



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

17 APRIL 2024



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MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 17 APRIL 2024



MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 17 APRIL 2024 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS

The meeting opened at 6:32pm.

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, Tarnya McKenzie, Interim 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, Simon Hill, Executive Manager Waste and City Maintenance, Paul Wood, Manager City Development, Lauren Bialkower, Executive Manager City Growth and Culture, Marc Jay, Coordinator City Permits, Thomas Mason, Coordinator Transport Safety, Xavier Smerdon, Head of Governance, Rebecca Purvis, Senior Council Business Advisor, Emily Williams, Council Business Advisor.

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.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Nyaguy/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 20 March 2024 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: <https://webcast.portphillip.vic.gov.au/archive.php>

Public Question Time:

- **Isaac Hermann:** A Council email noted that: *'Permeable pavements tend to be installed immediately around trees and not for long stretches of footpath – they are not a suitable product for footpath trafficability.'*
 - Q1** So how are we to accept this statement when most of Melbourne is so familiar with our Domain Gardens' Precinct Tan Track ? Permeable paving – Granitic Gravel – apparently is a suitable medium for 'footpath trafficability', and indeed meets City of Melbourne 'Design and Construction Standards: I Quote *'Granitic Gravel is a standard paving type in flat areas where a permeable surface is required.'*
 - Q2** Is Council and the public overall not satisfied with the extensive permeable paving in the Blessington Street Gardens and elsewhere?
 - Q3** Just across the road, we have Irymple Avenue whose footpaths are satisfactorily paved with crushed rock Lilydale Toppings permeable paving for years – why has Council:
 - (a)** not emulated this climate cooling and flood reducing example in other streets?
 - (b)** and continued its dependence on a mix of recycled bitumen and rubber that creates terribly toxic stormwater runoff?
 - Q4** How do the costs of replacing and re-instating our bitumen footpaths every four to five years compare to the maintenance costs at Irymple Avenue?
 - Q5** What does Council spend each year on bitumen footpaths?
 - Q6** Please explain Council's apparent reluctance to adopt permeable paving in light of the City of Port Phillip's 'Permeability Baseline Assessment', June 2019 which recommends: - de-paving and new porous paving - amidst other measures.
 - Q7** How many new nature strips have been installed since this report was published?
 - Q8** Since the 'Permeability Baseline Report' of 2019 noted that 67% of Port Phillip public space was impermeable, and more recently that 'Spatial Vision's' – 'Surface Permeability Analysis of Elster Creek Catchment' for 'E2DesignLab' having noted that: *High permeability reduces flood risk and increases stormwater quality, urban greening, and amenity.*
 - (a)** What percentage increase has been achieved over all the municipality in these almost five years?
 - (b)** in the extremely flood prone Shakespeare Grove – Secret Creek – Main Drain Catchment has there been an increase in permeability from its former 74% impermeable rating?

Brian Tee, General Manager City Growth and Development advised that essentially the question relates to the permeability baseline report, which Council undertook in 2019, which provided a starting point for Council's measurements of permeability. We use that report and have a number of ways that increase permeability, including using permeable paving, building around 5 Water Sensitive Urban Design (WSUD's) gardens and we try to replace paving with greenspace where we can. While permeable paving is good, it is more expensive and doesn't maintain well in heavy utilised areas. For this reason, we are limited as to where we can use it, but we do use it where it is appropriate. The use of crushed rock and Lilydale toppings has been successful in Irymple Avenue, to protect the roots of those trees and it has served that purpose. It has a number of disadvantages and we have received a number of complaints particularly from people who use wheelchairs, prams or walkers, particularly



when it is wet a lot of the topping gets picked up in people's shoes. So it has been used but it has a number of significant disadvantages. In terms of the use of rubber and recycled material for our roads, Council does not use rubber. Rubber, as indicated by Isacc Hermann, breaks away and ends up in our stormwater. For this reason, we do not use rubber as part of our roads, instead we use a product called plasiphalt, which uses recycled plastic products and does not break up and enter into our waterways. We are measuring the percentage of permeable space that we are creating and that percentage in terms of the reduction of it. This is part of a 10 year project, so we are not able to provide an accurate percentage at this stage. Once all the data is available it will be publicly released.

Lachlan Johnson, General Manager Operations and Infrastructure advised that they would respond to questions 4 and 5. In relation to the cost comparison of replacing and reinstating our bitumen footpaths every four to five years compared to the maintenance costs, with the example of Irymple Avenue mentioned, it is not possible to directly contrast the two because of the wear, usage, and foot traffic on different streets will have different impacts in terms of maintenance, particularly when you have an impermeable surface such as the Lilydale toppings in Irymple Avenue. However, to give an idea, bitumen or asphalt is generally considered a cost-effective material for footpaths, it ranges from about \$40-\$50 per square metre to renew those sections of footpaths. In terms of the granitic sand or the Lilydale toppings permeable surfaces, it is highly dependent upon where its being installed, the foot traffic that's there, any erosion that occurs during rain for example if its installed in high degrees of cross fall. Generally speaking, the costs to maintain a permeable surface are higher but it's very difficult to provide a number. Council spends approximately \$1.5 million per year on its footpath renewal program, which includes renewal of all footpath material types including concrete, asphalt, and the cost of some permeable footpaths. As mentioned before the cost of renewing asphalt footpaths is somewhere between \$40-\$50 per square meter, whereas for something like concrete footpaths, the cost can easily exceed \$70 per square metre.

Tarnya McKenzie, Interim General Manager advised that Council is currently updating the Urban Forest Strategy and permeability is being considered through that process. The Strategy is due to come out for community engagement in late May. Questions 1, 2 and 7 were taken on notice.

- **Justin Halliday:** Over the last years, the number of trees planted annually by the City of Port Phillip has fallen significantly, despite the Act & Adapt strategy targeting a 2 percentage point increase in tree canopy cover. In 2018, council planted over 1,500 trees, but in 2022, council only planted 322 trees and in 2023 this fell further to less than 150 trees. What is the reason Council is planting fewer trees? Is it because the budget has been reduced or is it because Council does not have adequate staffing to manage the planting program?

Simon Hill, Executive Manager Waste and City Maintenance, advised that Council's planting season runs from April to September each year, so reporting tree planting figures over financial years can lead to variation from year to year. However we acknowledge we had several years of lower than desired tree planting numbers, due to many unrelated factors such as tree availability and timing. We are focusing on procuring quality tree stock and young tree care to improve tree health and survival rates. We have made a coordinated and focused effort across council teams to ensure our tree planting numbers improve and this planting season which has now commenced we will be planting 1300 trees in streets and parks. Approximately 600 of those trees are going into parks and reserves to provide shade and to footpaths to provide better pedestrian amenity, creating biodiversity corridors. Simon

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Hill also noted that Council planted over 43,000 plants, shrubs and trees in total over the 22/23 year.

- **Marion Attwater:** In relation to the recommendation in the Independent Waste Review for the Audit and Risk Committee to ensure that the various recommendations are integrated into Council processes. I have looked at the biannual reporting and minutes of the audit and risk committees at numerous local councils in Melbourne, and the biannual reports that Port Phillip Council receives are extremely light on detail, and there doesn't seem to be any committee meeting minutes tabled in the Council agenda. I would like to suggest that Port Phillip Council alters the reporting requirements of the Audit and Risk Committee so that the public can more easily see how the Independent Waste Review recommendations are overseen. Can detailed minutes of Audit and Risk Committee meetings please be published in the council agenda in the future?

Joanne McNeill, Executive Manager Governance and Organisational Performance advised that the CEO has committed to periodic public reporting to Council on the progress in responding to the recommendations and undertook to follow up on the request for the Audit and Risk Committee meeting minutes to be published.

- **Rhonda Small:** We all know how rare significant parcels of land come up for purchase in Port Phillip whether for open space or as potential sites for affordable housing but we desperately need more of both. Council has shown itself to be agile in purchasing the Australia Post site in Firshermans Bend last year in order to create more open space in that area using Council reserves to do so. Will Council be equally as agile in responding to the current sale of more than 9,000 square metres of land and development sites across 12 titles fronting Barkly, Vale, Grieves and Carlisle Streets in St Kilda. Are Council officers aware of this rare opportunity? And will Council consider purchasing this once in a lifetime site for subsequent development as affordable housing in partnership, for example, with the community housing provider, the State Government or a private developer committed to affordable housing. In line with the key objective of increasing affordable housing in Port Phillip's In Our Backyard Affordable Housing Strategy and the soon to be finalised Draft Housing Strategy?

Tarnya McKenzie, Interim General Manager Community Wellbeing and Inclusion advised that Council officers are aware of the large property and the current expression of interest process as it maintains a watching brief on the local property market and consider the acquisition of properties aligned with Council's policies and objectives. The property in question is not being considered for acquisition at this time. With specific reference to affordable housing, our focus under Strategy of In our Back Yard (IOBY) is primarily on utilising Council's existing property assets to provide affordable housing opportunities. If the site is not purchased by a housing association or similar entity, there are opportunities within the planning process to seek and secure a component of community or affordable housing. Council would welcome the opportunity to use planning approaches to pursue community or social housing as a potential outcome through any private development on this site. Although the property holds promise for an innovative affordable housing solution, for the Council to proceed, this would require confidence in forward planning, including thorough due diligence of the site and its constraints, and the establishment of confirmed partnerships and secured funds.

- **John Spierings** (read on behalf by Xavier Smerdon, Head of Governance): In relation to the two independent reports investigating why many kerbside bins weren't collected after Citywide took over as the kerbside waste and recycling contractor in mid-2023. I welcome



Council's publication of these reviews. However, why hasn't there been a robust debate in the Council chamber, in full public view, about what happened? Will the Mayor, Council's Audit Committee and the CEO take responsibility for the systemic and individual failures identified by the independent reviews? Given the finding that 'a high weighting to price meant that any issues in capability, experience or transition were masked in the overall tender score...' will Council review the weight it places in contracts of getting the lowest price over evaluating the quality of the service? Given that Citywide now indicates its service delivery may not be sustainable at current levels, has this been provisioned for in the draft budget and at what cost?

Lachlan Johnson, General Manager, Operations and Infrastructure advised that Council takes the responsibility to deliver high quality services and value for money seriously. The situation that arose in July last year was unacceptable. In accordance with Council's commitment to public transparency and accountability, the two independent reviews into the change of waste contractors have been published. While they found that the contractor was not fully prepared to perform the services, the reports importantly make a series of recommendations on how Council can improve its processes to avoid such a situation happening again. Council officers have developed a comprehensive management response to implement the recommendations of the review. This plan will be finalised with the Audit and Risk Committee in May this year, with the Audit and Risk Committee then overseeing the timely implementation of those actions. The waiting on price in this procurement was the result of the materiality of the contract value. The Council and community focus on affordability and sensitivity to rates and waste service charge increases. Quality elements were weighted higher than price overall. While price will always be a key consideration for contacts of this scale, and this weighting is not out of the realms for a contract such as this, we will review our approach to price weighting for future high value high risk procurements. Council is currently engaged in confidential commercial negotiations, where additional bins have been identified for collection such as large apartment buildings, skips and multiple collections per week. Council will pay for those as per the schedule of rates contract. Council's draft budget 2024/25 to be considered later this evening does make appropriate provision for the delivery of waste and recycling collection services.

- **Janette Fly:** Why has the Council continued to extend the permit for the scaffolding at 237 Princes Street Port Melbourne when no construction has taken place since 8 December 2023. The contractor, told me they are working on another project for the same owner and I am wondering why hasn't the work supervisor for this site directing that the continuation of construction does happen. As a result my car has been trapped in my back yard for 6 months.

Mayor Cunsolo took the question on notice.

- **Jack Halliday:** In this term, a section of Council has operated with one overriding objective: to reduce Council expenditure with a view to lowering residential rates. We now see the end result of this process in the procurement of Council's new waste management contract and all the problems that were caused across the municipality. Council is to be commended for commissioning two external reports, one to examine the probity issues and the other examining the causes and the breakdown in development of the new contract. The probity report examined the process against six key probity measures that made significant findings of deficiency in process against four of the six measures. The causes report made 24 key findings about the whole process with three of them relating to the high weighting that Council gave to price against all the other considerations in the evaluating the tender bids. To quote from this report the high weighting to price meant that



any issues in a capability experience or transition were masked in the overall tender scores, the sustainability pricing was not adequately considered in the evaluation process. Further, Council was not provided with a breakdown of scoring for each tenderer to allow for differences against each evaluation criteria to be considered. In other words, Councillors and officers weren't provided with sufficient details of how the tenderers all scored on other important measures like experience, redundant capacity, flexibility and whether the pricing was sustainable. As we now know that contract isn't sustainable, Citywide is saying there are many more bins collection points than they were made aware of. That means the terms of the contact requires more man power and vehicles that is consistent with their tender. Will price be given a proper weighting in future contract processes?

Lachlan Johnson, General Manager, Operations and Infrastructure referred to their answer given earlier in the meeting with relation to how weighting was determined in the procurement of the waste services contract. Council has given a commitment that in response to the waste reviews we are going to review how we apply price weighting for complex, high risk procurements.

Council Report Submissions:

Item 7.1 Petition: Inkerman Street Safety Improvement Project

- Jaz Bradley

10.1 592-598 City Road, South Melbourne - Planning Scheme Amendment C217port

- Robert Carletti (Applicant)

12.2 Proposed Fitzroy Street Special Rate and Charge declaration report

- David Blakeley

12.3 Proposed Acland Street Special Rate and Charge declaration report

- Janet Rosenberg

13.1 Draft Council Plan 2021-2031 (Year Four) and Budget 2024-25: Release for Public Consultation

- Ian Gray
- Peter Moraitis
- Jan Cossar
- April Seymore
- Nadav Zisin
- Cecile van der Burgh

14.1 Notice of Motion Councillor Marcus Pearl – Pickles, Bridge and Glover Streets Intersection

- Terence Coyne
- Katrina Barlow
- Mick Ahearn
- Philip Edmands
- David Reed
- Paul Field
- Matilda Field
- Jennifer Taylor
- Mariese Oneill



- Sandy Columbo
- Rob Tappenden

5. COUNCILLOR QUESTION TIME

- **Councillor Clark:** Can officers advise what is the additional revenue that Council will derive from the Container Deposit Scheme (CDS) scheme?

Simon Hill, Executive Manager Waste and City Maintenance advised that Council has received \$72,500 including GST in revenue from our kerbside recycling processor for the months of November and December 2023 for CDS revenue. We have budgeted for \$330,000 including GST income for CDS collected in our kerbside recycling bins for 2024/25.

- **Councillor Pearl:** Can officers provide an update of asbestos in playgrounds given the recent issues by neighbouring Councils?

Simon Hill, Executive Manager Waste and City Maintenance, advised that currently all mulch suppliers are to provide a certificate of compliance that their products meet strict safety standards and don't contain any asbestos contaminants. We also require our contractors to independently test all mulch products arriving at their depots before they can be used in Council playgrounds. This rigorous testing process is to ensure mulch is free from any hazardous materials, including asbestos, before it is dispersed. Council officers have recently completed visual auditing of all playground areas to ensure they are free from any contaminants. In addition, we have engaged an expert hygienist to conduct testing of a sample of playgrounds and parks across the municipality to ensure community safety. So far we have not identified any asbestos in mulch at our parks or playgrounds. In addition, all mulch used in garden beds and native vegetation areas in the City of Port Phillip is sourced from our tree trimming program, which repurposes vegetation. This sustainable practice promotes environmental conservation while ensuring mulch is of the highest quality and safety standards. Simon Hill encouraged any residents who have concerns about any public spaces, to contact Council so we can investigate.

- **Councillor Pearl:** Can officers please provide an update on tree planting in the existing planter boxes on Ferrars Street and Canterbury Road? There are 15 or more empty boxes that have been there for quite some time.

Simon Hill, Executive Manager Waste and City Maintenance, advised that the maintenance and replacement of street trees along Canterbury Road and Ferrars Street is the responsibility of the Department of Transport and Planning (DTP). Officers have previously advocated to DTP to request replacement tree planting and officers will make further enquiries to the DTP requesting when this will occur. Simon Hill undertook to report information back to Councillor Pearl once an update is sought from the DTP.

- **Councillor Pearl:** Can officers please provide an update on the search for a School Crossing Supervisor at Port Melbourne Secondary College. And also provide an update on the clearing of the drain at the intersection of Williamstown Road?

Brian Tee, General Manager City Growth and Development was very pleased to advise that Council has a preferred candidate for the vacant School Crossing Supervisor position. Council are currently undertaking the relevant required checks and subject to the satisfactory completion of those, the person will be appointed to that role. Noting that it is a dangerous



intersection, we currently have other officers temporarily at that crossing until this appointment has been made.

Simon Hill, Executive Manager Waste and City Maintenance advised that the drains at the intersection of Graham Street and Williamstown Road have been persistently blocked for some time. The clearing of these drains are the responsibility of the Department of Transport and Planning (DTP) and this issue have been raised through DTP over several years. The DTP recently advised Council that the drains were scheduled for high pressure jetting on 5 April. However we are concerned that the jetting has either not occurred, or that it has been ineffectual, and the problem persists and we believe DTP need to engage a combination truck to remove the build-up in the system with the soil disposed of properly as per EPA guidelines. We are concerned the jet cleaning approach is ineffectual, and only pushes the build-up into the drainage system. Council officers inspected the drains again on 16 April and it is clear from that inspection that the DTP pipes and pits have not been cleared.

Council officers contacted the Ministers office on 12 April to request these works be prioritised.

Councillor Pearl requested that officers get in contact with the local member that promised this would be done.

- **Councillor Pearl:** Following my question last year, has the COVID19 vaccinations mandate been lifted for Council staff members?

Claire Stevens, General Manager Organisational Capability and Experience advised that Council's COVID19 workforce vaccination policy remains in place and does include the requirement for an initial vaccine dosage. The COVID landscape has continued to evolve including regulatory and Government guidance in relation to risk controls and measure to protect health and safety. The executive team recently considered a review of the policy which specifically considered the possible removal of the requirement for vaccination and its impact on risk given our duty to ensure a safe workplace. At this stage we have not finalised any policy changes and are yet to formally consult with our staff following this review. As part of the consultation it will be proposed that Council withdraw the vaccination policy on the basis of the recent review and will soon commence staff consultation on the proposed policy change as we are required to do under the Enterprise Agreement and the Health and Safety legislation.

The Mayor adjourned the meeting for a break at 7.52pm.

The meeting resumed at 8.02pm.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Petition: Inkerman Street Safety Improvement Project

A Petition containing 1,306 signatures was received from Canal ward, Inkerman Street residents and visitors, Inkerman Street business owners, their staff and clients.

Moved Crs Bond/Sirakoff



That Council:

1. Receives and notes the Petition.
2. Thanks the petitioners for their Petition.
3. Notes that a report on the Inkerman Safety Improvement Project will be considered by Council at an upcoming Council meeting to determine how to proceed with the project, and that the petition will be noted within that report.

A vote was taken and the MOTION was CARRIED.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report Issue 105 - February

Purpose

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

MOVED Crs Martin/Cunsolo

That Council:

- 3.1 Notes the CEO Report – Issue 105 (provided as Attachment 1).
- 3.2 Notes an amendment to the CEO Report – Issue 104 (provided as Attachment 2)
- 3.3 Authorises the CEO or their delegate to make minor editorial amendments that do not substantially alter the content of the report.

A vote was taken and the MOTION was CARRIED.

9. INCLUSIVE PORT PHILLIP

Nil.

10. LIVEABLE PORT PHILLIP

10.1 592-598 City Road, South Melbourne - Planning Scheme Amendment C217port

Purpose

- 1.1 To provide a Council position on a request for a Planning Scheme Amendment, C217port, made to the Minister for Planning for land at 592-598 City Road, South Melbourne, which proposes to apply a Specific Controls Overlay that would facilitate the demolition of the existing building and construction of a six-storey building for use as a residential hotel and café.

MOVED Crs Martin/Pearl

RECOMMENDATION – PART A



3.1 That Council advises the Minister for Planning (C/- the Department of Transport and Planning) that Council does not support the Planning Scheme Amendment in relation to:

- Articulation and extent of Architectural features cantilevering over Council's laneway.
- Solar access to hotel rooms along the eastern boundary, size and number of light wells.
- The floor-to-floor heights of Levels 1-6 do not achieve the preferred adaptable heights.
- The failure to demonstrate how water runoff from the subject site onto the abutting laneway to the west and north will be managed.
- The tandem configuration of the car parking facilities without the support of Parking Management Plan.
- The reliance on waste collection to be conducted off site from Boundary Street.
- The failure of the loading bay to accommodate access by a Small Rigid Vehicle and meet the requirements of AS2890.2.
- The minimal width of the loading bay and resulting impacts on ability of Small Rigid Vehicle to exit the laneway in a forward direction.
- The loading bay garage door failing to demonstrate the minimum the minimum headroom clearance for a Small Rigid Vehicle of 3.5 metres.
- The motorcycle parking infringing on the loading bay area.
- The utilisation of the no standing zone on City Road for pickup and drop offs without clear signage and consent from the relevant authority.

And for the reasons set out in Sections 9 and 12 of this report.

All other aspects of the proposal including traffic, sustainable design and waste management are acceptable subject to receipt of more detailed information which will likely result in minor changes to the proposal. These design and operational concerns could be addressed by conditions of any Incorporated Document.

RECOMMENDATION – PART B

3.1.1 That the Council authorises the Manager City Development to instruct Council's Statutory Planners, planning advocate and/or solicitors on:

- Any future amendments to the application
- Any VCAT application for review for the matter; and/or
- Any independent advisory committee appointed by the Minister for Planning to consider the application.

A vote was taken and the MOTION was CARRIED unanimously.

11. SUSTAINABLE PORT PHILLIP

Nil.



12. VIBRANT PORT PHILLIP

12.1 Draft Footpath Trading Guidelines – Endorse for Community Consultation

Purpose

- 1.1 To seek Council approval for the release of the draft Footpath Trading Guidelines 2024 for community consultation.

MOVED Crs Bond/Pearl

That Council:

- 3.1 Approves the release of the draft Footpath Trading Guidelines 2024 for community consultation.
- 3.2 Approves the CEO, or their delegate, to make minor amendments that do not affect the intent or substance of these guidelines.

A vote was taken and the MOTION was CARRIED unanimously.

12.2 Proposed Fitzroy Street Special Rate and Charge Declaration Report

Lauren Bialkower, Executive Manager City Growth and Culture noted when drafting the Proposed Fitzroy Street Village Rate and Charge Declaration Reports, an officer error led the Net 'Annual' Value, being incorrectly referred to as Net 'Asset' Value. Specifically, in section 4.8 of each report and the second paragraph of the declaration attachment to the report. This error does not substantially change the contents or intention of the report, or councils' ability to vote on the recommendation, however it was noted for transparency.

Purpose

- 1.1 To determine whether Council supports the declaration of the Fitzroy Street Special Rate and Charge (**Special Rate**) for 2024 – 2029 period.

MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163, 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, and otherwise according to law, hereby declares the Fitzroy Street Special Rate and Charge under section 163(1) of the Act for the sole purpose of marketing, promotion, business development of the Fitzroy Street Business Precinct as detailed in the attached draft Declaration of Special Rate and Charge (**Attachment 1**).
- 3.2 Authorises the Fitzroy Street Business Association (Association) to administer the proceeds of the Special Rate on the express condition that the Association enters into a funding agreement with Council for the period of the Special Rate and Charge.
- 3.3 Authorises Council's CEO, or delegate, for the purposes of paragraph 3.2 of this resolution, to prepare the funding agreement between Council and the Association



by which administrative arrangements in relation to the Special Rate and Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to the Association, Council is, and remains legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the Act to do so, and such funding agreement to be submitted to Council for signing.

- 3.4 Gives notice to all owners and occupiers of properties included in the Special Rate and Charge and all persons who have lodged a submission and/or objection of the decision of Council to declare and levy the Special Rate and Charge commencing on 1 July 2024, and the reasons for the decision.
- 3.4.1 For the purposes of paragraph 3.4 of this resolution, the reasons for the decision of Council to declare the Special Rate and Charge are that:
1. there were 5.94 percent valid objections to the Special Rate and Charge, and it is otherwise considered that there is a broad level of support for the Special Rate and Charge from all property owners and occupiers;
 2. Council considers that it is acting in accordance with the functions and powers conferred on it under the Act, having regard to its role, purpose and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Special Rate and Charge area;
 3. all persons who are liable or required to pay the Special Rate and Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and /or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
 4. the basis of distribution of the Special Rate and Charge amongst those persons who are liable or required to pay the Special Rate and Charge is considered to be fair and reasonable.
- 3.5 Advises the Association of the matters specified in paragraphs 3.1, 3.2 and 3.3 of this resolution.
- 3.6 Notes the properties that are included in the Special Rate and Charge area will be subject to general re-valuations and supplementary valuations on the same cycle as the City of Port Phillip general rates and charges.

A vote was taken and the MOTION was CARRIED unanimously.

12.3 Proposed Acland Street Village Special Rate and Charge Declaration Report

Purpose

- 1.1 To determine whether Council supports the declaration of the Acland Street Village Special Rate and Charge (**Special Rate**) for 2024 – 2029 period.

Lauren Bialkower, Executive Manager City Growth and Culture noted when drafting the Proposed Acland Street Village Rate and Charge Declaration Reports, an officer error led the Net 'Annual' Value, being incorrectly referred to as Net 'Asset' Value. Specifically, in section 4.8 of each report and the second paragraph of the declaration attachment to the



report. This error does not substantially change the contents or intention of the report, or councils' ability to vote on the recommendation, however it was noted for transparency.

MOVED Crs Crawford/Baxter

That Council:

- 3.1 Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163, 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, and otherwise according to law, hereby declares the Acland Street Village Special Rate and Charge under section 163(1) of the Act for the sole purpose of marketing, promotion, business development of the Acland Street Village Business Precinct as detailed in the attached draft Declaration of Special Rate and Charge (**Attachment 1**).
- 3.2 Authorises the Acland Street Village Business Association (Association) to administer the proceeds of the Special Rate on the express condition that the Association enters into a funding agreement with Council for the period of the Special Rate and Charge.
- 3.3 Authorises the CEO, or their delegate, for the purposes of paragraph 3.2 of this resolution, to prepare the funding agreement between Council and the Association by which administrative arrangements in relation to the Special Rate and Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to the Association, Council is, and remains legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the Act to do so, and such funding agreement to be submitted to Council for signing.
- 3.4 Gives notice to all owners and occupiers of properties included in the Special Rate and Charge and all persons who have lodged a submission and/or objection of the decision of Council to declare and levy the Special Rate and Charge commencing on 1 July 2024, and the reasons for the decision.
 - 3.4.1 For the purposes of paragraph 3.4 of this resolution, the reasons for the decision of Council to declare the Special Rate and Charge are that:
 1. there were 5.74 percent valid objections to the Special Rate and Charge, and it is otherwise considered that there is a broad level of support for the Special Rate and Charge from all property owners and occupiers;
 2. Council considers that it is acting in accordance with the functions and powers conferred on it under the Act, having regard to its role, purpose and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Special Rate and Charge area;
 3. all persons who are liable or required to pay the Special Rate and Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and /or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
 4. the basis of distribution of the Special Rate and Charge amongst those persons who are liable or required to pay the Special Rate and Charge is considered to be fair and reasonable.



- 3.5 Advises the Association of the matters specified in paragraphs 3.1, 3.2 and 3.3 of this resolution.
- 3.6 Notes the properties that are included in the Special Rate and Charge area will be subject to general re-valuations and supplementary valuations on the same cycle as the City of Port Phillip general rates and charges.

A vote was taken and the MOTION was CARRIED unanimously.

PROCEDURAL MOTION - CHANGE TO ORDER OF BUSINESS

Moved Crs Cunsolo/Martin

That agenda section *14. Notices of Motion* be considered as the next agenda item.

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

14. NOTICES OF MOTION

14.1 Notice of Motion – Councillor Marcus Pearl – Pickles, Bridge and Glover Intersection

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

Councillor Nyaguy: Were these options considered as part of the process up to this point. Why was there no suggestion for changing the direction Cruikshank Street? Was it considered and why didn't any further option come to Councillors?

Thomas Mason, Coordinator Transport Safety, took the question on notice.

Moved Crs Pearl/Martin

That Council:-

1. Notes the decision of Council regarding the intersection of Pickles, Bridge and Glover Streets made on 21 February 2024
2. Notes that the intersection of Pickles Street at Bridge Street and Glover Street is identified as a Road Safety Black Spot.
3. Endorses making the trial median closure at the intersection of Pickles Street at Bridge Street and Glover Street permanent.
4. Request officers to communicate this decision to local residents.

AMENDMENT

Moved Crs Cunsolo/Sirakoff

5. Notes concerns about the safety and amenity at the intersection of Pickles, Bridge and Glover Streets and requests officers to investigate options for the direction of travel for Cruikshank Street as a way to improve safety and amenity in the area and provide a report back to Council.



The Mayor adjourned the meeting for a break during debate of the item at 8.38pm.

The meeting resumed at 8.45pm.

A vote was taken and the AMENDMENT was LOST.

Councillor Cunsolo called for a DIVISION.

FOR: Cr Cunsolo

AGAINST: Crs Baxter, Crawford, Bond, Sirakoff, Martin, Pearl, Clark and Nyaguy

The AMENDMENT was LOST.

The SUBSTANTIVE MOTION was PUT.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

Cr Pearl called for a DIVISION.

FOR: Crs Baxter, Crawford, Bond, Sirakoff, Martin, Pearl, Clark and Nyaguy

AGAINST: Cr Cunsolo

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

13. WELL GOVERNED PORT PHILLIP

13.1 Draft Council Plan 2021-2031 (Year Four) and Budget 2024-25: Release for Public Consultation

Purpose

- 1.1 To consider release of the draft Council Plan 2021-31 updated for year four and the draft Budget 2024/25 for community consultation.

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

Councillor Bond: Did any other Council in Victoria receive more interest rate revenue than the City of Port Phillip last year?

Chris Carroll, Chief Executive officer took the question on notice.

Mayor Cunsolo advised that Parts 1 & 2 of the motion would be considered together:

MOVED Crs Martin/Bond

That Council:

PART 1

- 3.1 Notes that the draft Budget 2024/25 has been informed by the *Don't Waste It! Waste Management Strategy 2022-25* and the updated *Rating Strategy 2022-2025* (as endorsed for release for community consultation on 20 March 2024).
- 3.2 Notes that the draft Budget 2024/25 has been prepared in recognition of the cost-of-living pressures the community is facing. That increases to rates and charges have been minimised despite Council operating in a high inflation environment and continuing with targeted support to the community, and includes:



- 3.2.1 An increase of 2.75 per cent to the average general rate, which is equivalent to the rates cap set by the Victorian Government, and lower than forecast inflation.
- 3.2.2 Provisional rate in the dollar calculations (and in the Attachments to this report) based on preliminary valuations data which may change based on the final valuations. In the event of any change, the updated figures will be included in the Council resolution for the adoption of Budget 2024/25 on 26 June 2024.
 - a) Residential rate in the dollar 0.001720
 - b) Commercial rate in the dollar 0.002053
 - c) Industrial rate in the dollar 0.002032
 - d) Derelict land rate in the dollar 0.006880
 - e) Unactivated land rate in the dollar 0.006880
 - f) Vacant land rate in the dollar 0.005160
- 3.2.3 An increase in the Default Waste Charge of 2.72 per cent from \$198.80 to \$203.60 which is lower than inflation and the rates cap
- 3.2.4 Continuing targeted support to the community through:
 - a) One-off rate waivers up to a maximum of \$750 on application up to 50 per cent of general rates and charges to the Chief Financial Officer in cases of extreme financial hardship.
 - b) Increasing the Council-funded pensioner rates rebate by 4.8 per cent to \$220 in 2024/25 – the City of Port Phillip is one of the few councils that offers this scheme in addition to the State Government rebate.
 - c) Additional \$40,000 funding for greater food support within the municipality. This is to respond to the greater demand for food relief to enable the purchase of additional food.
- 3.3 Notes Council's Financial Hardship Policy (Attachment 4) has been updated to comply with relevant guidelines with the following key changes are:
 - 3.3.1 Eligibility for a waiver of rates and charges available to residential ratepayers who are experiencing severe financial hardship. Noting that commercial and industrial ratepayers are best supported by Council's economic development and tourism programs.
 - 3.3.2 Inclusion of an appeals process.

PART 2

- 3.4 Notes that the draft Budget 2024/25 includes:
 - 3.4.1 Fees and charges generally increasing by 3.65 per cent unless it makes sense to vary, and to provide support to those who need it most.
 - 3.4.2 Statutory fees set by the Victorian Government will be updated prior to the final adoption of the budget based on the gazetting of 2024/25 penalty rates and units.
 - 3.4.3 Ongoing efficiency savings of \$1.5 million in Budget 2024/25 with a commitment to look for more during the financial year.



- 3.4.4 No debt, aside from some finance lease liabilities will remain as part of our financing strategy.
- 3.4.5 Cash reserves for operational needs including staff leave and contingency of \$16.3 million.
- 3.4.6 Capital investment of \$115.9 million to maintain, grow and improve services and assets including \$44.9 million of land acquisition for public space facilities.
- 3.4.7 Intention to lease seven properties as required by section 115 of the Act as outlined in this report.

A vote was taken and the MOTION was CARRIED unanimously.

PART 3

MOVED Crs Crawford/Martin

Cr Nyaguy moved an Amendment during the debate to add a new 3.6 and 3.7 to Part 3 of the motion. The vote on the amendment was taken in sequential order.

Mayor Cunsolo advised that all votes within Part 3 would be taken under division.

3.5 Notes that the draft Budget 2024/25 includes the following items:

- 3.5.1 An additional \$90,000 for specialist technical support and proactive maintenance measures to improve the health of existing palms and trials in available treatments for Fusarium Wilt disease.

FOR: Crs Clark, Crawford, Martin, Cunsolo, Baxter, Bond, Pearl, Sirakoff, Nyaguy

AGAINST: Nil

The MOTION was CARRIED unanimously.

- 3.5.2 An increase of \$250,000 for the St Kilda Festival due to cost of operating the festival increasing significantly above inflation.

FOR: Crs Crawford, Martin, Baxter, Bond, Pearl, Nyaguy

AGAINST: Crs Clark, Sirakoff, Cunsolo

The MOTION was CARRIED.

- 3.5.3 An increase of \$51,000 to the annual funding provided to the Eco-Centre to fund above inflation cost pressures.

FOR: Crawford, Baxter, Martin, Cunsolo, Nyaguy

AGAINST: Pearl, Bond, Clark, Sirakoff

The MOTION was CARRIED.

- 3.5.4 Annual funding of \$68,000 for an 18-month trial period to facilitate the Eco-Centre to operate on both Saturday and Sunday.

FOR: Crawford, Martin, Cunsolo, Baxter, Nyaguy

AGAINST: Pearl, Bond, Clark, Sirakoff

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The MOTION was CARRIED.

3.5.5 A provision for Closed-Circuit Television (CCTV) renewal and upgrade as part of the capital portfolio due to the aging infrastructure over the next two financial years noting that attempts for external funding have so far been unsuccessful.

FOR: Clark, Crawford, Martin, Cunsolo, Pearl, Sirakoff, Bond

AGAINST: Nyaguy, Baxter

The MOTION was CARRIED.

3.5.6 An increase in long day care fees of \$10.00 per day from \$147.00 to \$157.00 representing a 6.80 per cent increase. This increase is reflective of significant cost pressures in Council running a long day service and is supported by industry benchmarking.

FOR: Bond, Pearl, Clark, Sirakoff, Cunsolo

AGAINST: Crawford, Martin, Baxter, Nyaguy

The MOTION was CARRIED.

AMENDMENT

That the following items be added as items 3.6 and 3.7 of the motion.

MOVED Crs Nyaguy/Baxter

3.6 Approves an additional \$250,000 in one-off funding, open to organisations that support private market renters in Port Phillip, in recognition of the high levels of distress being caused by the current cost of living crisis. Authorises the CEO, or their delegate, to develop the funding criteria, including determining appropriate organisations to deliver the rent relief funding on its behalf.

FOR: Crawford, Baxter, Martin, Nyaguy

AGAINST: Clark, Bond, Cunsolo, Sirakoff, Pearl

A vote was taken and the AMENDMENT was LOST.

3.7 Notes that the In Our Back Yard (IOBY) Strategy includes an annual budget commitment of \$500,000, which is due to end in 2024/25. Notes that this program has supported affordable and social housing in Port Phillip and is therefore important to allocate provisional funding in the 10-Year Financial Plan.

3.7.1 Approve a commitment of \$1million per annum for 10 years commencing from 2025/26 subject to Councils future renewal and endorsement of the In Our Back Yard Strategy.

FOR: Crawford, Baxter, Martin, Nyaguy

AGAINST: Clark, Bond, Cunsolo, Sirakoff, Pearl

A vote was taken and the AMENDMENT was LOST.

Mayor Cunsolo advised that Parts 4 & 5 of the motion would be considered together:



MOVED Crs Martin/Bond

PART 4

- 3.6 Notes that the draft Budget 2024/25 results in a cumulative cash surplus of \$0.68 million providing additional contingency for financial risks including the projected impact of inflation.

PART 5

- 3.7 Approves the release of the Council Plan 2021-31 updated for year four, inclusive of the Community Vision, Municipal Health and Wellbeing Plan, draft (10-year) Financial Plan, draft Revenue and Rating Plan, and the draft Budget 2024/25, amended to reflect any changes made through resolutions at this meeting, for community consultation (Attachments 1, 2 and 3).
- 3.8 Receives and hears feedback and submissions at the Special Council Meeting on 14 May 2024, commencing 6.30 pm at the St Kilda Town Hall, prior to considering adoption of the amended Council Plan 2021-31, including Budget 2024/25 at the Special Council Meeting on 26 June 2024 commencing 6.30 pm at the St Kilda Town Hall.
- 3.9 Authorises the CEO to make amendments to the draft amended Council Plan 2021-2031 (Attachments 1, 2 and 3) including the draft Budget 2024/25 to reflect any changes through resolutions at this meeting, and to make minor editorial adjustments and corrections to the document to prepare for publication and distribution.
- 3.10 Authorises the CEO to continue to provide Council projects and services within the parameters of the adopted Council Plan and Budget 2021-31 and any decisions of Council that have updated this and to authorise the CEO to incur planning, design and community consultation expenditure on new projects proposed in the draft Budget 2024/25.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Proposed Discontinuance of Road (in part) Johnson Street, South Melbourne

Purpose

- 1.1 To seek Council's approval to:
- 1.1.1 Remove a segment of Johnson Street between Normanby Road and Munro Street, South Melbourne, shown shaded red on the image below (**Road**), from Council's Register of Public Roads pursuant to section 17(4) of the *Road Management Act 2004* (Vic) (**RMA**); and
- 1.1.2 Commence the statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) to consider discontinuing the Road. If the Road is subsequently discontinued, it will be retained by Council for public open space.

MOVED Crs Martin/Nyaguy

That Council:



- 3.1 Acting under section 17(4) of the *Road Management Act 2004* (Vic), resolves that a segment of Johnson Street between Normanby Road and Munro Street, South Melbourne (**Road**), be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in the report;
- 3.2 Acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) (**Act**):
- 3.2.1 Resolves that the statutory procedures be commenced to discontinue the Road;
- 3.2.2 Directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance of the Road be given in The Age newspaper;
- 3.2.3 Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to retain the land in the Road for public open space;
- 3.2.4 Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and
- 3.2.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.

13.3 Procurement Policy Minor Amendment

Purpose

- 1.1 To present a minor change to the Procurement Policy (Policy) for Council's consideration and adoption.

MOVED Crs Martin/Sirakoff

That Council:

- 3.1 Adopts the updated changes to the Procurement Policy.
- 3.2 Authorise the Chief Executive Officer (or delegate) to finalise and make minor changes that do not materially alter the Procurement Policy.

A vote was taken and the MOTION was CARRIED unanimously.

13.4 Councillor Expenses Monthly Reporting - February and March 2024

Purpose

- 1.1 To report on the expenses incurred by Councillors during February and March 2024, in accordance with the Councillor Expenses and Support Policy.

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MOVED Crs Sirakoff/Crawford

That Council:

- 3.1 Notes the monthly Councillor expenses report for February 2024 (attachment 1) and that this will be made available on Council's website.
- 3.2 Notes the monthly Councillor expenses report for March 2024 (attachment 2) and that this will be made available on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.

13.5 Records of Informal Meetings of Council

Purpose

- 1.1 To report to Council the written records of Informal Meetings of Councillors at the City of Port Phillip as required by the Governance Rules.

MOVED Crs Crawford/Bond

That Council

- 2.1 Receives and notes the written records of Informal Meetings of Council (attached) as required by the Governance Rules.

A vote was taken and the MOTION was CARRIED unanimously.

15. REPORTS BY COUNCILLOR DELEGATES

Mayor Cunsolo reported that they were excited to be travelling to Japan from tomorrow to visit Council's sister City in Obu, Japan for three days. Mayor Cunsolo would be joining teachers and students from St Kilda Primary School and it would be a great opportunity to build on our City Cities relationship that was established more than 30 years ago. Within the sister theme, the Mayor's sister-in-law would also be in Tokyo to celebrate their 40th birthday. The Mayor noted that this trip was all self-funded but while they were in Japan, they would be taking the opportunity to visit Obu. The Mayor said it was an honour to be representing the City of Port Phillip in another country and confirmed that no Council funding had been used for the trip.

Councillor Baxter reported as the delegate to the Friends of Suai/Covalima Comm Reference Committee Friends of Suai annual trivia night, who have their annual trivia night tomorrow night (Thursday 19 April 2024). Councillor Baxter believed almost all tickets were sold out, but urged anyone who was interested in attending to have a great night and come along to support our partnership with Suai/Covalima in East Timor. Councillor Crawford would be the MC for the night.



16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Nyaguy/Bond

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 Agency & Labour Hire Resourcing

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

Reason: The report outlines a proposed contracting arrangement and commercially sensitive information that if made public would potentially expose parties to unfavourable disadvantage.

17.2 South Melbourne Town Hall Main Works Contract Award

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

Reason: The following contents of this email are confidential by virtue of the LGA 2020, section 3(a) Council Business Information. These reasons for confidentiality apply to this matter so as to not jeopardise Council's negotiation position (financial / commercial terms) to award a contract.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting closed to the public at 10.21pm.

The meeting reopened to the public at 10.34pm.

As there was no further business the meeting closed at 10.34pm.

Confirmed: 1 May 2024

Chairperson _____