

These activities are open to everyone and include:

- Seniors Festival events held throughout October
- School holiday programs held in our Adventure Playground and in our Libraires
- Community Grant programs – to help community groups connect people in a diverse number of ways
- Sports and Recreation Clubs
- Playgroups for new parents
- Adventure playgrounds for young people
- Library programming across our five libraries
- Cultural diversity programs to occur under Refugee Week (18-24 June 2023) and Cultural Diversity Week (11 - 21 March 2023),



- *The Inner Metro Partnership research project, Addressing Food Security and Building Social Cohesion in the Inner Metro Region (Oct 2022 - Nov 2023) will investigate ways to make food relief services more sustainable, and connect people needing food relief support to social support services.*

This is small snap shot of some of the activities that are either directly provided by Council or supported through community grants. There are activities for all age groups, genders, cultures and abilities.

Updates on events and activities can be found at our What's On page on our website – I hope with this resource you can find many activities and opportunities for connection.

Council Report Submissions:

Item 7.1 Petition – Eastern Road Reserve Dog Park

- Marjorie Main

Item 9.1 Multicultural Advisory Committee Annual Report

- Georgina Tsolidis
- Helene Kammoun

Item 10.2 Kerferd Road Safety Trial Update

- Andrew Perkins

Item 13.5 South Melbourne Market Annual Report

- Jo Plummer

5. COUNCILLOR QUESTION TIME

Nil.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Petition – Dog Park Upgrade at Eastern Road Reserve

A Petition containing 407 signatures, was received via change.org.

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

Councillor Clark asked what the cost would be of maintenance on the upgraded surface.

Allison Kenwood, General Manager Community Wellbeing and Inclusion, took the question on notice.

MOVED Crs Martin/Sirakoff

That Council:

1. Receives and notes the petition.
2. Thanks the petitioners for their petition.
3. Notes that that Eastern Reserve North Dog Park is heavily used and has been in place for over seven years.



4. Notes that while the park is well used some members of the community have concerns about its ongoing use as a dog park.
5. Noting these concerns the operating hours of Eastern Reserve North Dog Park and their enforcement will be considered as part of the Dog Off Leash Guideline development.
6. Notes that the development of the new Dog Off Leash Guidelines will consider the future use of all dog off leash areas across the municipality including Eastern Reserve North.
7. Requests that the CEO reviews the regular maintenance schedule and ensures it's adequate for the high use of the park.
8. Requests the CEO to commence engagement on upgrading the surface of Eastern Reserve Dog Park to Granitic Sand, additional vegetation and 'play' element for dogs.
9. Approves \$140,000 to upgrade Eastern Reserve to Granitic Sand, based on the outcomes of the community consultation.
10. Declines the request to upgrade the fence at Eastern Reserve Dog Park at this time and directs officers to include assessment of fencing for fenced dog parks in the development of the Off Leash Dog Guidelines.
11. Requests the CEO to commence an assessment of current local laws resource levels to determine whether they are at suitable to match the increased dog ownership across the municipality.

A vote was taken and the MOTION was CARRIED.

CHANGE TO ORDER OF BUSINESS

The Mayor advised the order of business within "Presentation of Reports" would be altered to consider items where there is public interest.

8. PRESENTATION OF CEO REPORT

Nil.

9. INCLUSIVE PORT PHILLIP

9.1 Multicultural Advisory Committee 2021 Annual Report

Purpose

- 1.1 To present the Multicultural Advisory Committee Annual Report 2021, provided at Attachment 1: Multicultural Advisory Committee Annual Report 2021.

MOVED Crs Baxter/Martin

That Council:

- 3.1 Receive the Multicultural Advisory Committee's (MAC) Annual Report 2021.
- 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

10.2 Kerferd Road Safety Trial Update

Purpose

- 1.1 To update Councillors on the trial closure of the intersection of Kerferd Road and Herbert/Montague Streets.
- 1.2 To recommend continuation of the trial closure and seek a permanent, safe solution through the State Government's Shrine to Sea project.

The following questions were taken on notice during discussion of the item:

Councillor Pearl asked to be provided with a summary of the known accidents around this intersection and evidence of the safety concerns regarding rear-end collisions at the next intersection.

David MacNish, Head Major Transport Projects Domain Precinct, took the question on notice.

MOVED Crs Copsey/Baxter

That Council:

- 3.1 Notes that the trial closure of the intersection of Kerferd Road and Herbert/Montague Streets has met objectives to:
 - 3.1.1 Improve safety at the intersection for all road users;
 - 3.1.2 Deter through traffic and;
 - 3.1.3 Encourage compliance with the speed limit.
- 3.2 Request that the Department of Land, Water and Planning (DELWP):
 - 3.2.1 Work with Council officers to undertake design investigations for the intersection of Kerferd Road and Montague/Herbert Streets in the Shrine to Sea Masterplan, including testing options for opening safe traffic movements at the intersection;
 - 3.2.2 Ensure that any proposed design aligns with the objectives of the Trial (as per 3.1 above) and addresses the safety risks outlined in the independent Road Safety Audit.
- 3.3 Request that DELWP prioritise the construction of the permanent outcome as part of the implementation of a final Shrine to Sea Masterplan.
- 3.4 Retains the traffic management changes implemented as part of the 2021 trial until further works are completed to either make the trial conditions permanent, or to allow safe traffic movements at the intersection.
- 3.5 Requests that Council Officers locate temporary tree planters in the disused roadway within the median during the trial extension period to enhance its visual amenity as outlined in Figure 1 of this report.

A vote was taken and the MOTION was CARRIED.



13. WELL GOVERNED PORT PHILLIP

13.5 South Melbourne Market Annual Report 2021 - 2022

Purpose

- 1.1 To endorse the South Melbourne Market Annual Report 2021-22.

MOVED Crs Crawford/Cunsolo

That Council:

- 3.1 Endorses the South Melbourne Market Annual Report 2021 – 22 (Attachment 1).
- 3.2 Authorises the Chief Executive Officer or delegate to make any minor editorial changes required to publish the Annual Report.

A vote was taken and the MOTION was CARRIED unanimously.

10. LIVEABLE PORT PHILLIP

10.1 Palais Theatre and Luna Park Precinct - Completion of Statutory Road Closure Process

Purpose

- 1.1 The purpose of this report is to complete the formal process in accordance with the Local Government Act 1989 to:
 - 1.1.1 Close part of the Road known as Lower Esplanade, at the Cavell Street entry, across the Palais Theatre frontage, in St Kilda; and
 - 1.1.2 Change the function of part of the Road known as Lower Esplanade, from the Jacka Boulevard exit, in St Kilda, converting the current one-way roadway to a two-way roadway.

MOVED Crs Crawford/Bond

That Council:

- 3.1 Notes that on 8 December 2021, Council resolved to commence the process under section 207, schedule 11, clause 9 of the Local Government Act 1989 for the permanent closure of part of the Road known as Lower Esplanade, at the Cavell Street entry, across the Palais Theatre frontage, in St Kilda and the change in function of part of the Road known as Lower Esplanade, from the Jacka Boulevard exit, in St Kilda, converting the current one-way roadway to a two-way roadway **(the Proposal)**.
- 3.2 Notes that on 16 March 2022, Council received and considered all written and verbal submissions to the Proposal.
- 3.3 Notes that on 6 April 2022, Council resolved to pursue the Proposal.
- 3.4 Notes that on 9 May 2022, Department of Transport advised Council that it endorses the Proposal.
- 3.5 Having considered all submissions and the Department of Transport report, resolves to formally complete the closure process for the permanent closure of part of the Road known as Lower Esplanade, at the Cavell Street entry, across the Palais Theatre frontage, in St Kilda and the change in function of part of the Road known as



Lower Esplanade, from the Jacka Boulevard exit, in St Kilda, converting the current one-way roadway to a two-way roadway.

- 3.6 Directs that the Chief Executive Officer or delegate to notify, in writing, every person who has lodged a separate submission of the decision and reason/s for the decision.

A vote was taken and the MOTION was CARRIED unanimously.

10.3 West St Kilda Traffic Management - Proposed Trial of Right Turn Ban into Cowderoy Street

Councillor Sirakoff declared a general conflict of interest in relation to item 10.3 due to living in the area being considered for the trial, out of an abundance of caution, Councillor Sirakoff left the chamber at 8:01pm.

Purpose

- 1.1 To seek Council endorsement to consult the community on a proposed 12-month trial of a right-turn ban during PM peak times on Canterbury Road at the intersection of Cowderoy Street.

MOVED Crs Bond/Martin

That Council:

- 3.1 Undertakes consultation with the local community on a potential 12-month trial to install a No Right-Turn Restriction to operate between 4:30pm and 6:30pm during weekdays on Canterbury Road at the intersection with Cowderoy Street.
- 3.2 Receives a further report on the outcome of the community consultation process, to consider whether or not to proceed with the trial.

A vote was taken and the MOTION was CARRIED.

Cr Sirakoff returned to the chamber at 8:12pm.

10.4 Victorian Government Public Housing Projects

Purpose

- 1.1 To seek Council direction on the parameters for involvement in Victorian Government public housing projects within the City of Port Phillip.

MOVED Crs Martin/Crawford

That Council:

- 3.1 Endorse the following City of Port Phillip Guiding Principles for Victorian Government public housing projects within the municipality (Guiding Principles).
1. **Strategic alignment** – Projects reflect the values of social equity, diversity and inclusion and have alignment with Council strategic policy directions.
 2. **Social housing yield** – Projects deliver a net increase in social (public and community) housing dwellings and do not reduce the overall number of new bedrooms provided. The people accommodated on the site are increased,



resulting in a reduction in the public housing waitlist. Projects are retained in public ownership.

3. **Dwelling mix** – Projects deliver a mix of housing types, sizes and tenures that meet the needs of existing and future residents and diverse households and needs groups, including families.

Projects ensure that different housing types are integrated and visually indistinguishable, with all residents benefitting from equitable access to residential amenity.

4. **Holistic consideration of resident needs** – Projects integrate health and wellbeing into design, provide opportunities for social connections, include measures to minimise the cost of living, maintain or improve access to public transport, local services and employment and provide potential for on-site resident support services and social enterprises.
5. **Design excellence** – Projects deliver a high-quality built environment, universal housing design outcomes and high amenity within buildings and outdoor spaces.
6. **Sustainability** – Projects incorporate best-practice environmental sustainable design and respond to climate change impacts, including minimising operating costs for residents.
7. **Neighbourhood integration** – Projects integrate with the surrounding community and public realm, retain valued vegetation and features, prioritise walking and cycling and manage potential impacts on the surrounding community, including amenity, traffic and parking.
8. **Broader public benefit** – Projects provide quantifiable benefits to the surrounding community, such as public open space, community facilities and/or spaces for not-for-profit organisations and service organisations that support the local community.
9. **Council jurisdiction** – Projects manage demand and impacts on Council infrastructure, facilities and services including open space.
10. **Community engagement** – Projects provide inclusive and effective Council, resident and community engagement through all stages of development, that provides opportunities for meaningful input that influences outcomes.

- 3.2 Authorises Council officers to apply the Guiding Principles in formulating input to Victorian Government public housing projects within the City of Port Phillip.

A vote was taken and the MOTION was CARRIED unanimously.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

Nil.



13. WELL GOVERNED PORT PHILLIP

EN BLOC MOTION

MOVED Crs Pearl / Bond

That Council moves the following items en bloc:

- 13.1 Councillor Expenses Monthly Reporting – August 2022
- 13.2 Proposed Discontinuance of Part of Road Abutting 50 Nimmo Street, Middle Park
- 13.3 S6 Instrument of Delegation – Council Members to Staff
- 13.4 Appointment of Authorised Officer Pursuant to the Planning and Environment Act 1987

A vote was taken and the MOTION was CARRIED unanimously.

13.1 Councillor Expenses Monthly Reporting - August 2022

Purpose

- 1.1 To report on the expenses incurred by Councillors during August 2022, in accordance with the Councillor Expenses and Support Policy.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Notes the monthly Councillor expenses report for August 2022 (**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 Proposed discontinuance of part of road abutting 50 Nimmo Street, Middle Park

Purpose

- 1.1 To consider whether part of the road abutting 50 Nimmo Street, Middle Park, being part of the land contained in Crown Grant 1436 folio 082 and part of the land contained in certificate of title volume 6354 folio 984, being part of R1987 shown as lot 1 on proposed title plan TP965737Y attached as Attachment 1 to this report (**Road**), and excerpt of which is provided below, should be discontinued pursuant to the *Local Government Act 1989* (Vic) (**Act**) and sold to the adjoining owner.

MOVED Crs Pearl/Bond

That Council, having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue the road being part of the land contained in Crown Grant 1436 folio 082 and part of the land contained in certificate of title volume 6354 folio 984, being part of R1987 shown as lot 1 on proposed title plan TP965737Y attached as Attachment 1 to this report (**Road**):

- 3.1 resolves to discontinue the Road as it considers that the Road is not reasonably required for public use for the for the following reasons:



- 3.1.1 is part of a laneway which is wholly enclosed between the walls and fences of the adjoining properties, and behind gates at its northern and southern ends;
- 3.1.2 is not open to the general public for pedestrian or vehicular access; and
- 3.1.3 does not form part of a thoroughfare for pedestrian or vehicular traffic to any other public road.
- 3.2 resolves to sell the discontinued Road for market value (estimated at \$37,500 plus GST) to the owner of 50 Nimmo Street, Middle Park (Owner);
- 3.3 notes that proceeds from the sale will go into Council's Strategy Property Reserves used to support the acquisition and development of the property portfolio;
- 3.4 directs that a notice pursuant to clause 3 of Schedule 10 of the Local Government Act 1989 (Vic) is published in the Victorian Government Gazette;
- 3.5 directs that the Chief Executive Officer or delegate signs an authorisation allowing Council's solicitors to execute transfer documents and any other documents required to be signed on Council's behalf in connection with the transfer of the discontinued Road to the Owner;
- 3.6 directs that any easements, rights or interests required to be created or saved over the Road by any public authority be done so and not be affected by the discontinuance and sale of the Road; and
- 3.7 directs that the Owner be required to consolidate the title to the discontinued Road with the title to the Owner's land within in 12 months of the date of the transfer of the discontinued Road.

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/Bond

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

Purpose

- 1.1 To approve a new appointment as an Authorised Officer pursuant to the *Planning and Environment Act 1987*.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Approves the Instrument of Appointment and Authorisation at Attachment 1.
- 3.2 Affixes the common seal of Council to the Instrument of Appointment.

A vote was taken and the MOTION was CARRIED unanimously.

13.6 Presentation of the City of Port Phillip Annual Report 2021/22

Purpose

- 1.1 To present and endorse the City of Port Phillip's Annual Report 2021/22.

MOVED Crs Martin/Crawford

That Council:

- 3.1 Endorses the Annual Report 2021/22 (Attachment 1) and presents the same to the public as a report on the implementation of the Council Plan 2021-31, in line with the legislative requirements of the *Local Government Act 2020*.
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to the document to correct any minor drafting errors that do not materially alter the intent of the document.
- 3.3 Notes that the auditor's report on the financial statements and performance statement will be presented to a future meeting of Council, following receipt of these documents from the Victorian Auditor General's Office.

A vote was taken and the MOTION was CARRIED unanimously.

Note: *The Auditor's report on the financial statements and performance statement were presented to Council for their consideration as part of this item. Accordingly, part 3.3 of the resolution for this item is considered to have been actioned.*



14. NOTICES OF MOTION

Nil.

15. REPORTS BY COUNCILLOR DELEGATES

Councillor Martin reported on Seniors Week, where a number of successful functions were held, and congratulated the organising committee of Council officers and the Older Persons Consultative Committee..

Councillor Copsey reported on the Port Phillip Writes - Seniors Festival Literary Awards, where nearly 30 entrants produced extraordinary work, and thanked Council for providing an opportunity for that. The compilation book "Port Phillip Writes 2022" will be available in Council libraries.

Councillor Copsey also provided an update on Council's LGBTIQA+ Advisory Committee, who recently reported to Council on their own experiences and the contribution they have made to the development of Council's inaugural LGBTIQA+ Draft Action Plan.

Councillor Baxter reported to Council as delegate at the Municipal Association of Victoria (MAV). The MAV have adopted new rules regarding their internal structure and delegate roles, which has been the result of a lengthy consultation process across Victorian councils. The MAV is now looking at how each region of Councils will function, and Councillor Baxter will collect feedback from Councillors on this matter.

Councillor Sirakoff reported on the Seniors Week events, and especially to thank the organisers of the launch event. The music included a men's choir as well as music from the '60s, '70s, and '80s. People attended from across Melbourne, and Best Dancer award was given.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Pearl/Martin

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 Waste & Recycling Collection Services

- 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.

17.2 Property Development

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

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- 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
- 3(1)(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

A vote was taken and the MOTION was CARRIED unanimously.

The meeting closed to members of the public at 8:24pm.

The meeting reopened at 8:45pm.

As there was no further business the meeting closed at 8:46pm.

Confirmed: 2 November 2022

Chairperson _____