



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

7 AUGUST 2024



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

The meeting opened at 6:33pm.

IN ATTENDANCE

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

Chris Carroll, Chief Executive Officer, Brian Tee, General Manager City Growth and Development, Tarnya McKenzie, Interim General Manager Community Wellbeing and Inclusion, Lachlan Johnson, General Manager, Operations and Infrastructure, Claire Stevens, General Manager Organisational Capability and Experience, Joanne McNeill, Executive Manager Governance and Organisational Performance, Dana Pritchard, Manager Open Space, Recreation and Community Resilience, Thomas Mason, Coordinator Transport Safety, Fiona van der Hoeven, Manager City Planning and Sustainability, Lauren Bialkower, Executive Manager City Growth and Culture, Paul Wood, Manager City Development, Xavier Smerdon, Head of Governance, Rebecca Purvis, Coordinator Councillor and Executive Support, Emily Williams, Council Business Advisor.

The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.

1. APOLOGIES

Mayor Cunsolo noted that Councillor Clark was on an approved leave of absence.

2. CONFIRMATION OF MINUTES

MOVED Crs Martin/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 17 July 2024 be confirmed.

A vote was taken and the MOTION was CARRIED.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Martin declared a material conflict of interest in relation to item 9.2 *Community Grants Program 2024-25 Recommendations* as they are a board member and of multiple organisations that have submitted applications for these community grants. Some of these organisations may have been nominated or successful applicants.

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Mayor Cunsolo declared a material conflict of interest in relation to item 9.2 *Community Grants Program 2024-25 Recommendations* as their husband is the treasurer of the Port Melbourne Junior Football Club and they have submitted an application for these community grants.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

Public Questions are summarised below. The submissions were made verbally and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archivephp>.

Public Question Time:

- **Brian Mears:** At the 6 December 2023 Council meeting the Queens Lane Traffic and Parking Review was tabled and it was recommended repainting and extension of the Toorak Road and Queens Lane interchange where they were going to expand the area. I have contacted a Councillor and a Council officer on this matter. The Queens Lane residents action group are somewhat nervous as we are approaching the end of the term of this Council that the work that has been promised. We are concerned that this won't happen. Can the Council please advise us when this work will be done?

Fiona van der Hoeven, Manager City Planning and Sustainability provided the following updates on each of the initiatives raised by Brian. In relation to the speed signs, a work order has been issued and the installation of the 40km/h signs has been completed. That was completed in May 2024.

In relation to the 'keep clear' line markings on Queens lane, the Department of Transport and Planning (DTP), have approved the concept design for line marking at the intersection of Kings Way and Queens Lane. Delivery is scheduled is for the 2024/25 financial year. Delivery will be subject to contractor availability and scheduling considerations to minimise traffic disruptions.

In relation to the intersection upgrades at Arthur and Leopold Streets, the concept designs have been finalised for both intersections and community consultation on the concept design is programmed to occur in August 2024. Detailed Design is planned for 2024/25, with construction expected to commence in 2025/26.

Brian Tee, General Manager City Development further added to apologise for the considerable delay in getting a response to Brian Mears and undertook to forward the response provided during the meeting in writing.

- **Jason Orr:** In relation to the proposed changes to development code in the area the 3205 postcode and surrounding areas, our family is concerned if the changes to building height regulations are passed, developments across the road from us can go as high as nine stories or approximately 21.5 meters. We are also concerned about overdevelopment of the area. Can the Council confirm if there are any updates?

Fiona van der Hoeven, Manager City Planning and Sustainability advised that the question is in relation to the Draft South Melbourne Structure Plan which was consulted on during February and March 2024 and did recommend changes to building heights across that area. It only affects land within the Activity Centre and enterprise precinct, not throughout South Melbourne in its entirety. The proposed planning controls seeks to ensure that it retains the character of South Melbourne. In response to submissions received during the recent consultation officers are reviewing the proposed built form controls.

A report will soon be presented to Council seeking endorsement of the South Melbourne Structure Plan and to commence an amendment process to introduce changes into the Port

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Philip Planning Scheme. The amendment process is subject to mandatory notification pursuant to the requirements of the Planning and Environment Act 1987, allowing community members to make submissions and further consideration by Council and an independent planning panel should that be required.

- **Jennifer Chandler:** Last Saturday I found a very thick large area of black muck on St Kilda West Beach which is causing a bad smell. A few days later, this muck had made its way onto the beach. I noticed on the Tuesday the tractors that clean the beach had tried to pick up as much of the muck as possible and had made a mound on the beach. I took photos of the mound and the drain and reported it to the EPA. This is your beach and our bay and this stinking rubbish is going out into the bay affecting wildlife, the dolphins, fish and anyone who wants to swim in the bay. I feel I am caught between Parks Victoria, Melbourne Water, the EPA and Council. I request that all authorities get together and communicate more about this to stop this rubbish going into the bay. Can the Council please advise what can be done about this black pollution?

Lachlan Johnson, General Manager Operations and Infrastructure advised that the Cowderoy Street drain is a very problematic outlet onto the beach at St Kilda West. Whilst the actual drain and the outlet onto the beach are Melbourne Water assets, Council plays an important role in trying to ensure the safety and cleanliness of the beach. The feedback around our street and beach cleaning services is much appreciated. This includes:

- *Scheduled manual litter removal (six days a week during summer/three days a week during winter)*
- *Increased litter removal after storm events across all drainage outlets along the foreshore*
- *Mechanical beach raking twice a week throughout the year)*
- *24-hour, seven day a week reactive response to community requests to address biohazards (syringes, etc.)*

This outlet is very similar to the Melbourne Water outlet that we have in the municipality, at Princes Street in Port Melbourne. Both of these outlets often have stagnant water at the exits of them on the beach. Where possible, at both outlets, Council's Street and Beach staff do try to shift sand and reshape it as part of the mechanical raking service to ensure it flows freely to the Bay. Whilst this is not always possible, and we end up with stagnant water, Lachlan noted that in previous years Council has worked with Melbourne Water to engage heavy plant and equipment to undertake bulk sand removal and replacement in this particular location to try and address the issues.

Council is working with Melbourne Water at this specific location to try and find more sustainable approach to improve the quality of water discharging onto the beach. We are currently working with Melbourne Water on a proposal to install a gross pollutant trap immediately upstream of the Cowderoy Street outlet in the large central median in Beaconsfield Parade and that should stop some material going onto the beach. Members of the public that witness pollution or rubbish accumulating on the beach are encouraged to report this to Council for officers to clear it up. '

Whilst Council is not the owner of this asset, we are working with Melbourne Water to see what we can do to try and improve the water that is ending up on the beach. Council is also working with Parks Victoria to ensure that the circulation of water in the bay at this area can help to distribute any water that enters the bay from the Cowderoy Street drain.

Mayor Cunsolo thanked Jennifer for their help with cleaning the area and reporting issues to Council.

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- **Wendy Priddle:** I am the chair of the Older Persons Advisory Committee (OPAC) and would like to ask about the transitioning of the advisory committees during the change of Council. In the past, the advisory committees were held during the caretaker period and once the new Council were sworn in, the advisory committees were reindorsed with current memberships continuing. Now they will affectively be resolved requiring applications for members of the new committees. OPAC asks that this be reconsidered.. OPAC propose a compromise that advisory committee terms be extended to no longer than 12 months after the Council election, is this possible?

Xavier Smerdon Head of Governance advised that as mentioned the Older Persons Advisory Committee terms of reference state that members will be appointed for a term, not to extend past the term of the current Council. They advised that Council could certainly look at OPAC's proposal to see what can be done to address the concerns.

- **Elizabeth Morrison:** During the development of the Dogs Off Leash (DOL) Guidelines the following facts emerged:
 - Dog owners are a minority in Port Phillip, The Background Report (p. 20) approximately one in twelve residents in COPP owns a dog??
 - The vast majority of participants who responded to the Draft Dog Off Leash Guidelines were current dog owners (77.9) or previous dog owners (9.3%) Engagement Summary Report (p. 3). The consultation process was not representative of the whole community in Port Phillip. The views of dog owners were vastly over represented.
 - Dog prohibited areas are necessary because compliance is better than in on-leash spaces.
 - CoPP is currently providing more off-leash space per dog than the average provided by other Councils benchmarked (p. 21 Background Report)
 - Further, there is well documented evidence of the physical and mental health benefits of spending time in the natural environment. It is important that fair access is provided for the vast majority (90%) of people in Port Phillip who do not own a dog, at all times of the day, in Peak and Off-Peak Seasons, throughout the municipality.

Will this evidence be incorporated into the decision making for the revised Guidelines?

Will the outcomes be fair to all residents in Port Phillip, not just the dog owners?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience advised that the Dog off leash guidelines (DOLG) is just one way that we manage public space within the municipality. There is also the Public Space Strategy and the Urban Forest Strategy which set our overall vision for how open space is planned and managed. The draft guidelines were released to the whole community for feedback, and a workshop was also held with the community panel. The panel comprised of equal numbers of dog owners and non-dog owners. During engagement we did hear from some of our community that they would like access to dog free public open spaces. There are already three existing areas where dogs aren't allowed in the community. When developing the DOLG we have considered all of the background report and the DOLG will be presented to the Council to consider at the 21 August 2024 meeting. This meeting will be asking Councillors to consider making some sports fields dog free subject to community engagement.

- **Simone Britton -** A petition requesting irrigation in Gill Reserve was submitted in early March. I note that the Council minutes and papers failed to include the dates submitted when submissions are received by Council, and I consider that to be an omission. The Council may wish to consider the relevance of the date that a petition is submitted so that

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it is caught. Last Friday I received a phone call from an officer who said that it was not going to be considered and that it was not funded essentially. My question is, does the Council consider it reasonable that a request that was submitted in March, is not considered in the 2023/24 financial year. That request was a reasonable request; it was supported, and the budget had not been settled. Why was it not considered?

Lachlan Johnson, General Manager Operations, and Infrastructure firstly apologised for the length of time taken to provide a formal response acknowledging that this was not good enough. The petition response is being finalised and will be considered by Council at its next meeting to be held on 21 August 2024. With regards to the preparation of the 2024/25 budget, irrigation in Gill Reserve was not considered for inclusion in the 2024/25 budget. As you can appreciate when we are considering new works such as this, we need to do an investigation phase to work out from a preliminary perspective what's involved and what is feasible. That's usually the first step before budget it allocated to a project to be considered for funding. Lachlan confirmed that within the report to be considered by Council at its next meeting, a preliminary feasibility investigation will be included as well as an assessment against Council's relevant strategies and alignment. As part of the work that's been undertaken, the team have reviewed all of the irrigation along the Port Melbourne light rail line, there are eight reserves abutting the Light Rail, five are irrigated and have considerably better turf coverage and turf health. The one in Gill reserve clearly is not at the same level as those with irrigation. This information will be provided to Councillors at its next meeting for them to be able to resolve on next steps. Council does set its annual budget in June but it is open for Council to investigate changes throughout the year.

Council Report Submissions:

Item 7.1 Petition Response: Submission for Installation of Traffic Calming Devices Adjacent to Gill Reserve

- Simone Britton

Item 7.2 Petition: CoPP Dogs Network Petition

- Louisa Larkin
- Alex Makin

Item 10.1 Parking Management Policy 2020 Implementation Update

- Beti Jay

Item 10.3 Port Phillip Housing Strategy - Adoption and Phase 3 Engagement Report

- Leslie Rosenblatt
- Ian MacDonald
- Alex Darton

Item 10.4 40 Alma Road St Kilda (PDPL/00299/2023)

- Matt Spencer
- Peter Barber (applicant)

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Item 11.2 Green Link Feasibility Report

- Justin Halliday
- Libby Buckingham
- Helen Halliday
- Alex Darton

Item 12.1 Footpath Trading Guidelines (2024) - Consultation Outcomes and Adoption

- David Blakeley
- Adrian King

Item 13.2 Council Policy - Revised Fraud and Corruption Awareness and Prevention Policy

- Adrian King

5. COUNCILLOR QUESTION TIME

- **Councillor Martin:** In relation to concerns raised by my Older Persons Advisory Committee colleague Wendy Priddle about the re-establishment of our advisory committees, would it be appropriate for a Councillor to table a Notice of Motion to look at extending the terms of the current advisory committees? Would that be a feasible way of addressing concerns?

Xavier Smerdon, Head of Governance, advised that yes that is an option and undertook to look at other options.

- **Councillor Martin:** During public submissions, Helen Halliday raised concerns about developments in the Carlisle Street quarter. Can officers provide updates and a timeline for when things will be happening in that area?

Mayor Cunsolo took the question on notice.

- **Councillor Sirakoff:** Can officers provide an update on the reinstatement of the Captain Cook statue? Is it still due to be erected in October or November this year?

Mayor Cunsolo advised that they recently sent a letter to the Premier on this matter.

Lauren Bialkower, Executive Manager City Growth and Culture added that a Councillor Briefing will be conducted in August to provide further detail.

6. SEALING SCHEDULE

Nil.



7. PETITIONS AND JOINT LETTERS

7.1 Petition Response: Submission for Installation of Traffic Calming Devices Adjacent to Gill Reserve

A Petition containing 15 signatures, was received from local residents of Evan Street Port Melbourne.

Moved Crs Martin/Bond

That Council:

1. Thanks the petitioners for raising their concerns.
2. Acknowledges there is community desire for safer speeds on Evans Street between Raglan Street and Ingles Street.
3. Requests officers to install additional 40km/h speed limit signs to improve compliance with the posted speed limit.
4. Requests officers to undertake additional traffic surveys 12 months after the installation of additional speed limit signs.
5. Advises the head petitioner of Council's resolution.

A vote was taken and the MOTION was CARRIED unanimously.

7.2 CoPP Dogs Network Petition – Dog Off Leash Open Space

A Petition containing 2,469 signatures, was received from local residents.

Moved Crs Cunsolo/Nyaguy

That Council:

1. Receives and notes the petition.
2. Thanks the petitioners for their petition.
3. Notes that the response for this petition will be captured in the Dog Off Leash Guidelines Report to be considered by Council at the 21 August Council Meeting.

A vote was taken and the MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

Nil.

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9. INCLUSIVE PORT PHILLIP

9.1 LGBTIQA+ Advisory Committee Annual Report 2023-2024

1. PURPOSE

- 1.1 To present the City of Port Phillip LGBTIQA+ Advisory Committee Annual Report for 2023-2024.

MOVED Crs Martin/Nyaguy

That Council:

- 3.1 Note the City of Port Phillip LGBTIQA+ Advisory Committee 2023-2024 Annual Report.

A vote was taken and the MOTION was CARRIED unanimously.

Councillor Martin declared a conflict of interest in item 9.2 and left the chamber at 8.03pm.

Mayor Cunsolo declared a conflict of interest in item 9.2 and left the chamber at 8.03pm.

Deputy Mayor Crawford assumed the role as Chair of the meeting.

9.2 Community Grants Program 2024-25 Recommendations

1. PURPOSE

- 1.1 To seek Council endorsement of funding recommendations made by the Community Grants Assessment Panel for applications to the Community Grants Program 2024-25.

MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Endorses the Community Grants Assessment Panel's funding allocation recommendations for the Community Grants Program 2024-25, as detailed in Attachment 1.
- 3.2 Makes public the list of successful applications for the Community Grants Program 2024-25 on Council's website.
- 3.3 Endorses reallocation of residual funds of \$22,531.55 from the Community Grants Program 2024-25 for potential allocation under the Quick Response Grants Program.
- 3.4 Formally thanks the voluntary members of the Community Grants Assessment Panel for their valuable time and contribution to the community life of the City of Port Phillip.

A vote was taken and the MOTION was CARRIED unanimously.

The Chair adjourned the meeting for a break at 8.06pm.

Councillor Martin and Mayor Cunsolo returned to the meeting at 8.15pm.

Mayor Cunsolo resumed as Chair of the meeting at 8.15pm.

The meeting resumed at 8.15pm.



10. LIVEABLE PORT PHILLIP

10.1 Parking Management Policy 2020 Implementation Update

1. PURPOSE

- 1.1 To seek Council endorsement on the changes to the implementation of the Parking Management Policy 2020-2028.

MOVED Crs Crawford/Bond

That Council:

- 3.1 Notes the outcome of the community engagement process for digital parking permits.
- 3.2 Continues to work towards implementing digital registration-based parking permits (resident, combined and foreshore only) with a go live date within Quarter 4 2025.
- 3.3 Does not implement the changes to parking permit entitlements for all existing permit holders from 1 July 2025 as detailed in Section 2.4.2 of the Parking Management Policy 2020 - 2028.
- 3.4 Notes that the Chief Executive Officer (or delegate) is authorised to make editorial changes to the Parking Management Policy 2020-2028 to reflect this recommendation.

A vote was taken and the MOTION was CARRIED.

10.2 St Kilda Strategic Plan: Review

1. PURPOSE

- 1.1 This report considers the findings and recommendations of the *St Kilda Live Strategic Plan: Review*.

MOVED Crs Bond/Baxter

That Council:

- 3.1 Notes the officer report on the *St Kilda Strategic Plan*, December 2021, and the *St Kilda Strategic Plan: Review*, July 2024.
- 3.2 Adopts the *St Kilda Strategic Plan: Review*, July 2024 at **Attachment 1** as the strategic justification and foundation for the future program of work for the study area, which includes parts of St Kilda and Balaclava (refer to **Map 1** in **Attachment 1**).
- 3.3 Authorises the Chief Executive Officer (or delegate) to make any minor editorial changes to the *St Kilda Strategic Plan: Review*, July 2024 at **Attachment 1** prior to publication.

A vote was taken and the MOTION was CARRIED unanimously.

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10.3 Port Phillip Housing Strategy - Adoption and Phase 3 Engagement Report

1. PURPOSE

The purpose of this report is to:

- a) Report on responses to the final stage of community engagement on the draft *Port Phillip Housing Strategy* (the Strategy) and outline the changes made to the Strategy; and
- b) Seek Council adoption of the Strategy; and
- c) Seek Council endorsement of a position on the State Government's draft housing target to guide officers in providing a submission to *Plan for Victoria*.

MOVED Crs Martin/Crawford

That Council:

- 3.1 Notes the officer report in relation to the adoption of a municipal-wide housing strategy for Port Phillip.
- 3.2 Notes the consultation approach in the preparation of the final *Port Phillip Housing Strategy* at Attachment 1.
- 3.3 Adopts the final *Port Phillip Housing Strategy* at Attachment 1 and technical reports at Attachments 2, 3 and 4 as the strategic justification and basis for:
 - a) future decisions on housing and management of residential land; and
 - b) a future amendment to the Port Phillip Planning Scheme to introduce new and amended planning provisions.
- 3.4 Endorses the scope of the response to the State Government's Draft Housing Target, for inclusion in the City of Port Phillip's submission to *Plan for Victoria*, as detailed in paragraph 4.45 to 4.49 of this report.
- 3.5 Authorises the Chief Executive Officer (or their delegate) to make any minor editorial changes to the final *Port Phillip Housing Strategy* at Attachment 1 prior to publication and before applying to the Minister for Planning for authorisation to prepare an Amendment, under section 8A of the *Planning and Environment Act 1987*.

A vote was taken and the MOTION was CARRIED.

10.4 40 Alma Road St Kilda (PDPL/00299/2023)

1. PURPOSE

- 1.1 To resolve Council's position on the amended application ahead of the Victorian Civil and Administrative Tribunal (VCAT) hearing P1630/2023 listed to be heard on 29 and 30 August and 5 September 2024.

MOVED Crs Baxter/Sirakoff

That Council:

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- 3.1 Resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and parties to VCAT proceeding P1630/2023, that it supports the amended application which includes the following permissions and subject to the following conditions:

Planning Scheme Clause No.	Description of what is allowed:
Clause 32.08-2	Use the land for a rooming house
Clause 43.01-1	Construct a building and construct and carry out works.
<u>In accordance with the endorsed plans.</u>	

Amended Plans Required

- 1) Before the use and development starts, amended must be submitted and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the PNPE9 plans by Next Architects, titled 'VCAT Submission' and dated 2024.07.02. but modified to show:
 - a) Full demolition of the kitchen to suite 1 and 6; or other internal layout changes to ensure compliance with the definition of a room in accordance with the *Residential Tenancies Act 1997* to Council's satisfaction.
 - b) The landscaped kerb adjacent to carpark number 9 modified to ensure vehicle swept paths are clear of the landscaped kerb to address the intrusion identified in in swept paths prepared by Traffix Group dated 3 July 2024.
 - c) Display of onsite managers contact details at each entrance from Alma Road and Charnwood Crescent.
 - d) Street names corrected.
 - e) Any changes as required by the amended Plan of Management required by Condition 6 of this permit.

All to the satisfaction of the Responsible Authority.

Layout and uses not to be altered

- 2) The layout of the site and the size, levels, design and location of buildings and works and the description of the use on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Use of land as a rooming house

- 3) The building as per the endorsed plans which form part of this permit must only be used for the purpose of a rooming house in accordance with the *Residential Tenancies Act 1997*.

Room numbers

- 4) There must be no more than 22 bedrooms provided on the land.

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Resident Numbers

- 5) No more than 35 residents may reside on the premises at any time.

Plan of Management

- 6) Concurrent with the submission of plans required by Condition 1 of this permit, an amended Plan of Management to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority for approval. The Plan of Management must be generally in accordance with the revised Seranin Group Management Plan submitted with the PNPE9 application dated 3 July 2024 but modified to show:
 - a) Reference to phone contact details to be clearly read from the adjacent footpath deleted.
 - b) Reference to dispute resolution in relation to the Rooming House Agreement to be resolved in accordance with local laws deleted.
 - c) Requirement for the Plan of Management to be displayed at all times in a prominent location within the premises.

All to the satisfaction of the Responsible Authority.

Operation with endorsed Plan of Management

- 7) The rooming house must at all times operate in accordance with the endorsed Plan of Management.

Landscape Plan

- 8) Concurrent with the submission of plans required by Condition 1 of this permit, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority for approval. The Landscape Plan must be generally in accordance with the Landscape Plan submitted with the PNPE9 application by RFA Landscape Architects dated 28 June 2024 but modified to show:
 - a) The landscaped kerb adjacent to carpark number 9 modified to ensure vehicle swept paths are clear of the landscaped kerb to address the intrusion identified in in swept paths prepared by Traffix Group dated 3 July 2024.

All to the satisfaction of the Responsible Authority.

Completion of Landscaping

- 9) The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and the commencement of the use.

Landscaping Maintenance

- 10) The landscaping as shown in the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Obscure glazing



- 11) Before the use starts, the obscure glazing to the windows shown on the endorsed plans must be provided through frosted glass or similarly treated glass. Adhesive film or similar removable material must not be used. All glazing must at all times be maintained to the satisfaction of the Responsible Authority.

External lighting

- 12) Before the use starts, external lighting to the rear car parking area and pedestrian walkways must be installed. Lighting must be located, directed and baffled to the satisfaction of the Responsible Authority so as to prevent any adverse effect outside the land.

Storage Of Goods

- 13) No goods are permitted to be stored, or left exposed outside the building so as to be visible from any public area, unless agreed in writing by the Responsible Authority.

Use of car parking spaces and driveways

- 14) Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Car and Bicycle Parking Layout

- 15) Before the use starts, the areas set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:
- a) Constructed.
 - b) Properly formed to such levels that may be used in accordance with the plans.
 - c) Surfaced with an all-weather surface or seal coat (as appropriate).
 - d) Drained and maintained.
 - e) Line marked to indicate each car space.

All to the satisfaction of the Responsible Authority.

Time for Starting and Completion

- 16) This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within one year of the date of commencement of works.
 - c) The use is not commenced within one year of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started.
- Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expire.

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- 3.2 Authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on the VCAT appeal.

A vote was taken and the MOTION was CARRIED.

11. SUSTAINABLE PORT PHILLIP

11.1 South Eastern Councils Biodiversity Network Update

1. PURPOSE

- 1.1 To report to Councillors on the progress made in relation to the request for the establishment of a South Eastern Councils Biodiversity Network (SEBN), put forward as a Notice of Motion at the Ordinary Meeting of Council on 16 November 2022.

MOVED Crs Crawford/Martin

That Council:

- 3.1 Writes to the South Eastern Councils Climate Change Alliance to request that it incorporates the South Eastern Council Biodiversity Network into its operations, potentially as an annual round table event.

A vote was taken and the MOTION was CARRIED.

The Chair adjourned the meeting at 8.58pm.

The meeting resumed at 9.05pm.

11.2 Green Link Feasibility Report

1. PURPOSE

- 1.1 To provide Councillors with the Green Link Feasibility Report and actions.

MOVED Crs Baxter/Pearl

That Council:

- 3.1 Notes that there are major constraints and challenges which would make the transformation of the full Green Link project very difficult to achieve.
- 3.2 Notes that projects identified in the Council Plan and Budget, the PSS and the UFS have higher deliverability and will better meet the outcomes outlined in the GLMP.
- 3.3 Notes that only 15 projects identified of the GLMP are considered for progress and that the full Green Link project is considered not feasible to deliver.
- 3.4 Proceeds with upgrading the existing playspace in Burnett Gray Gardens in Ripponlea.
- 3.5 Notes that a list of projects recommended to proceed are outlined from page 52 of the feasibility report (**Attachment 2**).

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AMENDMENT

Moved Crs Crawford/Martin

That part 3.4 of the motion be replaced:

- 3.4 Supports the spend of \$145,000 Green Link budget on the Burnett Gray Gardens in Ripponlea, deferring the decision on the project scope to the 2024-2028 Council, which may include a broader scope on the functionality/opportunities for the park as a whole.

A vote was taken and the AMENDMENT was CARRIED.

The AMENDMENT became the SUBSTANTIVE MOTION.

The SUBSTANTIVE MOTION was PUT.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

12. VIBRANT PORT PHILLIP

12.1 Footpath Trading Guidelines (2024) - Consultation Outcomes and Adoption

1. PURPOSE

- 1.1 To update Council on the findings of the community consultation undertaken, subsequent amendments to and recommend endorsement of the Footpath Trading Guidelines (2024)
- 1.2 To present Councillors with outcomes from the Fitzroy Street Outdoor Speaker Trial.

MOVED Crs Sirakoff/Cunsolo

The Chair advised the vote would be taken in parts.

PART A

That Council:

- 3.1 Endorse the Footpath Trading Guidelines (2024).
- 3.2 Promotes the Footpath Trading Guidelines to current permit holders, business associations and other key stakeholders.
- 3.4 Requests officers to correct an error in point two of part 13.14 of the Footpath Trading Guidelines as below:

Remove: ~~"Authorised Officers will consider all relevant matters including: outdoor speakers will not be considered within 25m of a residential zone (as defined by the Planning Scheme)."~~

Replace with: "Authorised Officers will consider all relevant matters including: the venue location, with outdoor speakers not supported in residential zones, as defined by the Planning Scheme"

- 3.4 Approves the CEO to make minor amendments that do not affect the intent or substance of these guidelines.

A vote was taken and PART A of the MOTION was CARRIED unanimously.

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PART B

- 3.3 *Specifies that Outdoor Speakers will not be permitted in Armstrong Street, Middle Park if the applicant is located within 25 metres of a residential zone (as defined by the Planning Scheme)*

A vote was taken and PART B of the MOTION was LOST.

Cr Sirakoff called for a DIVISION.

FOR: Crs Sirakoff and Cunsolo

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

A vote was taken and PART B of the MOTION was LOST.

12.2 Cultural Development and Arts and Activation Funding (CDF, Love My Place and Rupert Bunny Foundation) Recommendations

1. PURPOSE

- 1.1 To present the recommended funding and grant recipients for 2024/25 for the Cultural Development Fund (Festivals and Events), Cultural Development Fund (Projects), Love My Place, and Rupert Bunny Foundation Visual Arts Fellowship for Council's approval.

MOVED Crs Crawford/Cunsolo

That Council:

- 3.1 Endorses the successful applicants proposed by the internal officer panel and Cultural Development Fund Reference Committee for the Cultural Development Fund (Festivals and Events) Grant 2024/25 as outlined in Confidential Attachment 1.
- 3.2 Endorses the successful applicants proposed by the Cultural Development Fund Reference Committee for the Cultural Development Fund (Projects) Grant 2024/25 as outlined in Confidential Attachment 2.
- 3.3 Endorses the successful applicants proposed by the Love My Place Evaluation Panel for the Love My Place Grant 2024/25 as outlined in Confidential Attachment 3.
- 3.4 Endorses the successful applicant proposed by the Rupert Bunny Foundation Visual Arts Fellowship Reference Committee for the Rupert Bunny Foundation Visual Arts Fellowship 2025/26 as outlined in Confidential Attachment 4.
- 3.5 Releases details on the successful recipients of the above from confidence once all applicants have been advised of the outcome of their application and those successful have confirmed their ability to proceed with their application.
- 3.6 Thanks the Cultural Development Fund Reference Committee, Love My Place Evaluation Panel and Rupert Bunny Foundation Visual Arts Fellowship Reference Committee for their work in assessing applications and making recommendations to Council.

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- 3.7 Thanks all applicants who participated in these most recent Cultural Development Fund, Love My Place and Rupert Bunny Foundation Visual Arts Fellowship grants rounds.

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 Councillor Expenses Monthly Reporting - June 2024

1. PURPOSE

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

MOVED Crs Martin/Bond

That Council:

- 3.1 Notes the monthly Councillor expenses report for June 2024 (attachment 1) and that this will be made available on Council's website.
- 3.2 Accepts Councillor Heather Cunsolo's childcare expense reimbursement claims totalling \$675.00 which have been lodged outside of the 30-day claim period stipulated in the Councillor Expense and Support Policy.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Council Policy - Revised Fraud and Corruption Awareness and Prevention Policy

1. PURPOSE

- 1.1 To seek Council's endorsement of the revised Fraud and Corruption Awareness and Prevention Policy

MOVED Crs Bond/Martin

That Council:

- 3.1 Endorses the revised Fraud and Corruption Awareness and Prevention Policy in Attachment 1.
- 3.2 Authorises the CEO to make minor editorial changes to the policy outside of any formal policy review process.

A vote was taken and the MOTION was CARRIED unanimously.

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13.3 Appointment of Cr Pearl as Council's delegate to MAV external Committee

1. PURPOSE

- 1.1 To appoint Councillor Marcus Pearl as Council's primary delegate for the Municipal Association of Victoria (MAV) external committee for the remainder of the Council term.

MOVED Crs Bond/Crawford

That Council:

- 3.1 Appoints Councillor Marcus Pearl as Council's primary delegate to the Municipal Association of Victoria external committee for the remainder of the Council term.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

14.1 Notice of Motion – Mayor Cunsolo – Around the Bay

Moved Crs Cunsolo/Martin

That Council:-

1. That Council waive \$7500 (50% of \$15,000) of the event permit fee that has been quoted to the Bicycle Network for the holding of the 2024 Around the Bay event.
2. Notes that the event has provisional approval for 2024 and is working with the Events Team to obtain the full permit, which is expected to be issued imminently. The permit for Around the Bay relates to road closures and a rest-stop.

A vote was taken and the MOTION was CARRIED.

15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Martin/Bond

That Council resolves to move into confidential to deal with the following matters pursuant to section 66(2) of the *Local Government Act 2020*:

17.1 Park Street Bike Link and Road Construction Tender Award

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

Reason - Contractual negotiations regarding the procurement of services for this project are still being undertaken and finalised, and the public release of the information in the report at this stage may negatively impair the Council's ability to negotiate and implement procurement arrangements effectively

17.3 Award of Carpentry & Handyman Services Panel Contract

- 3(1)(g(i)) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets
- 3(1)(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

17.3 Procurement for the Maintenance of Paid Parking Machines

- 3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released
- 3(1)(g(i)) private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets
- 3(1)(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Reason - The report contains contractor price submissions, subjective evaluation summary notes and other information that may jeopardise Council's position in finalising contract negotiations related to this service yet to be finalised.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting closed to the public at 10.12pm.

The meeting reopened to the public at 10:28pm.

As there was no further business the meeting closed at 10.28pm.

Confirmed: 21 August 2024

Chairperson _____