



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

7 FEBRUARY 2024



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD
7 FEBRUARY 2024 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS**

The meeting opened at 6:31pm.

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, Claire Stevens, General Manager Organisational Capability and Experience, Joanne McNeill, Executive Manager Governance and Organisational Performance, Xavier Smerdon, Head of Governance, Rebecca Purvis, Senior Council Business Advisor, Emily Williams, Council Business Advisor, Fiona van der Hoeven, Manager City Planning and Sustainability, Lauren Bialkower, Executive Manager City Growth and Culture, Bridget Monro-Hobbs, Manager Community Services.

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 Bond/Sirakoff

That Council approves the request to attend electronically received by Councillor Martin.

A vote was taken and the MOTION was CARRIED unanimously.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Crawford/Nyaguy

That the minutes of the Meeting of the Port Phillip City Council held on 6 December 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:

- **Rebecca Sullivan:** I have lived in Port Phillip for three years and I have noticed a significant deterioration in the state of litter around our streets and waterways. Often logged issues are not fixed, and there is no overall improvement in the state of our litter. What is Council's plan to strategically and holistically deal with this? Is there a plan that considers both prevention with community involvement and adequate clean-up?

Lachlan Johnson, General Manager Operations and Infrastructure advised they are concerned about reports of customer requests being closed off without action being completed and offered to follow these up offline. The issues with public litter are a problem that Council seeks to address in a number of ways. Council's Local Laws provide some ability to deal with litter. There is also the ability to avoid litter being generated in the first place. Council provides a network of public place litter bins and some public place recycling bins to provide convenient options for members of the community to dispose of litter. Council's litter picking programs across the city also deal with litter that does end up on the streets. We target that specifically to areas like high streets. In some high streets litter picking occurs seven days a week. Council's Don't Waste It management strategy includes some specific actions for implementation this year and next to further reduce litter generation. That includes things such as increasing the placement of public litter bins and improving accessibility to public place recycling bins. Unfortunately, as noted, a lot of litter still does land on streets and is unfortunately washed into Elwood Canal and into the bay. When litter does end up in the waterways Council operates 19 gross pollutant traps across 15 catchments in the municipality. In addition Council also has 319 rain gardens across the city. These gross pollutant traps and rain gardens pull material out of the stormwater flow before it enters the bay. As part of developing the budget for next year officers are also looking at opportunities to work with Melbourne Water on providing gross pollutant traps at other currently untreated outlets into the bay. In addition to that, Council also operates a seven day a week summer beach cleaning service where we try and remove any gross pollutants from the beach that are washed there from the stormwater network. This remains a challenging issue and Councils planned activities aim to ameliorate this over time.

- **John Brooksmith:** In relation to Sandbar Café at 176b Beaconsfield Parade Albert Park. This café operates under a Planning Permit set down by VCAT and as the café operates on Crown Land, the Council has also been directed by Department of Natural Resources that the café may not allow the use of the pavement area adjacent to the Cafe . Recently the café has done building works to enable it to trade directly on the adjacent Pavement. I am alleging patrons are at the footpath at the site from 6am to get coffee to 1am the following morning, disbursing after functions noisily. The VCAT permit allows trading from 7am to Midnight, but this cafe has been opening from 6am for all this year. Can any business directly contravene a Planning Permit (determined by VCAT) with regard to operating hours? And has the Council power to authorize building works to



directly defy a State Department of Natural Resource directive to Council re trading on the footpath?

Brian Tee, General Manager City Growth and Development, advised that they were not aware of the specifics of this situation but generally a business cannot contravene a planning permit condition with regard to operating hours or other matters. Also, should the Department of Natural Resources, which is now the Department of Energy, Environment and Climate Change, make a lawful direction or decision with which Council needs to comply, then Council will comply with any of those directions.

- **Vanessa Liu:** I am resident on Normanby Road, Southbank, we have a construction site next door and following on from the construction site there is a car dealership which is causing congestion and parking issues. We understand that construction needs to happen but we would like some sort of traffic control system. Can Council come and assess the situation? There have been many instances where residents are not able to enter or exit into the one way street. The other issues is that the car dealership is using public car spaces as an overflow for their fleet vehicles. What can Council do to assist with these two issues?

Fiona van der Hoeven, Manager City Planning and Sustainability advised that Council is aware of the challenges raised at Woodgate Street and will continue to work with residents to manage as best we can the range of impacts to parking and traffic in this location. Improvements will shortly be made to the road surface and speed bumps installed to improve congestion and minimise hazards for people walking cycling and driving in the area. Impacts to parking from any construction project which may be occurring in the street, should be directed to Council. We can ensure that parking enforcement and other checks can occur to fulfill any development permits. Council will continue to work with the Department of Transport and Planning to manage traffic congestion impacts from Montague and Woodgate Streets. Fiona undertook to report back these issues to the relevant departments within Council and feed back to Vanessa separately.

Council Report Submissions:

Item 9.1 Aged Care Reform-Engagement Report

- Wendy Priddle
- John Leadstone
- Rhonda Small
- Martin Kingham
- Brenda Forbarth

Item 10.1 Draft South Melbourne Structure Plan

- Tony Baenziger
- Rebecca Lyons
- Anne Michaels

Item 12.1 Fitzroy Street Special Rate and Charge - Consideration of Submissions

- David Blakeley

Item 12.2 Acland Street Special Rate and Charge - Consideration of Submissions

- Janet Rosenberg

Item 14.1 Notice of Motion - Councillor Peter Martin - Heritage Verandah Upgrade Project

- Anne Michaels



Item 14. Notice of Motion - Councillor Robbie Nyaguy – Captain Cook Statue

- Boonwurrung Land and Sea Council (*Read by Xavier Smerdon, Head of Governance*)
- Claire Mear
- Geoffrey Conaghan
- Jenni Roper
- Isaac Hermann
- Nicholas Francis
- Penny Nichol
- Dan Peel
- Tim Staker-Gunn
- Roma Poole
- David Brand
- Oliver Murphy
- Helen Halliday
- Rodney Mitchell
- Una Steele
- Richard Ludlow
- Thomas Burgess

The Mayor adjourned the meeting at 8:02pm.

The meeting resumed at 8:18pm.

5. COUNCILLOR QUESTION TIME

- **Councillor Nyaguy:** Can officers provide an update on the progress of the Palais Forecourt project and its expected completion date?

Lachlan Johnson, General Manager Operations and Infrastructure, confirmed the project is progressing to schedule and is due for completion in the middle of 2024. In the last few weeks all service connections have been completed including the stormwater works and the Palais entry works meaning the Palais forecourt has been sandblasted and the final finish and irrigation works have commenced. Over the next few weeks stormwater works will continue down Cavell Street and there will be some associated road closures. The irrigation works will also commence and we still start reinstating the flooring in the Palais entry.

- **Councillor Nyaguy:** Can officers provide an update on the progress of the waste review following our transition to the new waste contractor?

Joanne McNeill, Executive Manager Governance and Organisational Performance advised the consultants that were engaged by the Audit and Risk subcommittee that was delegated to undertake the review are finalising their report and we expect that will be socialised with the subcommittee in the next two weeks.

- **Councillor Pearl:** Can officers provide an update on any requirements for staff or job applicants to the City of Port Phillip to be vaccinated for COVID19?

Claire Stevens, General Manager Organisational Capability and Experience, advised that Councils COVID19 workforce vaccination policy remains active and in place for both current and prospective Council employees. The nature of the pandemic, the regulatory guidance in place around the vaccine rollout, and the state and federal directions in regard to employers' measures to protect public health and safety continue to evolve. The policy is reviewed biannually and it may also be reviewed at any time where it's deemed necessary by the City of Port Phillip. The policy is under its biannual review period and Council officers are currently working through that review.

Councillor Pearl followed up, is the current review looking at the requirements for people to be vaccinated, or have an exemption from vaccination, in order to gain employment at the City of Port Phillip? When will this be made public?

Claire Stevens, General Manager Organisational Capability and Experience, advised that the review will commence with a detailed risk assessment which includes an assessment of both



risk to employers and the public. There is a very detailed risk matrix and criteria for the assessment, and the outcome of the risk assessment would determine whether the policy needs updating or not.

Chris Carroll, Chief Executive Officer, advised that in initial discussions, reassessing the risk profile around that is one of the priority things officers will be reviewing and whether we continue on with those requirements around mandatory vaccination is a key topic as part of this review.

Councillor Pearl: Can officers provide an updates regarding the recent reports in the Australian Financial Review relating to CityWide’s waste department, and I quote "Melbourne council is weighing putting a sizeable waste management business on the auction block". What plans do we have in place to account for this news? What advice, if any, have we received from CityWide?

Chris Carroll, Chief Executive Officer, advised that Council has received no notification from either the City of Melbourne or CityWide regarding that reported news. Officers will follow up with both organisations in the coming days and into next week and report back.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Nil.

CHANGE TO ORDER OF BUSINESS

MOVED Crs Cunsolo/Bond

That Council changes the order of business of this agenda and considers section 14 *Notices of Motion* ahead of the Presentation of Reports.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

14.1 Notice of Motion – Councillor Peter Martin – Heritage Verandah Upgrade Project

Moved Crs Martin/Sirakoff

That Council:-

1. Waives permit fees valued at \$35,000 for the Clarendon and Coventry Streets Business Association to assist in completing their Heritage Verandah Upgrade project.

PROCEDURAL MOTION

Moved Cunsolo/Baxter

That the item be deferred to the next available Council meeting being 21 February 2024.

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



The Mayor adjourned the meeting to manage a disruption at 8:57pm.

The Mayor resumed the meeting at 8:58pm.

14.2 Notice of Motion – Councillor Robbie Nyaguy – Captain Cook Statue

Moved Crs Nyaguy/Martin

That Council:

1. Directs the CEO, or their delegate, to establish the costs and time frame for the reinstatement and ongoing management of the Captain Cook statue in Catani Gardens and to provide this information to Councillors and the community in an appropriate format.
2. Directs the CEO, or their delegate, continue the repair work of the damaged Captain Cook statue and reinstates it.
3. Directs the CEO, or their delegate, to conduct a community engagement process to understand community views on the location and context of the Captain Cook statue.

A vote was taken and the MOTION was LOST.

Cr Clark called for a DIVISION.

FOR: Crs Baxter, Crawford, Martin and Nyaguy

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

A vote was taken and the MOTION was LOST.

The Mayor adjourned the meeting for a break at 10:17pm.

The meeting resumed at 10:27pm.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of November CEO Report - Issue 102

Purpose

- 1.1 To provide Council with a regular update from the Chief Executive Officer regarding Council's activities and performance.

MOVED Crs Bond/Clark

That Council:

- 3.1 Notes the CEO Report – Issue 102 (provided as Attachment 1).

A vote was taken and the MOTION was CARRIED.



9. INCLUSIVE PORT PHILLIP

9.1 Aged Care Reform-Engagement Report

Purpose

- 1.1 To provide the engagement feedback from clients, community, Councils advisory committees, community groups and staff on the proposed future service delivery model for older people- the Village Model.

Councillor Nyaguy left the chamber at 10:41pm and was not present for the vote of this item.

MOVED Crs Bond/Cunsolo

That Council:

- 3.1 Acknowledges the ongoing commitment to supporting older people to age positively in our community.
- 3.2 Notes that the Commonwealth Aged Care Reforms drive a need for Council to review the way it delivers services to older people to ensure it is viable, relevant, effective and efficient, sustainable and demonstrates best value to the community.
- 3.3 Notes the feedback from staff, clients, community, advisory committees, community groups and unions received through the formal consultation process will inform and shape the future model of service delivery for older people.
- 3.4 Thanks everyone who provided feedback on the proposed future model of service delivery for older people- the Village model.

A vote was taken and the MOTION was CARRIED.

Councillor Nyaguy returned to the chamber at 10:49pm.

10. LIVEABLE PORT PHILLIP

10.1 Draft South Melbourne Structure Plan

Purpose

- 1.1 To outline the key actions of the draft South Melbourne Structure Plan
- 1.2 To seek endorsement of the draft South Melbourne Structure Plan and supporting documents for community and stakeholder consultation.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Notes the draft South Melbourne Structure Plan in Attachment 1.
- 3.2 Notes the South Melbourne Structure Plan Background Report in Attachment 2.
- 3.3 Notes the supporting documents listed in section 4.6 of this report.



- 3.4 Endorses the draft South Melbourne Structure Plan, background report and supporting documents for community and stakeholder consultation.
- 3.5 Authorises the Chief Executive Officer (or their delegate) to make any minor editorial changes to the draft South Melbourne Structure Plan prior to publication for consultation.

A vote was taken and the MOTION was CARRIED unanimously.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

12.1 Fitzroy Street Special Rate and Charge - Consideration of Submissions

Purpose

- 1.1 To consider the written submissions received by Council and to hear persons speaking in support of their submissions pursuant to the statutory process to renew the Fitzroy Street Special Rate and Charge for 2024 – 2029.

MOVED Crs Bond/Nyaguy

That Council:

- 3.1 Considers all written submissions and hear persons who have requested to speak in support of their submissions in respect to the proposed Fitzroy Street Special Rate and Charge 2024 - 2029 and in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*.
- 3.2 Notes it will make a formal decision on whether to declare the Fitzroy Street Special Rate and Charge 2024 - 2029 at its ordinary meeting on 17 April 2024.

A vote was taken and the MOTION was CARRIED unanimously.

12.2 Acland Street Village Special Rate and Charge - Consideration of Submissions

Purpose

- 1.1 To consider the written submissions received by Council and to hear persons speaking in support of their submissions pursuant to the statutory process to renew the Acland Street Village Special Rate and Charge for 2024 – 2029.

MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Considers all written submissions and hear persons who have requested to speak in support of their submissions in respect to the proposed Acland Street Village Special



Rate and Charge 2024 - 2029 and in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989*.

- 3.2 Notes it will make a formal decision on whether to declare the Acland Street Village Special Rate and Charge 2024 - 2029 at its ordinary meeting on 17 April 2024.

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 Audit and Risk Committee - Appointment of Audit & Risk Committee Chairperson 2024 and Reappointment of Independent Member

Purpose

- 1.1 To appoint a chairperson of the Audit and Risk Committee for 2024.
- 1.2 To seek the Council's approval to appoint an independent member to the City of Port Phillip Audit and Risk Committee.

MOVED Crs Cunsolo/Clark

That Council:

- 3.1 Appoints Brian Densem to the position of Chairperson of the City of Port Phillip Audit and Risk Committee for the 2024 calendar year, commencing 01 January 2024 through to 31 December 2024.
- 3.2 Extends Helen Lanyon's tenure as an independent member of the City of Port Phillip audit and Risk Committee for an additional three years, commencing 01 January 2024.

A vote was taken and the MOTION was CARRIED unanimously.

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

Purpose

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

MOVED Crs Crawford/Nyaguy

That Council:

- 3.1 Approves the Instrument of Appointment and Authorisation at **Attachment 1 and Attachment 2**.
- 3.2 Affixes the common seal of Council to the Instrument of Appointments.

A vote was taken and the MOTION was CARRIED unanimously.



15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Pearl/Nyaguy

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 JL Murphy Community Pitch Synthetic Field - Budget Request

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

Reason:

The information provided within this briefing contains detailed information on:

- Approach for project contingency
- Approach for project Soil contamination
- The procurement approach for the project, including ways to mitigate a failed procurement.

Releasing this information would reduce Council's negotiation stance if information is released prior to procurement, in February 2024

A vote was taken and the MOTION was CARRIED.

The meeting was closed to the public at 11.02pm.

The meeting reopened at 11.10pm.

As there was no further business the meeting closed at 11.11pm.

Confirmed: 21 February 2024

Chairperson _____