



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## AGENDA

1 MAY 2024



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# MEETING OF THE PORT PHILLIP CITY COUNCIL 1 MAY 2024



## **Welcome**

*Welcome to this Meeting of the Port Phillip City Council.*

*Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision-making process of Council.*

## **About this meeting**

*There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.*

*Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.*

## **Public Question Time and Submissions**

*Provision is made at the beginning of the meeting for general question time from members of the public.*

*All contributions from the public will be heard at the start of the meeting during the agenda item 'Public Questions and Submissions.' Members of the public have the option to either participate in person or join the meeting virtually via Teams to ask their questions live during the meeting.*

*If you would like to address the Council and /or ask a question on any of the items being discussed, please submit a 'Request to Speak form' by 4pm on the day of the meeting via Council's website:*

[Request to speak at a Council meeting - City of Port Phillip](#)





## MEETING OF THE PORT PHILLIP CITY COUNCIL

### To Councillors

Notice is hereby given that a **Meeting of the Port Phillip City Council** will be held in **St Kilda Town Hall and Virtually via Teams** on **Wednesday, 1 May 2024 at 6:30pm**. At their discretion, Councillors may suspend the meeting for short breaks as required.

### AGENDA

- 1 **APOLOGIES**
- 2 **MINUTES OF PREVIOUS MEETINGS**  
*Minutes of the Meeting of the Port Phillip City Council 17 April 2024.*
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **PUBLIC QUESTION TIME AND SUBMISSIONS**
- 5 **COUNCILLOR QUESTION TIME**
- 6 **SEALING SCHEDULE**  
*Nil*
- 7 **PETITIONS AND JOINT LETTERS**  
7.1 *Joint Petition: Stop the loss of Car parking on Inkerman Street - Inkerman Street Safety Improvement Project* .....5
- 8 **PRESENTATION OF CEO REPORT**  
*Nil*
- 9 **INCLUSIVE PORT PHILLIP**  
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- 10 **LIVEABLE PORT PHILLIP**  
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- 11 **SUSTAINABLE PORT PHILLIP**  
11.1 *Community Electric Vehicle (EV) Program* .....467
- 12 **VIBRANT PORT PHILLIP**  
*Nil*



**13 WELL GOVERNED PORT PHILLIP**

13.1	<i>Information Protection Agreement - Department of Transport and Planning (VicRoads).....</i>	<i>511</i>
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13.3	<i>Lifting of the confidentiality status of information considered by Council in closed meetings of Council.....</i>	<i>535</i>

**14 NOTICES OF MOTION**

*Nil.*

**15 REPORTS BY COUNCILLOR DELEGATES**

**16 URGENT BUSINESS**

**17 CONFIDENTIAL MATTERS .....545**

*The information contained in the following Council reports is considered to be Confidential Information in accordance with Section 3 of the Local Government Act 2020.*

17.1 *St Kilda Pier Landside Works Upgrade - Budget Update*

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 October 2024.*

17.2 *Commercial Matter*

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

3(1)(e) *legal privileged information, being information to which legal professional privilege or client legal privilege applies;*

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:** *This report will consider commercially and legally sensitive information that could impact Councils ability to manage an ongoing contract. Council will consider what information is to be released publicly.*



**3. DECLARATIONS OF CONFLICTS OF INTEREST**

**4. PUBLIC QUESTION TIME AND SUBMISSIONS**

**5. COUNCILLOR QUESTION TIME**

**6. SEALING SCHEDULE**

Nil

**7. PETITIONS AND JOINT LETTERS**

*7.1 Joint Petition: Stop the loss of Car parking on Inkerman Street - Inkerman Street  
Safety Improvement Project.....5*



### 7.1 Joint Petition: Stop the loss of Car parking on Inkerman Street - Inkerman Street Safety Improvement Project

*Two petitions were received in relation to the Inkerman Safety Improvement Project.*

**Petition 1:** **Petition: Stop the destruction of Inkerman Street Community** (containing 358 signatures was received via change.org)

#### **The Petition states the following:-**

*Dear St. Kilda Locals, Traders and Visitors.*

*City of Port Phillip Council are proposing to remove 115 car parks on Inkerman Street - affecting all the businesses and communities access.*

*It will also push traffic into our quiet surrounding neighbourhood streets.*

*STOP the destruction now.*

**SAY NO TO THE PERMANENT LOSS OF CAR PARKS ON INKERMAN STREET, ST KILDA**

**Petition 2:** **Petition against any parking loss in Inkerman Street** (containing 166 hardcopy signatures from residents, businesses, and their customers)

#### **The Petition states the following:-**

*We the undersigned, as residents/ratepayers and businesses/services and their customers/patrons, who will be severely adversely affected by the INKERMAN SAFETY IMPROVEMENT PROJECT **do not want any loss** of parking bays in Inkerman Street.*

#### **Supporting Information**

Please find enclosed a petition against any parking loss in Inkerman Street.

525 stakeholders have signed the petition joint for the reasons outlined below -

The project is **ill conceived and unrealistic** for a major street in an inner city suburb. **Parking is already at a premium.**

*Those wishing to park on Inkerman Street already often have to park in the side streets. If car parks are removed, those streets will be permanently parked out. In an effort to find that ever elusive park, stressed, frustrated drivers will resort to risk taking.*

*Parking will become cut throat and dangerous - as happens in Alma Road by the park, where the south side of the road is permit only, so drivers will do a u turn in front of oncoming cars to grab the only car park on the north side.*

**Residents** - owners and tenants, will struggle to park anywhere near their properties.

*Unloading a vehicle of groceries, small children, large heavy items, or from a camping trip would become very arduous from a block away from home.*

**37 Businesses/Services** and their customers/clients will struggle to park anywhere near those properties. Many Businesses/Services have said they will not survive without close by on-street parking.

*The elderly, the disabled, or impaired walkers will have great difficulty accessing residences or services. There are several medical clinics and health services as well as the PCYC gym (rehab clients) that rely on on-street parking for their patients and members.*

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*Women returning home late at night may have to negotiate side streets to walk from their car to home. This presents real safety issue concerns.*

*As well as the severely adversely affected stakeholders mentioned above, anyone else who needs to access properties will not be able to park.*

*These would include -*

*Regular care giving and home help staff, tradesmen, cleaners, deliveries and pickups, removalists, family and friends who **already struggle to get a park close by**. Severely reducing car space in Inkerman Street is going to make the current situation much worse. It would be a major destruction of liveability in the neighbourhood.*

*The Inkerman Street community do not want their access and amenity stripped from them. It will make life that much harder.*

## **OFFICER COMMENT**

Officers note that Community Consultation was undertaken for this project over a 7-week period ending in December 2023 and that the results of the engagement were tabled at the 23 March 2024 Council meeting. A subsequent report will consider how to proceed with the project.

## **RECOMMENDATION**

That Council:

1. Receives and notes both Petitions.
2. Thanks their petitioners for their petitions.
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.

## **ATTACHMENTS**

Nil







**8. PRESENTATION OF CEO REPORT**

Nil

**9. INCLUSIVE PORT PHILLIP**

9.1 *Draft Port Phillip Reconciliation Action Plan 3* ..... 11





**9.1 DRAFT PORT PHILLIP RECONCILIATION ACTION PLAN 3**

**EXECUTIVE MEMBER: TARNYA MCKENZIE, INTERIM GENERAL MANAGER,  
COMMUNITY WELLBEING AND INCLUSION**

**PREPARED BY: TANJA HEIL, COORDINATOR HOUSING, SAFETY AND  
RECONCILIATION**

**MAGGIE SMITH, ABORIGINAL GATHERING AND DEVELOPMENT  
ADVISOR**

**1. PURPOSE**

- 1.1 For Council to consider the consultation draft Reconciliation Action Plan 3 (RAP3) and endorse its release for community consultation.

**2. EXECUTIVE SUMMARY**

- 2.1 RAP3 will be a key strategy providing a vision for Council, as an organisation committed to reconciliation and driven to foster relationships, trust, respect, and opportunities for First People in a setting that is culturally safe.
- 2.2 The preparation of the draft plan has followed preliminary discussion with Traditional Owners and First Peoples service providers and local members of the aboriginal community. Review and input has also been provided through internal consultation with Council's established RAP Working Group, a review of Council's 'Reconciliation Barometer' (2019), Council's RAP2 (2021) and 'Exploration of Gathering for the Aboriginal Community Report' (2021).
- 2.3 The vision, key themes, and actions in the draft RAP3 have been prepared to align with the template and structure provided by Reconciliation Australia and will require further review and consideration prior to their certification.
- 2.4 It is proposed Council endorse the consultation draft Reconciliation Action Plan 3 to enable broader community consultation, input, and response prior to considering a report in mid-2024 for its adoption.

**3. RECOMMENDATION**

That Council:

- 3.1 Releases the draft Port Phillip Reconciliation Action Plan 3 (Attachment 1) for a 4-week period of community consultation from 2 May to 30 May 2024.
- 3.2 Notes that a report will be presented to Council in July 2024 outlining feedback received through the consultation period and any proposed changes to the plan.

**4. KEY POINTS/ISSUES**

- 4.1 Aboriginal people have faced profound historic and contemporary challenges which include land dispossession, violence, and racism.
- 4.2 Port Phillip Council has a history of providing strong leadership in reconciliation and the formal acknowledgment of challenges that impact First Nations people. We have sustained efforts and been active in driving change through reconciliation from our initial RAP1 (2012 – 2015) and subsequent RAP2 (2017-19 extended and expired in 2021).



- 4.3 Council's last Reconciliation Action Plan expired in 2019 and was extended to 2021. The period of 2020 to 2023 presented a number of challenges that further impacted the progression of our third RAP. These have included:
- 4.3.1 A focus on recovery efforts and engagement with vulnerable First Peoples during and following COVID-19
  - 4.3.2 New relations with traditional owner groups following the Victorian Heritage Council decision in June 2021 to name the Bunurong Land Council and the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation as Registered Aboriginal Parties and a change to traditional boundaries that apply to our city.
  - 4.3.3 Supporting long and established relationships with the local Boonwurrung Land and Sea Council.
  - 4.3.4 Allowing time for the National Voice Referendum 2023 to occur outside of local policy development.

#### **Development of Draft Reconciliation Action Plan 3**

- 4.4 A consultation draft Port Phillip Reconciliation Action Plan 3 (Attachment 1) has been prepared by Council officers. The process to prepare the plan has included:
- 4.4.1 A review of Council's 'Reconciliation Barometer' (2019) a survey of 563 residents.
  - 4.4.2 The evaluation of Council's RAP2 (2021).
  - 4.4.3 Referencing the 'Exploration of Gathering for the Aboriginal Community Report' (2021).
  - 4.4.4 Engaging key internal staff through working sessions in November 2023. Participants included the internal RAP Working Group and key staff from across all divisions in the organisation.
  - 4.4.5 Reviewing and drafting RAP3 to align with the required template and structure provided by Reconciliation Australia.
  - 4.4.6 Initial engagement through February and early March 2024 with Traditional Owners, First Peoples community service providers, stakeholders, and local aboriginal communities.

## **5. CONSULTATION AND STAKEHOLDERS**

### **Reconciliation Australia**

- 5.1 Reconciliation Australia is acknowledged as the national expert body on Reconciliation. They offer a structure and procedure for the approval of Reconciliation Action Plans (RAPs). In seeking the plans future endorsement, officers have worked with Reconciliation Australia to adopt a suitable template. Further review will be required by Reconciliation Australia as part of their formal certification process.

### **Engagement Approach**

- 5.2 Critical to the success of RAP3 delivery, and in enabling self-determination and voice by local First People, it has been integral to work closely with our Aboriginal communities and Traditional Owners prior to seeking broader community feedback on a draft plan.



- 5.3 Initial engagement with First Peoples was conducted through February and early March 2024. This included initial discussions and consultations with:
  - 5.3.1 Local Traditional Owners the Boonwurrung Land and Sea Council
  - 5.3.2 The two Traditional Owner / Registered Aboriginal Parties, the Bunurong Land Council and the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation
  - 5.3.3 First Peoples Community Service Providers and Stakeholders, including Access Health, Sacred Heart Mission, Launch Housing, Victoria Policy, Policy and Citizens Youth Club (PCYC) and Port Phillip Citizens for Reconciliation.
  - 5.3.4 Local aboriginal communities and elders (through First Peoples Community Service Providers).
- 5.4 Key issues and actions raised through these discussions have been reflected in the draft RAP3. Notably these include:
  - 5.4.1 The diversity of our First Peoples community in Port Phillip.
  - 5.4.2 The need to continue efforts to build trust and support self-determination by providing culturally safe platforms within Council that enables First Peoples voice.
  - 5.4.3 Complexities following the Victorian Aboriginal Heritage Council (VAHC) decision in July 2021, and Council requirements to engage with Registered Aboriginal parties while maintaining enduring reconciliation efforts and connections with local Traditional Owners.
  - 5.4.4 Recognition of First Peoples perspectives and experience and providing opportunities for interpretation of shared history in settings.
  - 5.4.5 Continuing to provide culturally appropriate support and coordination to improve outcomes for at risk individuals in our community.

## **6. LEGAL AND RISK IMPLICATIONS**

- 6.1 With the Victorian Aboriginal Heritage Council (VAHC) decision in July 2021, Council is mandated under the Aboriginal Heritage Act 2006 to engage with the Bunurong Land Council and the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation on the management and protection of Aboriginal Cultural Heritage.
- 6.2 Council has focused on building relationships with the two formally recognised Registered Aboriginal Parties while working upon supporting our enduring commitment to the Boonwurrung Land and Sea Council
- 6.3 To meet legal requirements, all actions within RAP3 that involve Registered Aboriginal Parties will identify the Bunurong Land Council and Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. Concurrently, we will continue to partner, consult, and engage with the local Traditional Owners, the Boonwurrung Land and Sea Council.

## **7. FINANCIAL IMPACT**

- 7.1 The development of RAP3 will not impact existing budgets. Actions are generally aligned to Council's service delivery commitments and existing operational costs. Opportunities that arise for Council during the RAP delivery period will go through Council's annual budgetary processes for consideration.



## 8. ENVIRONMENTAL IMPACT

- 8.1 Actions referenced in the draft consultation materials include connection and care for Country using cultural management practices and approaches. It is hoped with the delivery of RAP3 through the RAP Working Group, opportunities will enable all members of our community to participate in protecting, restoring, or enhancing indigenous landscapes and watercourses, and where relevant through project partners.

## 9. COMMUNITY IMPACT

- 9.1 Reconciliation Action Plans are instrumental in enhancing equality and community cohesion and are a central strategy for articulating our respect for Aboriginal and First People.

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The development of RAP3 aligns with Council Plan directions:
- 10.1.1 Inclusive: A city that is a place for all members of our community, where people feel supported and comfortable being themselves and expressing their identities.
- 10.2 Council does not have a current plan to guide reconciliation efforts, with RAP2 having expired in 2021. To address the gap in Council's policy suite, it is integral a new plan be prepared and that it addresses the current context. Council further resolved and reinforced its *'commitment to develop reconciliation Action Plan 3'* at the 4 October 2023 Council Meeting

## 11. IMPLEMENTATION STRATEGY

### TIMELINE

- 11.1 Officer will seek broader community feedback on the draft Port Phillip Reconciliation Action Plan 3 for a 4-week period between the 1 May 2024 – 30 May 2024. This will include:
- 11.1.1 Send copies of the draft plan to Traditional Owners, First Peoples Stakeholders and Service Providers inviting feedback and providing opportunity to meet with Council officers to provide feedback and response.
  - 11.1.2 Promoting the draft Plan on Council's Have Your Say website and providing hard copies at Council's Assist counters and libraries.
  - 11.1.3 Using the scheduled Neighbourhood Engagement Sessions through this period to promote the draft Plan and seek opportunities for feedback.
- 11.2 Through this period officers will continue to seek endorsement of RAP3 from Reconciliation Australia.
- 11.3 Following broader public comment and response, a summary of key issues raised and officer recommendations for revisions will be presented to Council for consideration.

### COMMUNICATION

#### Key Messages

- 11.4 The following key messages have been prepared for the pending consultation period:
- 11.4.1 Following initial consultation with First Peoples, Council has developed a draft Reconciliation Action Plan 3 (RAP3).



11.4.2 The development of the draft RAP3 marks a significant milestone in our reconciliation journey. Since the launch of our inaugural plan in 2012, RAP3 will be Council's third Reconciliation Action Plan. RAP3 will be an important strategy for Council in fostering inclusion and self-determination. It will serve as a guiding framework for our actions and ongoing steps toward reconciliation.

11.4.3 We are inviting broader community feedback on the proposed plan. After considering feedback, we will address raised issues and engage in further discussions with Traditional Owners and First Peoples in our community.

11.4.4 A final report, incorporating community input and feedback provided by Traditional Owners and First Peoples in our community will be presented to the Council in July 2024.

## 12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

**ATTACHMENTS** 1. Consultation Draft Reconciliation Action Plan 3  



# Innovate Reconciliation Action Plan 3

Consultation Draft (April 2024)  
2025-2028



RECONCILIATION  
AUSTRALIA LOGO

[portphillip.vic.gov.au](http://portphillip.vic.gov.au)







## City of Port Phillip

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## Acknowledgement of Country

Council respectfully acknowledges the Traditional Owners and Custodians of the Kulin Nation. We acknowledge their legacy and spiritual connection to the land and waterways across the City of Port Phillip and pay our heartfelt respect to their Elders, past, present and future.

Cover Image: Josh Deane, 2024



### National Relay Service

If you are deaf or have a hearing or speech impairment, you can phone us through the National Relay Service (NRS):

TTY users, dial 133677, ask for 03 9209 6777

Voice Relay users, phone 1300 555 727,

then ask for 03 9209 6777.

## Terminology

**Aboriginal** - refers to the Indigenous people of Australia

**Boonwurrung** - Name of a Traditional Owner group of the City of Port Phillip

**Bunurong** - Name of a Traditional Owner group of the City of Port Phillip

**Cultural Safety** - An environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening <sup>1</sup>

**Kulin Nations** - Make up five communities of Traditional Owners across south central Victoria

**Naarm** - Traditional word for the City of Melbourne which is located on Wurundjeri Woi Wurrung land

**Nerm** - Traditional word for Port Phillip Bay from the Boonwurrung People who are one group of Traditional Owners of Port Phillip

**Ngargee** - Boonwurrung word for 'gathering for celebration'

**Registered Aboriginal Party** - are Traditional Owner Groups legal recognised under the [Aboriginal Heritage Act 2006](#) to provide advice on matters relating to Aboriginal places or Aboriginal objects in their region

**Self Determination** - An ongoing process of choice to ensure that Aboriginal people are able to meet their social, cultural and economic needs. Essential to the exercise of self-determination is choice, participation and control.

**Traditional Owners** - Bunurong, Boonwurrung and Wurundjeri refer to the Traditional Owners and Custodians of the land across the City of Port Phillip. Bunurong, Boonwurrung and Wurundjeri people are part of the wider Kulin Nation

**WeAkon Dillinja** - Boonwurrung words meaning 'A Mourning Reflection'

**Wurundjeri Woi Wurrung** - Name of a Traditional Owner group of the City of Port Phillip

**Yalikut Willam** - Traditional word from Kulin group of languages (Boonwurrung, Woi Wurrung and Daung wurrung) meaning 'river dwellers' which is associated with the coastal land of Port Phillip Bay, Werribee River, across to Williamstown, Port Melbourne, St Kilda and Prahran

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<sup>1</sup> [Williams, R \(2008\) Cultural safety: what does it mean for our work practice?](#)

Innovate Reconciliation Action Plan 3

*proudly* port phillip

## Mayor's message

To be provided in final plan

Innovate Reconciliation Action Plan 3

*proudly* port phillip

## Innovate Reconciliation Action Plan 3

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**Responsible service/department:**

Community Wellbeing and Inclusion

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**Adoption authorised:**

Council

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**Date of adoption:**

[Insert Text]

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**Date effective from:**

July 2024

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**Document set ID (ECM):**

[Insert Text]

---

**Subject (index name in ECM):**

[Insert Text]

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**Endorsed CEO or ELT member or department manager to make and approve document editorial amendments:**

[Insert Text]

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**Annual desktop review date:**

[Insert Text]

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**Review date:**

[Insert Text]

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**Completion date:**

[Insert Text]

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**Version number:**

[Insert Text]

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**Stakeholder review and engagement:**

[Insert Text]

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**Relevant legislation:**

Local Government Act 2020



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**Associated strategic direction #:**

[Insert Text]

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**Associated instruments:**

[Insert Text]

---

**Supersedes:**

[Insert Text]

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**Review history:**

Name	Document set ID (ECM)	Date	Description of edits
Name of document	#	DD/MM/YYYY	Description of changes



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## Our vision for reconciliation

**The City of Port Phillip has a vision for a community that fully embraces our local living cultures. We celebrate the vibrant tapestry of shared and diverse cultural connections to our city. The Council's vision for reconciliation is to be an inclusive organisation that supports the cultural diversity of the residents living across Port Phillip.**

**Our commitment to reconciliation is about coming together. It centres on strengthening enduring connections with Traditional Owner groups and the Aboriginal and Torres Strait Islander communities linked to the contemporary footprint of our city. We strive to provide our communities with opportunities for self-determination and a voice.**

We strongly support First Peoples' inherent right to self-determination and are deeply committed to the actions in this Reconciliation Action Plan. We will implement these actions in ways that are consistent with the expertise and ambitions of First Peoples and our key partners and stakeholders.

With sincere empathy, we acknowledge the harmful impacts of colonisation upon First Peoples. We recognise the reverberating, multifaceted impacts that First Peoples face and understand that these harms can be far-reaching and intergenerational, as a result of past laws, policies, systems and structures. This systemic and structural racism has normalised the exclusion and disempowerment of First Peoples and ultimately denied their human right to self-determination.

This Reconciliation Action Plan represents the Council's continued commitment to support meaningful and mutually beneficial relationships with First Peoples in Port Phillip. Meaningful relationships are the key to building and delivering a culturally appropriate and responsive service and enhance accountability and transparency to Bunurong, Boonwurrung and Wurundjeri people and all First Peoples.

In our efforts to evaluate our previous Reconciliation Action Plan, we have contemplated ways to enhance relationships, foster respect and create opportunities for First Peoples. With direct consultation with Traditional Owners, we know we can improve how we embed reconciliation through our core business. We are on a journey of continual growth and will address the evolving needs of Port Phillip's First Peoples, ensuring their experiences with Council's services and facilities are positive.

We will take action to support our community to foster meaningful relationships, provide opportunities for local gatherings, enhance our cultural awareness and cultural safety, encourage leadership and support opportunities for self-determination.

## Our business

Under the [Victorian Local Government Act 2020](#), the role of council is to provide good governance for the benefit and well-being of its community. [Our Council Plan](#) defines our key organisational priorities. At the heart of this plan, we strive to build a community with strong social connections – where everyone can feel safe and welcome.

This includes engaging the community in planning and decision-making. We work in partnership with all levels of government, the private sector, not-for-profit entities and our local communities.

Our organisation employs around 1000 people, including 4 identified Aboriginal and Torres Strait Islander roles. We deliver more than 100 programs and services to our residents, businesses and visitors. These range from early childhood education and care services and libraries to the management of parks and maintenance of public spaces.

At the core of our work with First peoples in Port Phillip is regular engagement with the Traditional Owners and Aboriginal Community Controlled organisations to provide culturally safe services to improve conditions for local communities, by developing and consulting on strategies that deliver cultural programs as part of our continuing journey towards reconciliation.

Some of our current reconciliation actions include:

- Undergoing recognition activities (e.g., place naming and Acknowledging Country)
- Creating cultural expression and gathering opportunities (e.g., events, activities, commissioning, cultural teaching and community gatherings)
- Delivering coordinated support services (e.g., aged care and housing and homelessness outreach)
- Providing youth services (e.g., sponsoring early childhood services and school programs).



## Our city

With 11 km of foreshore, the City of Port Phillip is in many ways defined by its proximity to Nerm (Port Phillip Bay). This sacred place is part of the Kulin Nation – a large region spanning from the southernmost point of Victoria up into the Great Dividing Range. The area we now call our city has been home to Bunurong, Boonwurrung and Wurundjeri people for over 55,000 years. First Peoples have and continue to care for Country in our city council area for generations.

Attracting almost three million visitors a year, Port Phillip is one of the most visited places in Melbourne (Naarm). The local area has changed vastly since European occupation, but it was once akin to a 'temperate Kakadu' type of environment, surrounded by sea, river, creeks, lakes and lagoons. Between the sea and the river was a score of wetlands surrounded by dunes, heath, woodlands, salt marsh and beach.<sup>2</sup> Our municipality is one of the oldest European settlements in Naarm. It provides a juxtaposition of unique urban villages and heritage buildings, cultural diversity and arts, as well as the foreshore and open spaces.

Several sites of interest in Port Phillip are significant to First Peoples. In St Kilda, the Ngargee Tree, a River Red Gum, is located in the southeast corner of Albert Park, between Albert Park Lake and Fitzroy Street at St Kilda Junction. It is Port Phillip's longest living resident, with an estimated age of 300-500 years. The tree marks a junction of pre-European walking trails, where tracks connected to southern, northern and eastern districts. St Kilda Town Hall sits on a natural spring that was once frequented by Boonwurrung people. Also in St Kilda was Euro-Yroke, which means the 'grinding stone place'.

The Esplanade, where our weekend markets take place, was once a stone quarry. Stone axes were a highly valued tool, used by Boonwurrung men to cut bark for housing, canoes and containers. Emerald Hill, now the site of South Melbourne Town Hall, was a significant site to engage in ceremonies and trade. Boonwurrung people met at this permanently cleared site every three months and conducted ceremony on full and new moons.

With its close proximity to the city centre, Port Phillip is an area in high demand. The physical environment is continuing to change as the area experiences significant residential growth and development. Port Phillip has an estimated resident population of 103,990. The population of Port Phillip residents identifying as Aboriginal and Torres Strait Islander is 514, with many Aboriginal and Torres Strait Islander people living in St Kilda, South Melbourne and Port Melbourne.

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<sup>2</sup> Eidelson 2016 Yalukit Willam, The River People of Port Phillip by Meyer Eidelson; City of Port Phillip













































**10. LIVEABLE PORT PHILLIP**

10.1 *Proposed Amendment C220port: St Kilda Live Music Precinct - Authorisation*  
.....47





**10.1** PROPOSED AMENDMENT C220PORT: ST KILDA LIVE MUSIC  
PRECINCT - AUTHORISATION

**EXECUTIVE MEMBER:** BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND  
DEVELOPMENT

**PREPARED BY:** SAMINDI YAPA, STRATEGIC PLANNER  
ALAYNA CHAPMAN, HEAD OF CITY STRATEGY

**1. PURPOSE**

1.1 The purpose of this officer report is for Council to consider:

- a) The background of the St Kilda Live Music Precinct (**SKLMP**) and the findings and recommendations of the SKLMP Planning Study project.
- b) Proposed Amendment C220port to the Port Phillip Planning Scheme to implement the findings of the SKLMP Planning Study project.
- c) Whether to adopt the SKLMP Planning Study (stages 1 and 2) and seek authorisation from the Minister for Planning to prepare and exhibit Amendment C220port to the Port Phillip Planning Scheme.

**2. EXECUTIVE SUMMARY**

- 2.1 The SKLMP is Victoria's inaugural live music entertainment precinct, celebrated nationally and internationally for its rich history and concentration of live music entertainment venues. These venues contribute significantly to the social, cultural, and economic fabric of Port Phillip.
- 2.2 In June 2023, Council adopted the *St Kilda Live Music Precinct Policy (policy)*, establishing a framework to recognise and support the St Kilda live music scene while balancing the needs of surrounding residents. A key action of the policy is to undertake a planning study to embed the SKLMP within the Port Phillip Planning Scheme.
- 2.3 The purpose of the SKLMP Planning Study (**project**) was to develop evidence-based recommendations and a clear planning framework that supports and encourages live music entertainment venues in the SKLMP.
- 2.4 The project comprised of two stages, supported by stakeholder engagement:  
**Stage 1.** Identifying the issues and opportunities.  
**Stage 2.** Exploring the planning opportunities and making recommendations.
- 2.5 The final Stage 2 report, titled *St Kilda Live Music Precinct Planning Study Stage 2: detailed investigations & recommendations*, April 2024 prepared by Hansen Partnership on behalf of Council, recommends several planning mechanisms available within the Victorian planning system. Its primary recommendation is to introduce a new local planning policy at Clause 13.07-3L to recognise the SKLMP and to amend the Schedule to Clause 53.06 (Live Music Entertainment Venues) to manage live music entertainment venues and nearby noise sensitive residential uses in the Precinct.
- 2.6 Council's primary pathway to implement the project is through a planning scheme amendment. As such, Council has two options:  
**Option A.** Involves Council requesting authorisation from the Minister for Planning to prepare and exhibit proposed Amendment C220port.



**Option B.** No further action.

- 2.7 Officers recommend Option A. It is considered that Amendment C220port will establish a positive, discretionary planning framework for the SKLMP, supporting the retention, growth, and operation of live music entertainment venues in St Kilda while also managing amenity impacts.

### 3. RECOMMENDATION

That Council:

- 3.1 Notes the officer report and Attachments 1, 2, and 3 in relation to the St Kilda Live Music Precinct Planning Study project and proposed Amendment C220port to the Port Phillip Planning Scheme (**Amendment**).
- 3.2 Adopts the *St Kilda Precinct Planning Study* (Hodyl & Co, Echelon Planning and Enfield Acoustics, July 2023) and the *Stage 2: detailed investigations & recommendations* (Hansen Partnership, April 2024) at Attachments 1 and 2, respectively, as the basis for the Amendment.
- 3.3 As the planning authority, apply to the Minister for Planning (**Minister**) under section 8A of the *Planning and Environment Act 1987 (Act)*, for authorisation to prepare the Amendment (**Option A**).
- 3.4 If authorisation to prepare the Amendment is received under section 8A of the Act, or if the Minister has not notified Council of their decision within 10 business days after receiving the application:
  - a) As the planning authority, prepare the Amendment in accordance with section 8A(2) or section 8A(7) of the Act as relevant.
  - b) Authorise officers to make changes to the draft Amendment documentation at Attachment 3 as required prior to exhibition of the Amendment to correct any administrative errors and to meet any conditions the Minister imposes through authorisation.
  - c) Endorse, for the purpose of exhibition, the draft Amendment documentation at Attachment 3, subject to any changes required under 3.4 (b) above.
  - d) Exhibit the Amendment in accordance with sections 17, 18 and 19 of the Act.

### 4. KEY POINTS/ISSUES

- 4.1 **Background**The live music industry makes a significant contribution to Victoria's social and cultural landscape. However, the industry faced severe setbacks due to the impacts of the Covid-19 pandemic, resulting in the closure of numerous venues. This downturn had far-reaching effects on musicians, technicians, venue owners, and hospitality employees.
- 4.2 To address these challenges, in September 2020, the Victorian Government amended the Victoria Planning Provisions (**VPPs**), introducing Clause 13.07-3S - Live Music and amending Clause 53.06 - Live Music Entertainment Venues. These changes aim to promote the benefits of live music, support existing and new venues, designate live music precincts, and mitigate noise impacts on existing sensitive uses.





- 4.3 In response to these regulatory changes, in April 2021, Council endorsed the *Live Music Action Plan 2021-2024*. A key objective of the plan was to explore the formal establishment of a live music precinct in Port Phillip.
- 4.4 On 21 June 2023, the *St Kilda Live Music Policy (policy)* was adopted by Council and the St Kilda Live Music Precinct (**SKLMP**) was officially launched on 23 June 2023.
- 4.5 The policy designated land in the St Kilda Major Activity Centre (**MAC**) as Victoria's first live music precinct, outlining a preliminary boundary for further investigation and prioritising live music as a central activity. St Kilda was chosen as a live music precinct because it:
- Aligns and supports the long-term strategic vision for the MAC.
  - Is recognised for its rich music history and cultural significance. St Kilda's vibrant live music scene emerged in the 1970s, shaping and enriching the local character.
  - Has existing or emerging live music industry clusters (including live music entertainment venues, supporting businesses, event spaces (including open spaces and cultural institutions)).
  - Has supporting amenities and infrastructure to support live music entertainment venues and visitors i.e., accessibility of area, public toilets.
- 4.6 Importantly, a key initiative of the policy includes undertaking a planning study to help embed the SKLMP in the Port Phillip Planning Scheme.

#### **St Kilda Live Music Precinct Planning Study approach**

- 4.7 The objective of the SKLMP Planning Study (**project**) was to establish the strategic basis for the introduction of draft planning provisions into the Port Phillip Planning Scheme, ensuring certainty and consistency for live music outcomes in the SKLMP.
- 4.8 Given the City of Port Phillip is the first Council in Victoria to potentially implement a live music precinct into the planning scheme, there are no existing precedents or examples to guide the development of the project. Therefore, the project follows a similar staged process to other major strategic planning projects:

**Stage 1.** Identifying the issues and opportunities.

**Stage 2.** Exploring the planning opportunities and making recommendations.

#### **Stage 1: Identifying the issues and opportunities**

##### Approach

- 4.9 Council engaged Hodyl & Co, Echelon Planning and Enfield Acoustics to undertake Stage 1.
- 4.10 This stage of the project explored issues and opportunities related to the SKLMP, analysing the preliminary boundary outlined in the policy. It also explored the primary planning mechanisms available under the Victorian planning framework to guide the management of live music entertainment venues and nearby noise-sensitive residential areas. The primary planning mechanisms in the Planning Scheme include the following:



*Clause 13.07-3S (Live Music)*

- 4.11 The state planning policy aims to encourage, create, and protect opportunities for the enjoyment of live music. Council has the authority to introduce a new local planning policy under this clause to provide more locally specific guidance on live music.

*Clause 53.06 (Live Music Entertainment Venues)*

- 4.12 This statewide particular provision or 'header clause' acknowledges the importance of live music to the State's culture and economy. It promotes the retention and establishment of new live music entertainment venues, while also ensuring adequate protection for noise-sensitive residential uses. Council cannot amend this state-led provision, but there is flexibility to customise the Schedule to Clause 53.06 to identify specific precincts and venues.
- 4.13 Although Clause 53.06 (Live Music Venues) itself does not trigger the need for a planning permit, it does apply to planning permit applications required under any zone of the Port Phillip scheme to use and develop land associated with:
- a) **Live music entertainment venues**, including food and drink premises, nightclubs, function centres, or residential hotels with live music entertainment, rehearsal studios, or any other music performance venue specified in section 3.0 of the schedule.
  - b) **Noise-sensitive residential uses**, including community care accommodations, dwellings, residential aged care facilities, residential villages, retirement villages, rooming houses, or small second dwellings.
- 4.14 It is important to note that Clause 53.06 of the Port Phillip Planning Scheme focuses on the 'agent of change' principle for managing noise impacts. This principle assigns responsibility for acoustic attenuation to the use or development introducing change to the area, which may include:
- a) a new or existing live music venue seeking to establish or expand.
  - b) a new residential development close to an existing live music venue.
- 4.15 This principle helps ensure a fair and equitable approach to managing amenity impacts.

Stage 1 Planning Study findings

- 4.16 In July 2023, Council officers received the final *St Kilda Precinct Planning Study - Stage 1 (Attachment 1)*. The Stage 1 Study suggested expanding the SKLMP boundary and creating sub-precincts for specific types of live music. Additionally, it proposed four planning propositions that require further consideration. These opportunities are discussed in detail in subsequent sections of this report.

**Stage 2: Exploring planning opportunities and making recommendations**

Approach

- 4.17 Hansen Partnership were engaged to review and test the proposed precinct boundary, along with its sub-precincts, and the four planning propositions, as proposed in Stage 1.
- 4.18 The Stage 2 study focuses solely on planning related matters, with the aim being to develop a clear planning framework that supports and encourages the protection and creation of live music entertainment venues in the SKLMP.



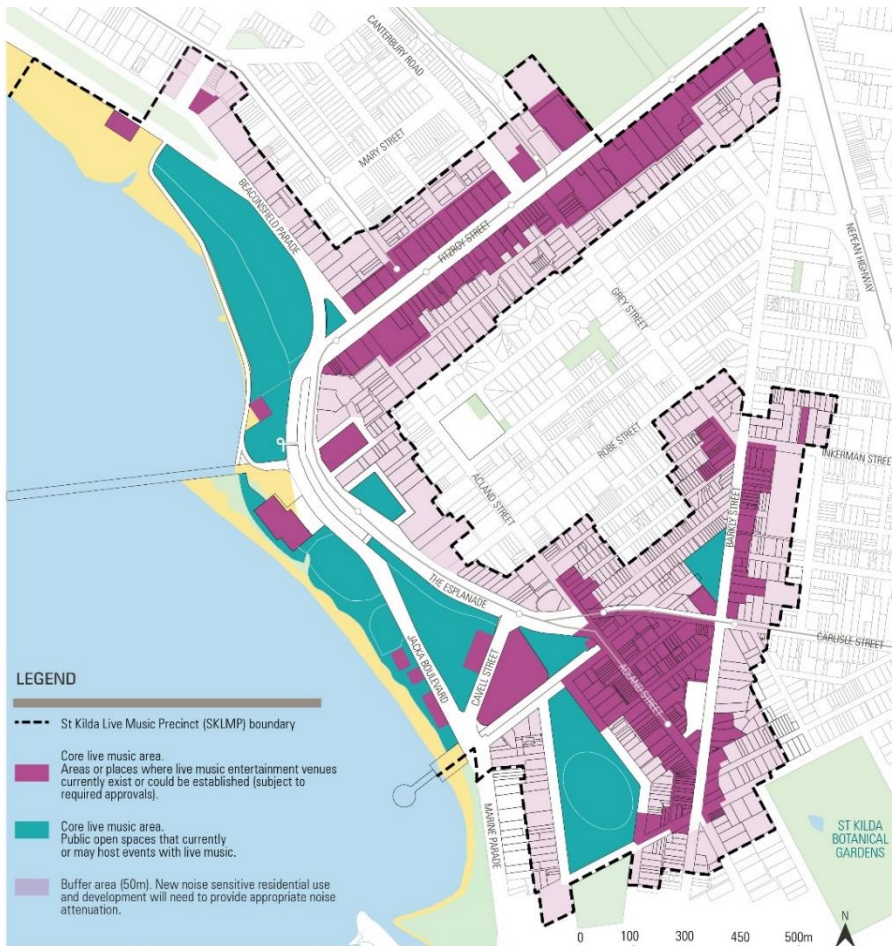
- 4.19 The final *St Kilda Live Music Precinct Planning Study Stage 2: detailed investigations & recommendations*, April 2024 is included in **Attachment 2**.

Stage 2 Planning Study findings

*St Kilda Live Music Precinct boundary*

- 4.20 The Stage 2 Study supported the guiding principles for delineating SKLMP boundary. These principles are:
- a) **Core live music area:** This core area, typically zoned Commercial 1 (C1Z) in the Port Phillip Planning Scheme, is where live music entrainment venues are encouraged. By concentrating these venues in strategic locations, synergies are created, attracting, and retaining live music operators, cultivating the precinct brand, and fostering sector growth.
  - b) **Surrounding buffer:** The buffer area, typically within 50 metres of the core area and public open spaces, is designed to manage amenity and noise impacts on nearby noise sensitive residential uses. It is derived from Clause 53.06 (Live Music Entertainment Venues) which sets out that a planning permit is required for a new noise sensitive residential use that is within 50 metres of a live music entertainment venue.
  - c) **Inclusion of Public Open Spaces:** Public open spaces that currently host or may host live music events are incorporated into the precinct boundary. This decision is based on the statutory interpretation of Clause 53.06-2, which defines live music entertainment venues to include both indoor and outdoor spaces. While the primary purpose of these public open spaces is recreation, they can serve multiple purposes if each purpose is distinct and not merely incidental or ancillary. By including these spaces within the precinct boundary, the intention is to use them as live music entertainment venues.
- 4.21 Although these principles are strategically sound, the Stage 2 Study suggests minor refinements, corrections, and additions, following a detailed review of the SKLMP boundary.
- 4.22 Furthermore, the Stage 2 Study recommends eliminating sub-precincts introduced in Stage 1. Instead, a simplified approach is proposed, delineating the core area for live music entertainment venues without specifying the type of live music activity. This approach avoids the complexities associated with defining sub-precincts and specifying the types of live music activity within the SKLMP.
- 4.23 The recommended updated boundary, depicted in Figure 1, will form the basis for planning provision changes to the Port Phillip Planning Scheme.

**Figure 1. Final St Kilda Live Music Precinct boundary**



*Proposed planning propositions*

4.24 In summary the Stage 2 Study supported all but one of the planning propositions set out in the Stage 1 Study (refer to Table 1.).

**Table 1. Planning propositions**

Stage 1 Study planning propositions		Stage 2 Study findings summary
1	Amend Schedule to Clause 53.06 to identify the St Kilda Live Music Precinct, where live music venues are encouraged	Supported.
2	Proposition 2: Undertake further investigation on the merit of applying an alternative acoustic attenuation standard to noise-sensitive residential uses within the SKLMP	Supported - but can be undertaken once the SKLMP is formally embedded into the Port Phillip Planning Scheme.
3	a) Use clause 3.0 of the schedule to Clause 53.06 to expand the definition of a 'live music entertainment venue' to apply to select venues used for frequent live music performances and live music activities.	Supported.



	<b>b)</b> <i>Use clause 3.0 of the schedule to Clause 53.06 to apply to the select music venues currently used for infrequent live music events.</i>	Supported.
4	<b>a)</b> <i>Update the Local Planning Policy Framework to formally identify the St Kilda Live Music Precinct, prioritise the establishment of live music entertainment venues within the precinct and require the application of the ‘agent of change’ principle.</i>	Supported.
	<b>b)</b> <i>Clarify the definition of ‘live music entertainment’ to specifically exclude amplified pre-recorded music.</i>	Not supported - Council’s adopted Live Music Action Plan specifies that ‘live music’ extends to nightclubs which includes pre-recorded music.

Stage 2 Planning Study Planning recommendations

4.25 To achieve the project objective of establishing a clear planning framework supporting live music entertainment venues in the SKLMP, while also managing amenity impacts, the Stage 2 Study recommendations are as follows:

- a) Introduce a new local planning policy at Clause 13.07-3L (St Kilda Live Music Precinct).
- b) Amend Schedule to Clause 53.06 (Live Music Venues) to identify the SKMLP, as an area to which Clause 53.06 does apply.

4.26 Furthermore, minor adjustments are also recommended to ensure consistency and support the above planning provisions:

- a) Amend the wording at Clause 02.02 (Vision) to reference to ‘live music’.
- b) Amend the wording at Clause 02.03-3 (Strategic Directions) to introduce strategic directions for SKLMP.
- c) Amend the wording at Clause 11.03-1L (St Kilda Major Activity Centre) to reference to ‘live music’.

*Draft Clause 13.07-3L (St Kilda Live Music Precinct)*

4.27 The proposed draft local planning policy at Clause 13.07-3L (St Kilda Live Music Precinct) sets out the strategic basis for the inclusion of the SKLMP in Schedule to Clause 53.06 - Live Music Entertainment Venues. The policy will help guide decision making in relation to both live music entertainment venues and noise-sensitive residential uses (reflecting the balanced approach of the ‘agent of change’ principle).

4.28 It comprises four objectives acknowledging the significant social, cultural, and economic benefits that live music offers the local community and City. Crucially, it aims to facilitate the development of new live music entertainment venues in the precinct while also mitigating any potential adverse off-site operational and amenity impacts on the local community.

4.29 The draft local policy includes various discretionary strategies, including clarification that the responsibility for noise attenuation lies with the ‘agent of change’, i.e., the new live music venue or residential development.

4.30 The policy also features additional policy guidelines for Council to consider when assessing applications, along with a plan delineating the land affected by the SKLMP.

*Draft Schedule to Clause 53.06 (Live Music Venues)*



- 4.31 The proposed draft Schedule to Clause 53.06 nominates the SKLMP as an area where Clause 53.06 applies, with a cross-reference to Clause 13.07-3L.
- 4.32 The Schedule to Clause 53.06 additionally allows Council to tailor the provision, including specified exclusions and expansions of the Clause's scope, to ensure suitable venues receive proper protection. Consequently, existing live music entertainment venues near the declared SKLMP, along with various public open spaces within the boundary, are listed in section 3.0 of the Schedule to Clause 53.06.

### **Implementation options**

- 4.33 Council now has two options:

**Option A.** Adopt the project studies (stages 1 and 2) and seek authorisation from the Minister for Planning to prepare and exhibit Amendment C220port.

**Option B.** Take no action.

- 4.34 These options are outlined below:

#### Option A

- 4.35 Under section 8A (3) of the *Planning and Environment Act 1987 (Act)*, Council can adopt the final project studies (stages 1 and 2) and seek authorisation from the Minister for Planning to prepare Amendment C220port to the Port Phillip Planning Scheme to implement the findings of the Stage 2 Study.
- 4.36 If Council chooses Option A, this will initiate the statutory process for implementing the SKLMP into the Port Phillip Planning Scheme via Amendment C220port. This option would require Council to give full notice to materially affected parties and stakeholders that it has prepared an amendment.
- 4.37 This multi-step process can take up to two years with final approval resting with the Minister for Planning.

#### Option B

- 4.38 Council can choose not to adopt the project studies and request authorisation from the Minister for Planning to prepare Amendment C220port to the Port Phillip Planning Scheme.
- 4.39 It is important to consider that pursuing Option B would not align with Council's adopted plans, policies, and strategies (listed at section 10 of this report below) and may impede progress on initiatives aimed at supporting the live music sector and implementing necessary planning measures.

#### Officer recommendation

- 4.40 Officers recommend Option A to initiate the statutory process for implementing the SKLMP into the Port Phillip Planning Scheme. The draft Amendment C220port documentation package can be viewed at **Attachment 3**.
- 4.41 This recommendation is supported by the following considerations regarding proposed Amendment C220port:
- a) It aligns and supports state policy on live music and makes proper use of the VPPs.
  - b) The proposed discretionary planning provisions offer increased flexibility to accommodate individual or unique circumstances.



- c) It will establish a positive strategic policy foundation for the SKLMP and make it clear that the responsibility of noise attenuation rests with the agent of change (being either the new live music venue or new residential development).
- d) Embedding SKLMP in the Port Phillip Planning Scheme would provide the strategic basis for further strategic work, if required.
- e) It seeks to reduce regulatory conflicts, in particular with the Environment Protection Agency (**EPA**) noise regulations.
- f) The methodology and approach for implementing the SKLMP is robust and easily replicable for other potential live music precincts within Port Phillip and across Victoria.
- g) It enjoys comprehensive local policy support (listed in section 10 of this report).

## 5. CONSULTATION AND STAKEHOLDERS

5.1 Preparing the SKLMP Planning Study project has included consultation with key government and industry stakeholders.

### Stage 1 Study consultation

5.2 Consultation undertaken in developing the process for live music precincts included a range of stakeholder interviews with state and local government representatives involved in policy and planning, governance and/or regulation of live music.

5.3 Live music stakeholders were involved in collaborative online workshops to provide input on preliminary recommendations. Through this engagement process, officers spoke to:

- a) Department of Transport and Planning (**DTP**)
- b) EPA
- c) Creative Victoria
- d) Music Victoria

5.4 Other Australian local governments who have already designated live music precincts, or who are in the process of developing or implementing them at present, were also consulted. This included Brisbane City Council.

### Stage 2 Study consultation

5.5 To date, Stage 2 works has included consultation with the following government departments and agencies: DTP; Department of Energy, Environment and Climate Action (**DEECA**); and EPA.

5.6 Project officers have worked closely with the above stakeholders to seek advice and feedback on the proposed planning provisions.

### Amendment C220port

5.7 Pursuant to sections 17, 18 and 19 of the Act, notice of Amendment C220port would need to be given to:

- a) Every minister, public authority and municipal council that may be materially affected by the amendment.
- b) The owners and occupiers of land that may be materially affected by the amendment. This includes anyone whose land is subject to changed controls



under the amendment and might include owners and occupiers of adjoining or nearby land.

c) Any minister, public authority, municipal council, or person prescribed.

5.8 The exhibition of the Amendment would also involve:

a) Council officers being available to meet with affected landowners and the community to provide information.

b) The opportunity for affected parties by the Amendment to make a submission on the proposed amendment.

c) Publication of notice in the Government Gazette and local newspaper.

d) A dedicated Council webpage with an explanation of the amendment and relevant documentation.

e) Relevant documentation being made publicly available at the St Kilda Town Hall.

5.9 All submissions made on the amendment will be reported to Council for consideration. Objecting submissions that cannot be resolved are required to be referred to an independent Planning Panel (appointed by the Minister for Planning).

## 6. LEGAL AND RISK IMPLICATIONS

6.1 Live music is a highly regulated within Victoria, subject to various State Government controlled statutory *frameworks including the Planning and Environment Act 1987 (Act), Environment Protection Act 2017, and the Liquor Control Reform Act 1998.*

6.2 This framework consists of interconnected systems of controls that overlap, meaning a change in one will affect the others. However, the City of Port Phillip has the authority to make changes to the Port Phillip Planning Scheme, which is the focus of this Stage 2 Study.

## 7. FINANCIAL IMPACT

7.1 Should Council resolve to pursue a future planning scheme amendment, it would be funded via the Amendment budget.

## 8. ENVIRONMENTAL IMPACT

8.1 The aim of this the SKLMP Planning Study is to facilitate live music venues within the precinct while also managing amenity impacts, including noise pollution on the community.

## 9. COMMUNITY IMPACT

9.1 The amenity impacts are being addressed and managed in the draft planning provisions.

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The Amendment aligns with and supports the following Council adopted documents:

a) The *Council Plan 2021-31*, particularly the 'Vibrant Port Phillip' strategic direction aimed at enhancing the City of Port Phillip's reputation as one of Melbourne's cultural and creative hubs.

b) The *City of Port Phillip Spatial Economic and Employment Framework 2024*, which includes an action to translate the St Kilda Live Music Precinct into local planning policy.





- c) The *Live Music Action Plan 2021-2024*, which is a priority initiative sitting under the Creative and Prosperous City Strategy 2023-26 and includes a key action to explore formally establishing a Live Music Precinct.
- d) The *St Kilda Live Music Precinct Policy*, June 2023, which advocates for more opportunities for live music in the precinct.
- e) The *Events Strategy 2023-26*, which aligns event delivery with *the Live Music Action Plan 2021-2024* and aims to maximise opportunities by enhancing usage and live music activity.
- f) The *Creative and Prosperous City Strategy 2023-26*, which emphasises festivals and events as integral to the council's commitment to arts and culture.
- g) The *Library Action Plan 2021-26*, which supports the delivery of Council's Live Music Action Plan by creating space for performance, rehearsal, exhibition, and creative development.

## 11. IMPLEMENTATION STRATEGY

### 11.1 TIMELINE

- 11.1.1 Should Council resolve to proceed with the amendment, a request for Ministerial authorisation to exhibit Amendment C220port will be sent to the Minister for Planning.
- 11.1.2 Subject to the timing of authorisation, exhibition of Amendment C220port is scheduled for one month.
- 11.1.3 All submissions received will be reported to Council and any unresolved submissions must be referred to an independent Planning Panel.




### 11.2 COMMUNICATION

- 11.2.1 Information on Council's decision at this meeting will be provided to the affected landowners and made available on Council's website.
- 11.2.2 If authorised, Amendment C220port will be publicly exhibited pursuant to Section 19 of the Act.

## 12. OFFICER MATERIAL OR GENERAL INTEREST

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

### ATTACHMENTS

1. **St Kilda Precinct Planning Study (Hodyl & Co, Echelon Planning and Enfield Acoustics, July 2023)**  [↓](#)
2. **Stage 2: detailed investigations & recommendations (Hansen Partnership, April 2024)**  [↓](#)
3. **Draft C220port amendment package**  [↓](#)























































































































































































































































































































































































































































































































































































































































































































































































































































































































































**11. SUSTAINABLE PORT PHILLIP**

11.1 *Community Electric Vehicle (EV) Program*..... 467





**11.1 COMMUNITY ELECTRIC VEHICLE (EV) PROGRAM**

**EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**

**PREPARED BY: SOWMYA NAGARAJ, SENIOR SUSTAINABILITY AND CLIMATE CHANGE OFFICER**  
**BETH MCLACHLAN, HEAD OF SUSTAINABILITY AND CLIMATE CHANGE**

**1. PURPOSE**

- 1.1 To consider the proposed next steps for the **Private** Kerbside Electric Vehicle (EV) Charger Pilot and **Public** Utility Pole-Mounted and Kerbside EV Charger Project.

**2. EXECUTIVE SUMMARY**

- 2.1 A significant portion of the Port Phillip community (~90%) are likely to face challenges installing charging infrastructure for electric vehicles (EV) as they reside in multi-unit dwellings and / or there is a lack of off-street parking.
- 2.2 A lack of accessible EV charging infrastructure prevents or postpones the decision to purchase an EV. Council has an opportunity to support the uptake of EVs by supporting the installation of charging infrastructure.
- 2.3 Development of a good public EV charging network will include a diverse range of charging models and technologies (i.e. a mix of slow and fast chargers) to meet various charging requirements. (section 4.5 & 4.6)
- 2.4 Council officers have been working on projects to support the community's transition to EVs and to incorporate multiple models of charging infrastructure (Section 4.8). The key actions include:
- 2.4.1 Piloting installation of **private kerbside chargers** for residents with no off-street parking through a permit process.
- 2.4.2 Investigating installation of **public utility pole-mounted and kerbside chargers** on on-street car parks.
- 2.4.3 Exploring off-street car parks for installation of **public fast EV chargers**.
- 2.4.4 Advocating private businesses and new developments to provide public charging infrastructure.
- 2.4.5 Development of an EV Infrastructure Policy.
- 2.5 This paper considers,
- 2.5.1 Council's **Private** Kerbside Electric Vehicle (EV) Charger Pilot and highlights the pilot's key outcomes, benefits, barriers, and the proposed next steps. The proposed recommendation is to discontinue the pilot project and cease accepting new permit applications.
- 2.5.2 Considers on-street **Public** Utility Pole-Mounted and Kerbside EV Chargers and recommends their installation. These chargers are slow chargers, designed to offer charging solutions similar to home charging options and provide charging opportunities to residents in close proximity to their homes.



### 3. RECOMMENDATION

That Council:

- 3.1 Endorse the discontinuation of the **Private** Kerbside Electric Vehicle (EV) Charger Pilot and cease accepting new permit applications and will:
  - 3.1.1 Allow the installed kerb chargers to remain for a minimum 5 years, starting from the date of their installation subject to compliance with permit and other conditions.
  - 3.1.2 Undertake a review prior to the expiry of the 5 year permit period to determine if the kerb charger permits should be extended and, if yes, for how long.
- 3.2 Support the continued exploration and installation of on-street **Public** Utility Pole-Mounted and Kerbside EV Charger technology including using the following criteria to determine the locations for on-street EV Chargers:
  - 3.2.1 Prioritise street locations outside Permit Zones unless the Permit Zone street has no access to off-street parking and there is high demand for EV chargers.
  - 3.2.2 Consider safety implications in determining the location of on-street EV Chargers.
  - 3.2.3 Prioritise the spread of locations across the City of Port Phillip to provide access to EV charging across the municipality.
  - 3.2.4 Consider the outcome of community engagement with residents in the streets where on-street EV chargers are proposed to be installed.

### 4. KEY POINTS/ISSUES

#### 4.1 Previous Council Notes, Briefings and Meetings

- **June 2018** – Council’s *2018 Act and Adapt Sustainable Environment Strategy* committed to support uptake of EVs and explore installation of public charging stations in CoPP. (Action 21)
- **June 2021** - Council was briefed on updates of the overall EV program including release of an EOI to install public fast chargers and seek feedback on proposed Kerbside EV Charger Pilot.
- **September 2021** - Council endorsed the Kerbside EV Charger Pilot to permit up to ten residents with no off-street parking to install private kerb chargers. The resolution is below:
  - Council endorses a trial of a ‘Kerb Charging Permit’ for residents and businesses with no off-street parking to install electric vehicle chargers on Council land.
  - Council authorises the CEO or delegate to provide a ‘Kerb Charging Permit’ to up to ten properties on a rolling six months basis, up to a maximum permit period of 31 December 2023. At the conclusion of the first six months, the CEO will arrange for a review of the progress of the trial and report back to Council at the earliest possible opportunity to help shape future policy direction in this area.

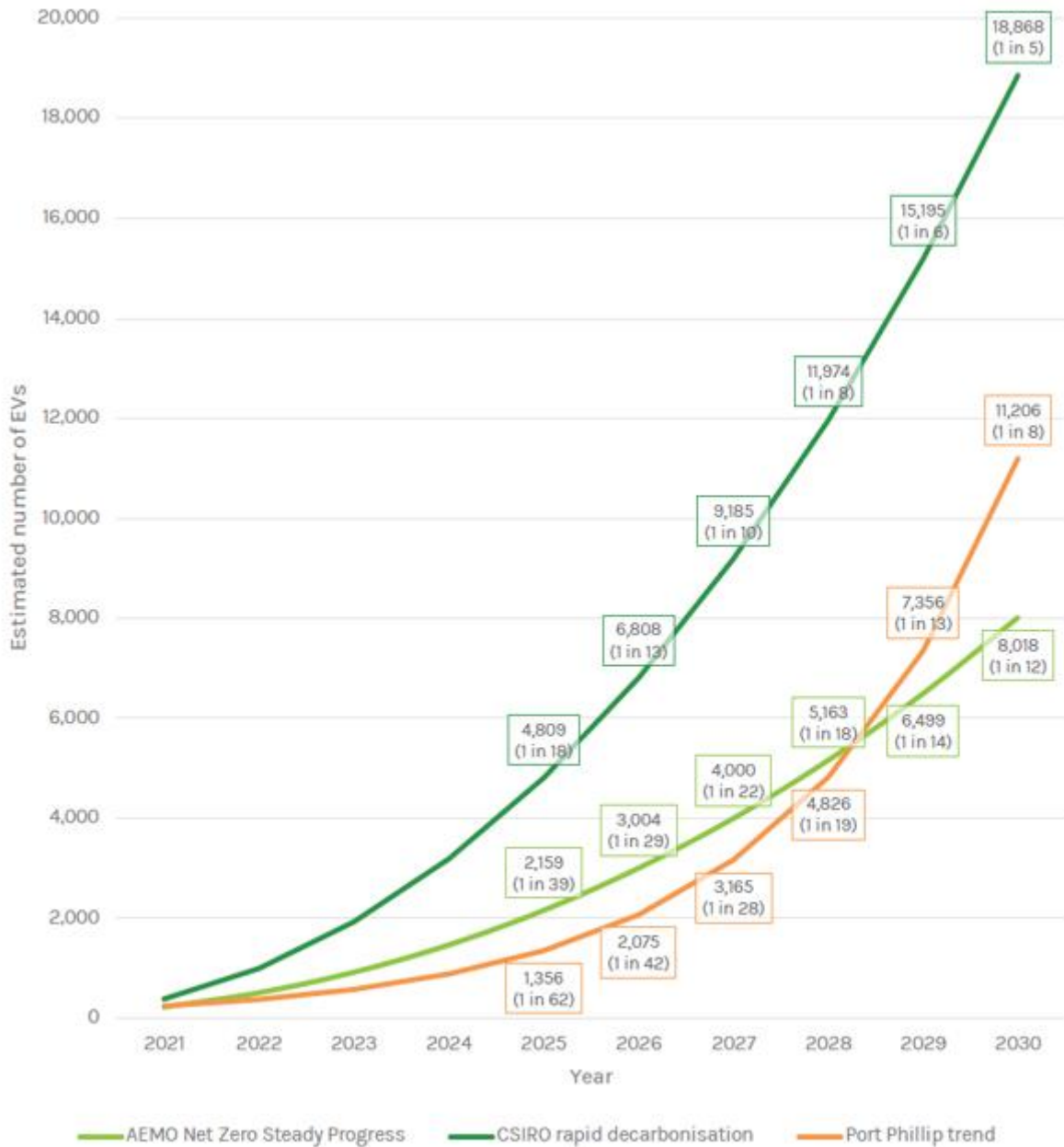


- Council endorses the Kerb Charging Facility Application Guidelines as outlined in Attachment 1 and delegates to the CEO the ability to make minor amendments to this document that do not alter its substantive intent, including reflecting any changes required as a result of this Council resolution, prior to publishing them.
  - Council notes the next steps associated with implementation and evaluation of the trial.
  - **November 2021** - Council was briefed on the Public Fast EV charging project and supported an agreement with preferred supplier EVIE Networks.
  - **June 2023** - Council was briefed on progress, barriers, and opportunities regarding the EV program.
  - **October & November 2023** – Councillors have been notified about the Utility pole mounted charger project via two separate Cr notes.
  - **November 2023** – Council endorsed the *Act and Adapt Sustainable Environment Strategy 2023-2028* and committed to support uptake of EVs and explore installation of public charging stations in CoPP. (Initiative 30)
  - **March 2024** – Council was briefed on the overall EV program and recommended next steps for the Private Kerbside Electric Vehicle (EV) Charger Pilot and Public Utility Pole-Mounted and Kerbside EV Charger Project.
- 4.2 Of Port Phillip’s community greenhouse gas emissions, 13% comes from transport releasing 172,000 tons of CO<sub>2</sub> annually. 82% of dwellings in Port Phillip have at least one car. Vehicles powered by fossil fuels contribute significantly to urban air pollution which impacts human health.
- 4.3 Council’s commitment in the *Act and Adapt Sustainable Environment Strategy 2023-28* is to ‘accelerate support for the uptake of electric vehicles (EV) in the community by investigating, trialling and facilitating the installation of public charging stations, private charging infrastructure and removing barriers to charging infrastructure in new developments and existing buildings’. (Initiative 30)



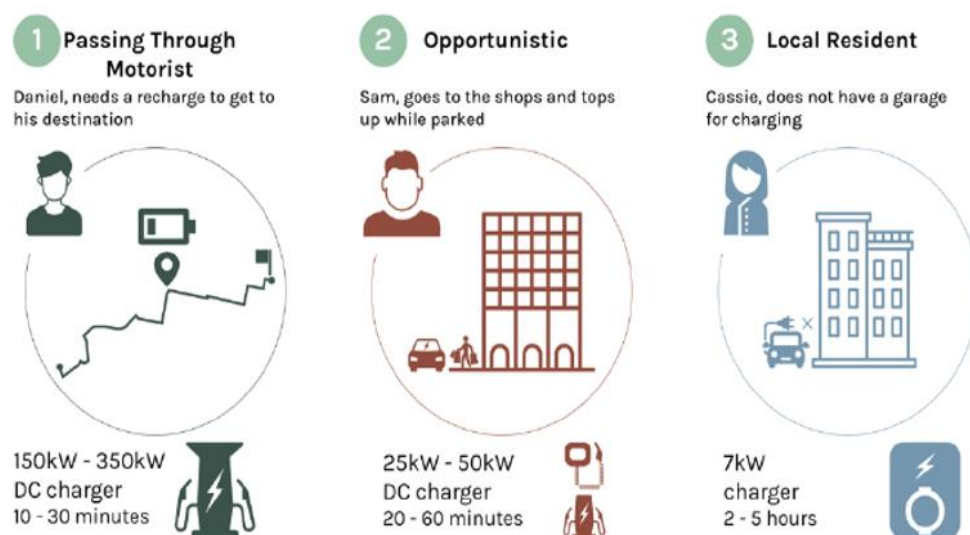
4.4 EV Charging Demand

Electric vehicle ownership is growing and the number of EVs registered in Port Phillip has almost doubled since 2019 with almost 340 EVs registered in 2022. Independent consultants estimate that there will be around 11,000 EVs in Port Phillip by 2030. The figure below indicates the forecasted EVs in Port Phillip by 2030. (source: *Institute of Sensible Transport 2023*)



Projected EVs in Port Phillip (Ref: Institute of Sensible Transport 2023)

- 4.5 Each region will require a mix of different EV charging models for different purposes. The below figure provides an overview of the various EV charging models and charging needs of an EV owner:



(Ref: Institute of Sensible Transport 2023)

- 4.5.1 Passing through motorist – EV owners requiring a quick charge as the priority is to reach their destination with minimum delays. Super and Ultra-fast chargers (150kW- 350kW) are preferred in these situations and EVs can be charged under 30 minutes. They are most suitable close to high volume arterial roads and motorways with abundant parking space and are often located around petrol stations, roadside amenities etc.
- 4.5.2 Opportunistic - EV owner travelling to a particular location (e.g., shopping centres, etc) and topping up their car battery while shopping. Fast chargers (25kW – 50kW) are usually located at off-street car parks near supermarkets, activity centres and shopping centres where EVs can be fully charged in an hour.
- 4.5.3 Local resident – EV owner will rely mostly on charging at home or work and, in the absence of an off-street carpark to install a home charger, will require a slow public charger (7kW – 11kW) usually on on-street car parks located close to their residence.
- 4.6 EV owners will move between the three different charging categories described above on different occasions. A good public EV charging network comprises of a diversity of charging models to enable strategic land use for installation of EV chargers and accommodate various charging needs of EV owners.
- 4.7 In Port Phillip, it is estimated that 90% of dwellings may have challenges charging EVs at their homes, due to limited off-street parking and access to infrastructure in multi-unit dwellings.
- 4.8 CoPP is investigating opportunities to include various types of charging infrastructure as described in section 4.5 to increase the EV charging options in the municipality, including:



4.8.1 **Private Kerbside Electric Vehicle (EV) Charger Pilot (~7kW)**

- Council endorsed the Private Kerbside EV Charger Pilot at its meeting of 1 September 2021. The pilot was designed to offer residents without off-street parking an opportunity to charge their EV outside their home using their own electricity. The pilot aimed to permit the installation of up to 10 kerbside charger units.
- The key highlights of the pilot are:
  - a. 50 Expressions of Interest were received, and 12 residents submitted applications which were assessed by Council from March 2022 to February 2024.
  - b. 2 applications were rejected due to their location within a flood zone and 10 applications were approved with permits issued.
  - c. A total of 8 installations of the kerb charger were completed between September 2022 and March 2024 and 2 are yet to be installed.
- The September 2021 Council resolution provided for a review of the pilot at the end of the six months i.e., in February 2022. While internal monitoring and review was ongoing, including a Councillor briefing in June 2023, overcoming technical requirements associated with the pilot detailed in this report relating to ownership of stranded assets on public land, insurance, legal and other Council risks delayed the issuing of permits and the review. Consequently, the first kerbside charger permit was not issued until October 2022 and, the tenth (final) permit was issued in February 2024 and is yet to be installed. Therefore, the formal review did not commence until February 2024 to allow for a fair understanding and assessment of the pilot outcomes.
- Council engaged the Institute of Sensible Transport (IST) to independently review the pilot. (Attachment 1)
- While the review recognised some benefits of the pilot, the overall recommendation was that ‘the pilot cease accepting new applications and all resources be reallocated towards facilitating a public charging network.’
- The recommendation to cease permitting the installation of private kerbside chargers is based on the following:
  - a. The pilot guidelines and key requirements exclude a significant portion (over 90%) of the municipality in accessing this charging solution. For instance, multi-dwelling units, renters, and properties in flood overlays are not eligible to participate. This impacts scalability of this type of charging infrastructure across Port Phillip.
  - b. Use of limited officer time and resources to administer a complex project for a small percent (~7%) of eligible Port Phillip residents, when resources could be focussed on facilitating public charging infrastructure for the whole municipality.
  - c. Public spaces (car parks) are being utilised on an ad hoc basis to permit installation of private kerb chargers.





- d. Following discussions with Council's insurance broker (MAV), Council's insurance policy covers Council for any claims related to a kerb charger, however this doesn't extend to installations outside of the pilot. Further discussions and potential premium increase negotiations with MAV will be required to understand the insurance requirements beyond the pilot.
- e. Ownership status of the kerbcharger is ambiguous as the current arrangement assigns ownership and responsibility of the kerbcharger to the applicant via a permit condition. However, this doesn't apply when property is sold and poses issues for Council in managing legacy kerbchargers.
- f. There is currently only one supplier of the kerbcharger device (compliant equipment for the pilot), which has the potential to restrict market competition and can also pose potential uncertainties in resolving any future maintenance issues.
- g. The solution is for an individual household only, which excludes multiple users from using the same asset leading to low asset utilisation.
- h. While applicants can charge their EVs at low costs (standard residential electricity rates), they are subject to high capital costs to install the charger in front of their home.

4.8.2 **Public Utility Pole-Mounted and Kerbside EV Charger Project (11kW – 22kW)**

- Utility pole chargers are installed on existing street power poles and are generally located adjacent to on-street parking spaces. They can provide single or dual charging ports depending on the type of technology.
- Kerbside chargers are installed close to an existing utility pole on the nature strip/ footpath. The electricity supply is obtained from the utility pole either via underground or overhead connection point.
- These are slow chargers taking anywhere between 2 - 5 hours to obtain a full charge in comparison to around 1 hour or less with a fast charger.
- EV owners can charge their EVs for a fee (via a phone app) by parking at a parking space next to the nominated pole or kerbside charger.
- These technologies can play a significant role especially in medium – high density residential areas where most properties don't have capacity to install private chargers.
- Pole-Mounted chargers also sit a few metres off the ground and, meaning there is less likelihood of flooding associated risks and challenges.



*Intellihub's Power pole charger in NSW  
(ARENA Trial Project)*



*EVX's Pole mounted charging technology - Dual  
charging ports which allows for charging of two EVs  
from the same pole.*



*Kerbside (off pole) charger with both  
single and dual charge ports*

- Several cities (London, Oslo, Amsterdam, etc) have, for over a decade, managed the provision of kerbside and/ utility pole-mounted public chargers for households that are unable to charge at their residence.
- In the Australian context, on-street utility pole-mounted chargers have been implemented across 9 Council areas in NSW providing charging for residents with no off-street parking via the Australian Renewable Energy Agency (ARENA) funded trial.
- Council is working with Intellihub, who were awarded a grant of \$1.35M by the Victorian Government's Zero Emissions Vehicle Emerging Technologies (ZEVET) program to install 100 EV chargers mounted on power poles across three inner city local government areas, including City of Port Phillip. This program was due to be completed by end of 2024.
- Council is also working with EVX Australia Pty Ltd to investigate pole-mounted chargers.
- Officers have developed the following criteria to determine on-street parking locations for installation of utility pole-mounted or kerbside EV charging infrastructure:
  - a. Prioritise streets outside Permit Zones unless the Permit Zone street has no access to off-street parking and there is high demand for EV chargers.



- b. Consider safety implications in determining the location of on-street EV Chargers.
- c. Prioritise the spread of locations across the City of Port Phillip to provide access to EV charging across the municipality.
- d. Consider the outcome of community engagement with residents in the streets where on-street EV chargers are proposed to be installed.
- Following community engagement around 50 sites have been identified across the municipality to provide an equitable spread of EV charging infrastructure in CoPP. These sites will be shared with providers for further technical investigation. It is estimated that of the 50 sites around 30 will meet the feasibility requirements.

#### 4.8.3 **Public Fast EV Charging Infrastructure Project (50kW -120 kW)**

- In November 2021, Council supported an agreement with a preferred supplier of EV charging (EVIE Networks) to install public 'fast' charging infrastructure at no cost to Council. This project focused on identifying sites in off-street car parks to allow the community to charge their vehicle.
- Council off-street car parks have been explored and challenges such as flooding risk and upcoming redevelopment have been identified for several locations. Officers are continuing to explore viable sites and working through these challenges with EVIE Networks.
- Crown land off-street car parks were investigated initially and eliminated due to issues around leasing challenges, flood overlays and inadequate power supply. Discussions with EVIE Networks in early February 2024 confirmed that the restrictions associated with lease agreements on Crown land have been resolved and therefore, this opportunity is being revisited.

#### 4.8.4 **EV Infrastructure Policy Development**

- Officers are developing a draft Electric Vehicle (EV) Policy. The policy seeks to identify and clarify Council's role in the roll out of EV charging infrastructure to support the uptake of EVs in the community.

## 5. **CONSULTATION AND STAKEHOLDERS**

Each Community EV Program project has involved project specific engagement with relevant stakeholders:

### 5.1 **Private Kerbside Electric Vehicle (EV) Charger Pilot**

Officers have:

- 5.1.1 updated the webpage ([Electric vehicles - City of Port Phillip](#)) regularly to include the key messages and latest information regarding the pilot.
- 5.1.2 communicated the eligibility requirements, application process and timeframes for permit decisions to the community (including applicants) and the supplier of the Kerb Charger technology.
- 5.1.3 provided information in response to enquiries from residents regarding the pilot.
- 5.1.4 continued discussions with MAV to resolve insurance related matters and agreed a model that is acceptable for the period of pilot. (see section 4.8.1)

5.1.5 obtained legal advice on ownership concerns regarding a private asset on public land and other risks associated with the pilot. (see section 4.8.1)

### 5.2 **Public Utility Pole-Mounted and Kerbside EV Charger Project**

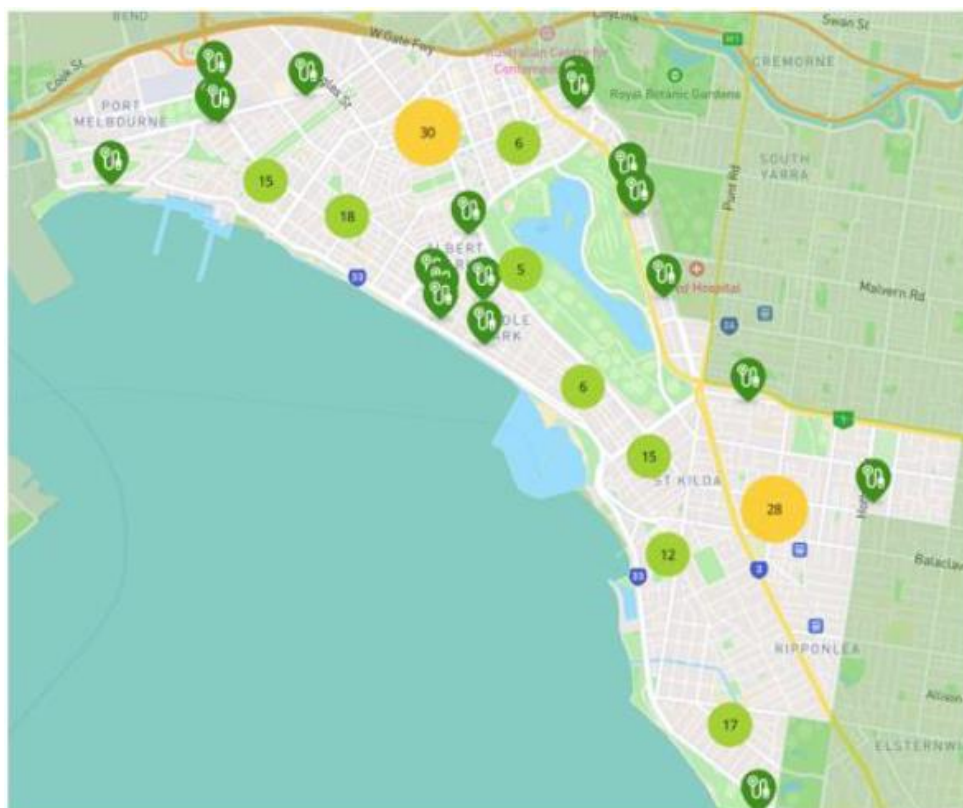
5.2.1 Officers continue to engage with Councils in NSW that participated in their Utility Pole-Mounted Charger Trial to consider key learnings and feedback from community and other key stakeholders.

5.2.2 Officers have:

- Had regular internal engagement to finalise locations, parking restrictions and signage requirements.
- Had ongoing discussions with charging technology providers Intellihub and EVX to identify opportunities.
- Advocated to regulatory authorities and State government departments (DECCA) to enable faster resolution of issues.

5.2.3 In November/December 2023 Council undertook Community consultation via our 'Have your say' webpage to seek suggestions on the locations of utility pole-mounted EV chargers. (Attachment 2).

5.2.4 Council heard from 89 contributors from most suburbs in Port Phillip. Most contributions were from Port Melbourne, St. Kilda and South Melbourne. 173 locations were suggested and 51% of respondents suggested more than one location. (see below figure)



Community consultation feedback on potential charging locations in CoPP



5.3 **Public Fast EV Charging Infrastructure Project**

Officers have had:

- 5.3.1 Regular internal engagements with key teams to identify opportunities, risks, future plans of potential sites for public EV charging.
- 5.3.2 Ongoing discussions and advocacy to Melbourne Water and State Government (DECCA) regarding flood impact, risks, safety and regulations associated with EV chargers.
- 5.3.3 Discussions with EVIE Networks (preferred supplier) regarding potential opportunities and learnings.
- 5.3.4 Investigated private partnership opportunities with Ampol, Coles, etc to facilitate public EV charging with no positive response.

**6. LEGAL AND RISK IMPLICATIONS**

6.1 Legal and risk implications to Council if the Kerbside EV Charger Pilot continues beyond the pilot are listed below:

- 6.1.1 Council resources will not be sufficiently focused on delivering public charging network for the Port Phillip community due to the time, efforts, and complexity of the private kerbcharger installation project that meets demands of only around 7% of the community.
- 6.1.2 Challenges with future street planning and competition for parking spaces will need to be managed.
- 6.1.3 Insurance requirements remain unclear for new installations beyond the pilot which increases Council's risk exposure.
- 6.1.4 Uncertain ownership arrangements of kerbchargers suggest compliance, responsibility and legacy issues will remain a challenge.
- 6.1.5 Ambiguity regarding who is responsible (Council/ Kerbcharge provider) to register with Dial Before You Dig post installation of chargers is still unresolved.

**7. FINANCIAL IMPACT**

7.1 **Private Kerbside Electric Vehicle (EV) Charger Pilot**

7.1.1 The project does not require any capital investment from Council, however, there is significant requirement of officer time in delivering this project as well as minor legal counsel costs.

7.2 **Public Utility Pole-Mounted and Kerbside EV Charger Project**

7.2.1 There will be no capital costs to Council to install, operate and maintain the proposed public charging infrastructure. These costs will be managed by the provider of the technology.

7.2.2 Council's EV program has budget allocated to accommodate costs associated with community engagement activities and changes to parking (signage installation, line marking etc).

7.3 **Public Fast EV Charging Infrastructure Project**

7.3.1 There are no capital costs to Council to install, operate and maintain the proposed public charging infrastructure.



7.3.2 Council's EV Program's budget will cover costs for legal advice, electricity distribution network fees and other minor infrastructure upgrades.

## 8. ENVIRONMENTAL IMPACT

8.1 Lower community greenhouse gas emissions and improved air quality through transition to EVs.

## 9. COMMUNITY IMPACT

9.1 The Community Electric Vehicle Charging Program responds to demands of our community to support their uptake of EVs and seeks to provide convenient charging opportunities.

9.2 Public EV charging can contribute to improved economic activity for businesses around the vicinity of charging locations as the EV owners are likely to visit a nearby café, supermarket, etc while charging their EV.

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 Community Electric Vehicle Program aligns with Strategic Action 3 – Sustainable Port Phillip of the adopted Council Plan 2012-31.

10.2 The *Act and Adapt Strategy*, adopted in 2018 and reviewed in 2023 includes commitments to support uptake of EVs and explore installation of public charging stations in CoPP.

10.3 The Council Plan 2021-31 includes a Community Electric Vehicle Charging Program operating project to facilitate uptake of electric vehicle ownership. This action supports the Council and Victorian Government targets to achieve net zero community emissions by 2050.

10.4 *Move, Connect, Live* Action 42 say that Council will 'Support the use of electric vehicles through a variety of measures including the investigation of options to use the planning scheme to facilitate electric vehicle charging infrastructure in new developments'.

## 11. IMPLEMENTATION STRATEGY

### TIMELINE

#### 11.1 Private Kerbside Electric Vehicle (EV) Charger Pilot

11.1.1 If the recommendation to not proceed with the private Kerbside EV Charger Pilot is adopted the installation of private EV infrastructure on Council land will cease at the end of the pilot. This means Council would not expand this pilot to become a broader program and will cease accepting new permit applications going forward.

11.1.2 Currently, the kerb chargers have permits valid for a period of 1 year. Below are proposed next steps for the management of existing kerb chargers permitted in the pilot.

- Allow the kerb chargers installed to remain for a minimum period of 5 years starting from the date of their installation.
- Council will issue a Street Occupation Permit (\$106 + cpi p.a.) for the remainder of their 5 year permit period to each of the pilot participants.
- Council will undertake a review prior to the expiry of the 5 year permit period to consider:



- a. The level of available alternative public charging infrastructure in the municipality (specifically in the vicinity of the existing kerbside chargers)
  - b. Ensure Council's insurance coverage remains valid.
  - c. Any risks such as flood overlays that impact the kerb charger locations based on updated flood mapping made available during the validity period of the permit.
  - d. Compliance of all terms and conditions by the permit holder that are detailed in the Permits issued by Council.
  - e. If the property has been sold or if the owner does not want to continue with the permit.
- The above criteria will inform the decision to renew or not renew the permit. If decision is made to not renew the permit, the removal of the kerbcharger will be required in accordance with the terms and conditions in the Street Occupation Permit.

#### 11.2 **Public Utility Pole-Mounted and Kerbside EV Charger Project**

##### 11.2.1 The proposed approach for this program.

- Shortlisted and approved sites (seeking an equitable spread across the municipality) will be shared with providers to undertake technical feasibility in April - May 2024.
- Progressing the nominated locations would be informed by feedback from the impacted community via a community engagement undertaken in the affected streets / locale between June – September 2024.
- An acceptance rate of 51% of those who provided feedback will be required with a minimum 10% response rate for it to be a valid survey. This is consistent with Council's protocol for changes to on-street parking conditions.

#### 11.3 COMMUNICATION

11.3.1 Kerbside **Private** EV Charger Pilot – Officers will communicate and assist in enquiries regarding the Council decision of the outcome of the pilot and next steps to the community and each applicant / permit holder.

11.3.2 Utility Pole-Mounted and Kerbside **Public** Charging Project – Another community engagement phase for this project will take place after finalising locations for EV chargers. This will involve a letter drop to residents and businesses in the vicinity of the nominated EV charger locations.

#### 12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

#### ATTACHMENTS

1. Kerbside EV charger independent review  
2. Community consultation summary  











































## 4. Recommendations



























**12. VIBRANT PORT PHILLIP**

Nil

**13. WELL GOVERNED PORT PHILLIP**

13.1	<i>Information Protection Agreement - Department of Transport and Planning (VicRoads).....</i>	<i>511</i>
13.2	<i>Policy Completion Dates.....</i>	<i>531</i>
13.3	<i>Lifting of the confidentiality status of information considered by Council in closed meetings of Council.....</i>	<i>535</i>





**13.1** INFORMATION PROTECTION AGREEMENT - DEPARTMENT OF TRANSPORT AND PLANNING (VICROADS)

**EXECUTIVE MEMBER:** BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

**PREPARED BY:** BILL MULHOLLAND, COORDINATOR APPEALS ADMINISTRATION

NELLIE MONTAGUE, ACTING MANAGER SAFETY AND AMENITY

**1. PURPOSE**

- 1.1 To seek Council's approval for the CEO to enter an Information Protection Agreement with the Department of Transport and Planning (VicRoads) to obtain vehicle owner information for law enforcement purposes from 1 July 2024 to 30 June 2029.

**2. EXECUTIVE SUMMARY**

- 2.1 The Department of Transport and Planning (DTP) through VicRoads, provide vehicle owner information to enforcement agencies through an Information Protection Agreement (IPA), as specified under s.90N of the Road Safety Act 1986.
- 2.2 These agreements contain strict data protection and privacy provisions, operate as an at-cost service to Victorian Councils and have a five-year term. Council's current agreement expires 30 June 2024 and is due for renewal.
- 2.3 As an authorised enforcement agency, Council obtains vehicle owner information to enable lawful investigations, escalation of unpaid infringement notices, and for the prosecution of matters at the Magistrates' Court.
- 2.4 The estimated total cost of this data provisioning service is \$1,644,048 (GST exempt) over the five-year term of the agreement, being approximately 70,000 requests per year with a \$4.25 per request fee, calculated with assumed annual fee increases.
- 2.5 These costs are fully offset, primarily through raising penalty reminder notice fees at an estimated income for 2024/25 at \$1.97M.

**3. RECOMMENDATION**

That Council:

- 3.1 Authorises the CEO to enter into a new Information Protection Agreement with the Department of Transport and Planning (VicRoads) for the provision of vehicle owner information for law enforcement purposes from 1 July 2024 to 30 June 2029. The estimated value of this service over the maximum five-year term is \$1,644,048 (GST exempt).
- 3.2 Notes that this provision of information is fully budgeted for the 2024-25 financial year, being estimated at \$304,058. Costs of this service are fully off-set by income generated through parking infringement penalty reminder notices.

**4. KEY POINTS/ISSUES**

- 4.1 Council is an enforcement agency for various legislative Acts and is often required to source vehicle owner information from State Government agencies for law enforcement



purposes related to Parking Services, Local Laws, Planning Compliance, Animal Management and Health Services.

The Department of Transport and Planning (DTP) provide this information to enforcement agencies through an Information Protection Agreement (IPA), which operates as an at-cost service and has a five-year term. Council's current agreement expires 30 June 2024 and is now due for renewal.

- 4.2 Obtaining vehicle owner information is a key component for law enforcement purposes, enabling Council officers to perform certain actions, such as contacting the owners of abandoned vehicles prior to impoundment; obtaining offender contact information (where offenders have driven away without providing their information) in Local Law and Animal Management matters; parking infringement notices served by post; and predominantly for the escalation of unpaid parking infringements, ultimately enabling registration of matters with Fines Victoria and the Magistrates' Court.
- 4.3 Vehicle owner data requests attract a fee depending on the detail of the request. Over 70,000 simple requests are made each year, and a small number of more detailed requests. The forecast cost for 2024/25 is \$304,058 (GST exempt). Factoring in assumed fee increases, the total estimated cost of service over the five-year term is \$1,644,048.
- 4.4 The DTP are the sole providers of the required information, which includes vehicle owner name, address, driver license number, as well as providing certified historical results required for the prosecution of certain cases at court.

## **5. CONSULTATION AND STAKEHOLDERS**

- 5.1 Consultation has been undertaken internally between Safety and Amenity, DTS and the Procurement team to establish the required information relating to data security and retention, as well as the most appropriate method for seeking approval.

## **6. LEGAL AND RISK IMPLICATIONS**

- 6.1 Council have maintained IPAs for more than 20 years with no interruption of service. There is minimal risk to Council in renewing this proposed agreement.
- 6.2 Data provision and privacy protections include mandatory annual user training, restricted database access, robust DTS security provisions and annual external data protection auditing and certification.
- 6.3 The 2023 City of Port Phillip Procurement Policy (Version 6.2.2) makes no specific provision for inter-governmental service agreements and the Information Protection Agreement does not fit cleanly within the existing exemption categories in clause 4.3 of the aforementioned policy.
- 6.4 Future Procurement policy reviews will consider including exemption options for inter-governmental and law enforcement related procurement requirements.
- 6.5 Due to the unique nature of this agreement and the sole-supplier available to provide this service, Council approval is required as the estimated maximum cost of service exceeds the CEO's financial delegation.
- 6.6 There are no identified transition risks, due to continuation of an existing service.





## 7. FINANCIAL IMPACT

7.1 Vehicle owner data requests attract a fee depending on the detail of the request, and are broken into three pricing elements:

Simple Search	\$4.25 per request
Section 84	\$10.35 per certificate
Manual Archive Search	\$20.70 (rarely used)

Of the 70,000+ requests made annually, greater than 99% of these are 'simple'. The budget forecast for 2024/25 is \$304,058 (GST exempt). Factoring in assumed annual fee increases, the total estimated cost of service over the five-year term is \$1,644,048.

7.2 Anticipated costs are fully provided for in the 2024/25 budget.

7.3 All costs incurred are fully offset, primarily through raising penalty reminder notice fees (currently at \$27.70 per notice), at an estimated income for 2024/25 at \$1.97M.

## 8. ENVIRONMENTAL IMPACT

8.1 There are no environmental impacts arising from this report, which relates to provision of information by electronic means.

## 9. COMMUNITY IMPACT

9.1 There are no direct community impacts arising from this report, other than maintaining the current ability for Council to investigate and enforce legislative obligations to improve the safety and amenity of the City of Port Phillip.

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 This report relates to strategic direction 5 – Well Governed Port Phillip.

## 11. IMPLEMENTATION STRATEGY

### 11.1 TIMELINE

11.1.1 The current agreement will expire 30 June 2024, with the new agreement to begin 1 July 2024, for a term of five years.



### 11.2 COMMUNICATION

11.2.1 Communications will occur internally with relevant stakeholders.

## 12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

## ATTACHMENTS

1. Information Protection Agreement Template  
2. Information Protection Agreement Attachment  









































**13.2 POLICY COMPLETION DATES**

**EXECUTIVE MEMBER:** JOANNE MCNEILL, EXECUTIVE MANAGER, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

**PREPARED BY:** JACKY BAILEY, HEAD OF CORPORATE PLANNING

**1. PURPOSE**

1.1 To seek approval to extend the expiry date for policies that have expired, or will expire before their scheduled renewal date.

**2. EXECUTIVE SUMMARY**

2.1 As part of the ongoing cleanup and improvement of the Policy and Strategy Register, the Corporate Planning team has identified six policies that have a completion date or sunset date that will not be achieved. ie the policy has not (or will not) be renewed before it expires.

2.2 We are seeking approval from Council to extent the affected policies.

2.3 A number of process improvements have been implemented to ensure this situation does not arise again.

**3. RECOMMENDATION**

That Council:

3.1 Approves to extend the expiry date of the following policies:

- 3.1.1 Community Flagpole and Banner Scheme Schedule to July 2024
- 3.1.2 Every Child, Our Future Children’s Services Policy to September 2026
- 3.1.3 Footpath Trading Fee Policy to May 2025
- 3.1.4 Fraud and Corruption Awareness and Prevention Policy to September 2024
- 3.1.5 Port Phillip Collection Policy to July 2025
- 3.1.6 Site Contamination Management Policy to July 2025

**4. KEY POINTS/ISSUES**

4.1 As part of the ongoing cleanup and improvement of the Policy and Strategy Register, the Corporate Planning team has identified six policies that have a completion date or sunset date that will not be achieved. ie the policy has not (or will not) be renewed before it expires. These are summarised in the table below.

Policy Name	Responsible Department	Original Adoption Date	Expiry Date	Proposed Renewal Date
Community Flagpole and Banner Scheme Schedule	Governance and Organisational Performance	May 2018	Jun 2021	Jul 2024
Every Child, Our Future Children’s Services Policy	Family Youth and Children	Apr 2019	Sep 2024	Sep 2026

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 1 MAY 2024



Footpath Trading Fee Policy	Safety & Amenity	May 2019	Jun 2023	May 2025
Fraud and Corruption Awareness and Prevention Policy	Governance and Organisational Performance	May 2020	May 2024	Sep 2024
Port Phillip City Collection Policy 2019	City Growth and Culture	Jul 2019	Jul 2022	Jul 2025
Site Contamination Management Policy 2020 - 24	Property & Assets	Jun 2020	Jul 2024	Jul 2025

- 4.2 The **Community Flagpole and Banner Scheme Schedule** defines when different flags and banners will be displayed on Council flagpoles, etc. This will be split into two documents, to be considered by Councillors concurrently on 3 July: (1) Civic and Community Flagpole Protocol, and (2) Community Flagpole, Banner and Lighting Scheme.
- 4.3 The **Every Child, Our Future Children's Services Policy** describes Council's role in children's services and what we will do to support the wellbeing and development of children and families in our community. Implementation of this policy was significantly delayed because of COVID. It is therefore recommended that we continue implementing the current policy, including regular consultation with key stakeholders and providing detailed annual reports to Councillors.
- 4.4 The **Footpath Trading Fee Policy** determines the fee structure for different types of footpath trading in different precincts. It was initially scheduled to be considered by Councillors in August, but further analysis has indicated it requires a deep review, including benchmarking and analysis of each option to be considered, and community consultation. It is therefore recommended that this be extended to allow time for the work.
- 4.5 The **Fraud and Corruption Awareness and Prevention Policy** ensures City of Port Phillip operates in a way that minimises the risk of fraudulent and corrupt activity occurring. Work is already underway to update this policy, and the updated policy will be presented to this Council prior to caretaker period commencing.
- 4.6 The **Port Phillip City Collection Policy** articulates the context and principles for managing the Port Phillip City Collection, which includes contemporary and historic art, heritage furniture, photographs, memorials and monuments, public art and civic material. It is recommended this be considered by the incoming Council.
- 4.7 The **Site Contamination Management Policy** sets out the City of Port Phillip's compliance requirements to effectively and proactively identify contaminated land and manage the risks associated with the contaminated land over which it has management or control. It requires a comprehensive review, and it is therefore recommended the existing policy be extended to allow time for this work.
- 4.8 The following process improvements have been implemented, to ensure policies are updated before they expire in future:
- 4.8.1 The policy and strategy register has been comprehensively reviewed and updated, to ensure it is complete and accurate.



- 4.8.2 Proactive communication will now ensure policy owners are notified 18 months before their policy is due to expire.
- 4.8.3 A policy custodian has been nominated, with responsibility for managing and maintaining the policy and strategy register, policy bookcase and ECM policy records.
- 4.8.4 A policy 'toolkit' is being developed to help policy owners across the organisation understand and fulfil their responsibilities.
- 4.8.5 Expiry dates or sunset clauses will only be included in policies if it is legislatively required, or there is another compelling reason. Otherwise, policies will be subjected to a regular review cycle, but not expire. Expiry dates create unnecessary risk because if something out of our control prevents the replacement policy from being developed and endorsed on time, it becomes unclear whether the old (expired) policy is still in effect, or CoPP is operating without a policy. A well-managed review cycle creates assurance that policies are being actively managed and reviewed, without this risk.

**5. CONSULTATION AND STAKEHOLDERS**

- 5.1 Community engagement will be an important component of renewing two of the identified policies: *Every Child, Our Future Children's Services Policy* and *Footpath Trading Fee Policy*.

**6. LEGAL AND RISK IMPLICATIONS**

- 6.1 It is important we formally extend these policies, so as to avoid any implication or misunderstanding that Council is operating without the relevant policies in place.

**7. FINANCIAL IMPACT**

- 7.1 None. Renewing policies is part of Council's business as usual operations.

**8. ENVIRONMENTAL IMPACT**

- 8.1 None

**9. COMMUNITY IMPACT**

- 9.1 The identified policies all have direct or indirect community impact, which is why it's important they are formally extended and properly reviewed/renewed.

**10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 10.1 This supports the 'Well-Governed Port Phillip' strategic direction.

**11. IMPLEMENTATION STRATEGY**

11.1 TIMELINE

Policy Name	Current status	Next steps
Community Flagpole and Banner Scheme Schedule	Document is being split into two: 1) Civic and Community Flagpole Protocol, and (2) Community Flagpole, Banner and Lighting Scheme	To be considered by Councillors in July

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 1 MAY 2024



Every Child, Our Future Children's Services Policy	Implementation commenced approximately 2 years late because of COVID	Continue implementation, and delay the review/renewal
Footpath Trading Fee Policy	Planning underway for a deep review of the policy	Revised project plan to be submitted, and implementation phase to commence
Fraud and Corruption Awareness and Prevention Policy	Review underway	Updated policy to be considered by Council before caretaker period commences
Port Phillip City Collection Policy 2019	Internal consultation and planning underway	Recommend this be presented to the new Councillors as soon as practical after the election.
Site Contamination Management Policy 2020 - 24	Risk assessment and legislative desktop review to commence	Scope of change to be defined, and project plan established

### 11.2 COMMUNICATION

11.2.1 The policy and strategy register will be updated with the new expiry dates. The Corporate Planning Team will provide ongoing support to ensure policy owners are able to renew their policies prior to the new expiry dates.

### 12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

### ATTACHMENTS

Nil



**13.3** **LIFTING OF THE CONFIDENTIALITY STATUS OF INFORMATION CONSIDERED BY COUNCIL IN CLOSED MEETINGS OF COUNCIL**

**EXECUTIVE MEMBER:** **JOANNE MCNEILL, EXECUTIVE MANAGER, GOVERNANCE AND ORGANISATIONAL PERFORMANCE**

**PREPARED BY:** **REBECCA PURVIS, SENIOR COUNCIL BUSINESS ADVISOR**

**1. PURPOSE**

- 1.1 For Council to consider releasing certain confidential information in relation to decisions made by Council during meetings that were closed to members of the public in accordance with the Public Transparency Policy.

**2. EXECUTIVE SUMMARY**

- 2.1 The City of Port Phillip's Public Transparency Policy (the Policy) requires Council to receive a regular report listing all decisions made by Council during meetings that were closed to members of the public due to confidentiality reasons under the Local Government Acts 1989 and 2020 (the Act).
- 2.2 This report covers all decisions made by Council at Council and Planning Committee Meetings closed to the public from 2 December 2020 to 6 December 2023. This report recommends making public confidential resolutions together with reports and attachments where appropriate.
- 2.3 Confidential decisions recommended for release are detailed in the confidential **attachment 1** and summarised in the public release table contained in **attachment 2**. The public release table contains a summarised list of confidential decisions recommended for release, and a summarised list of confidential material made public automatically throughout the reporting period by way of a release clause or event.
- 2.4 Some confidential reports, decisions and attachments considered by Council are made public automatically via the inclusion of release clauses in the recommendations. This reduces the need to Council to consider lifting confidentiality of all reports, and reduces the overall number of confidential resolutions.

**3. RECOMMENDATION**

That Council:

- 3.1 Resolves that the confidential information, as contained in confidential Attachment 1, be deemed to be not confidential pursuant to the Local Government Acts 1989 and 2020, and that this information be publicly released on Council's website.

**4. KEY POINTS/ISSUES**

- 4.1 Section 66 of the Act allows Council to consider confidential information in meetings closed the public.
- 4.2 The process involves Governance developing and maintaining a list of all confidential information that was considered by the Council and its Planning Committee at meetings that were closed to members of the public. This confidential information is then examined by officers and the relevant Executive Leadership Team member with a view to determining which information currently designated as confidential can now be



recommended to Council to be made public either in full or in part. Officers writing confidential reports are also, where applicable, including in confidential resolutions that the resolution be made public subject to specified conditions being satisfied.

4.3 If the recommendation in this report is adopted, there will be a remaining 41 confidential resolutions considered by Council (December 2020 – December 2023) that cannot be made public at this stage as they relate to:

4.3.1 matters that are live issues where Council is still in negotiation with other parties; information that may compromise council in future negotiations; matters that are subject to confidentiality agreements; information that is commercially sensitive and disclosure may prejudice the Council and / or other parties; information that is legally privileged; information that includes personal private information; or

4.3.2 matters which were subject to compulsory conferences conducted under the Victorian Civil and Administration Tribunal (VCAT) Act 1998 which prohibits the release of information discussed at a compulsory conference. To increase transparency whilst maintaining compliance with the VCAT Act, all VCAT decisions in relation to these items have been made publicly available on Council's website.

4.4 The details of information proposed to be made public is provided for council's consideration in confidential attachment 1.

4.5 Reports with resolutions containing automatic release clauses have resulted in this information already being made public. As of 2024, a new internal process has required all confidential recommendations to include release clauses, where appropriate, to ensure the timely release of confidential information as soon as confidentiality is lifted by an event or trigger. This will result in greater transparency for the community.

## **5. CONSULTATION AND STAKEHOLDERS**

5.1 The list of all confidential items compiled by Governance (Attachment 1) was analysed by senior Council officers to determine what confidential information could now be recommended to Council to be released pursuant to the relevant legislation.

## **6. LEGAL AND RISK IMPLICATIONS**

6.1 Section 66 of the Act states that any Council Meeting or a Delegated Committee Meeting (e.g. Planning Committee) must be open to members of the public unless certain provisions apply, including the consideration of confidential information.

6.2 The VCAT Act 1998 prohibits the public release of any information that was subject to a VCAT compulsory conference. The VCAT Act states that this information must remain private and this has been confirmed by legal advice.

6.3 This report is being presented to Council to ensure it remains compliant with the Act and Public Transparency Policy.

## **7. FINANCIAL IMPACT**

7.1 This report has no financial impacts on Council.

## **8. ENVIRONMENTAL IMPACT**

8.1 This report has no environmental impacts on Council.





## 9. COMMUNITY IMPACT

- 9.1 Council is committed to upholding transparency by ensuring that its decision making, policy making processes, and information and data used to support these activities, are made publicly available wherever appropriate for the benefit of the community.
- 9.2 The intent of this report is to, where Council is legally able, make public as many of Council and Planning Committee decisions that were made in closed meetings of Council and or the committee.

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The public transparency of decisions made by Council is a key element in achieving a financially sustainable, high performing, well governed organisation that prioritises the community.
- 10.2 This releasing of confidential information aligns with and supports the Public Transparency Policy.
- 10.3 The Public Transparency Policy requires Council to assess confidential information for release to ensure Council Meeting information is regularly reviewed and made available to the community.

## 11. IMPLEMENTATION STRATEGY




### 11.1 TIMELINE AND COMMUNICATION

- 11.1.1 Where Council has determined that certain confidential information is now no longer confidential, this information will be made available to the public on Council's website under Council's 'Meetings and Agendas' pages at the relevant year the meeting was held. Text will be placed on the website stating that the resolution, report or attachment that was previously confidential has now been made public.

## 12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

## ATTACHMENTS

-  [1. Confidential- Confidential - Detailed release table for Council release](#)
-  [2. Public release table - to December 2023](#) 



















## 14. NOTICES OF MOTION

*Nil*

## 15. REPORTS BY COUNCILLOR DELEGATES

## 16. URGENT BUSINESS

## 17. CONFIDENTIAL MATTERS

17.1 *St Kilda Pier Landside Works Upgrade - Budget Update ..... **Error!**  
**Bookmark not defined.***

17.2 *Commercial Matter*

### RECOMMENDATION

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 **St Kilda Pier Landside Works Upgrade - Budget Update**

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 October 2024.*

#### 17.2 **Commercial Matter**

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

3(1)(e) *legal privileged information, being information to which legal professional privilege or client legal privilege applies;*

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:** *This report will consider commercially and legally sensitive information that could impact Councils ability to manage an ongoing contract. Council will consider what information is to be released publicly.*