



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

4 SEPTEMBER 2024



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# MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 4 SEPTEMBER 2024



## MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 4 SEPTEMBER 2024 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS

The meeting opened at 6:34pm.

### IN ATTENDANCE

Cr Cunsolo (Chairperson), Cr Baxter, Cr Bond, Cr Clark, Cr Crawford (virtual), 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, Fiona van der Hoeven, Manager City Planning and Sustainability, Simon Hill, Executive Manager Waste and City Maintenance, Dana Pritchard, Manager Open Space, Recreation and Community Resilience, David MacNish, Head Major Transport Projects - Domain Precinct, Beth McLachlan, Head of Sustainability and Climate Change, Dr. Natalie Barron, Principal Water Officer, Vicki Tuchtan, Manager, Property and Assets, Xavier Smerdon, Head of Governance, Rebecca Purvis, Senior Council Business Advisor, Emily Williams, Council Business Advisor.

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

### 1. APOLOGIES

Nil.

### 2. CONFIRMATION OF MINUTES

#### MOVED Crs Bond/Sirakoff

That the minutes of the Meeting of the Port Phillip City Council held on 21 August 2024 be confirmed.

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

### 3. DECLARATIONS OF CONFLICTS OF INTEREST

Chris Carroll, Chief Executive officer declared a potential perceived and general conflict of interest in relation to item 13.2 Presentation of Annual Report: Palais Theatre Year 7 due to their wife's employment and business interest which sometimes sees them as a competitor of Live Nation who is the tenant at the Palais Theatre. The CEO noted that they had previously declared this conflict and had no involvement in the preparation of the report.



## 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>.

### Council Report Submissions:

#### Item 7.1 Petition: Sporting Future of Elwood Park

- James Newbury
- Damian Ross

#### Item 7.2 Joint Letter: Objection to the proposed lane reduction on Park Street

- David Henley
- David MacGowan
- Beti Jay

#### Item 11.1 Port Phillip EcoCentre Funding Agreement

- Jan Cossar
- April Seymore
- Ian Gray

#### 13.1 Governance Arrangements - HousingFirst and Port Phillip Housing Trust

- Rhonda Small

#### 14.2 Notice of Motion – Councillor Nyaguy – Housing Emergency

- Rhonda Small
- Leslie Rosenblatt
- Barney Moore
- Charlie Beckley
- Penny Nichol
- Justin Halliday
- Beti Jay

### Public Question Time:

- **Nikita Jain:** My question is more of a request to have a crossing supervisor on Fitzroy Street for kids going to and coming from St Kilda Park Primary School. We currently have a crossing supervisor towards Woolworths, but the crossing on the other side of the street is a complex crossing for kids and aged parents. I see them crossing in the morning, there are trams coming from both directions and six or eight lanes of traffic to cross. There is a free giveaway which goes towards Lakeside Drive which there is no control of traffic when kids are crossing the road. I'm not sure how many crossing supervisors can be allocated to a School. Is there a cap on how many and what is the process for requesting an additional crossing supervisor?

*Mayor Cunsolo clarified the location of the crossing on the Fitzroy and Princes Street intersection towards Lakeside Drive.*

*Fiona van der Hoeven, Manager City Planning and Sustainability advised that Council supports the need for people of all ages and abilities to travel safely within our municipality, particularly school children. Council collaborates directly with schools as part of our Healthy Tracks to School Program, which is designed to establish safe walking routes, encourage active transport, and improve road safety for school aged children. In 2018, Council Officers worked with St Kilda Park Primary School on this initiative, which identified four safe walking*

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*routes and infrastructure improvements. As a result of this audit upgrades were completed at the following locations. The Department of Transport and Planning's Crossing Supervisor Program sets out the criteria and the required pedestrian demands for a crossing supervisor to be subsidised by the State Government. Council officers will arrange for pedestrian counts to be conducted in Term 4. This data will be used to assess the sites suitability for a future crossing supervisor, in consideration with the programs warrants, available funding, and ability to staff the position.*

- **Janet Hamilton:** My concern relates to the safety of pedestrians in public spaces. I believe the Council has the legal duty of care to protect and financial responsibility to support pedestrians injured in public spaces. How does the City of Port Phillip legally protect and financially support a resident who is injured on Council public space by any of the following: a mobile scooter, bicycle, skateboard, wheelchair or dog?

*Fiona van der Hoeven, Manager City Planning and Sustainability thanked Janet for reaching out to raise your concerns regarding their experience as a pedestrian living with osteoporosis within this environment. In relation to mobile scooter, bicycle, skateboard, riders must obey road rules outlined on the VicRoads and Transport Victoria websites. If bikes, scooters or skateboards are being ridden unlawfully, these can be reported to Crime Stoppers or the Police Assistance Line. There is a requirement for operators of shared ebikes and escooters to hold public liability, personal injury and comprehensive third party insurance. If an individual is injured whilst on a Council footpath, grounds or facilities they are able to submit a formal Request for Compensation. These forms are available upon request. All requests received are fully investigated and each matter is considered on its merits. If payment of compensation is considered appropriate, a fair and reasonable offer of settlement is made with the aim of achieving to resolve. If payment of compensation is not considered appropriate, a full explanation will be provided and this process usually takes approximately 8 weeks following investigation to get a response. In relation to dogs, Our Domestic Animal Management Plan outlines how we manage dogs and cats within our boundaries and how we minimise dogs creating a nuisance, where they need to be on lead and how to minimise the risk of attacks by dogs on people and animals. This includes patrolling and enforcing dogs on lead restrictions. If someone is injured in a dog rush or attack Council can undertake an investigation that may result in enforcement activities including official warnings, infringements, notices to comply and court prosecution.*

- **Frank Artuso:** Is the Local Government Victoria Candidate Training truly of a sufficient standard? The online Candidate Training states: "You are encouraged to attend at least one Council meeting to see how decisions are made, or watch the livestream of a Council meeting via the Council website." How do I respond as a voter to this standard? Online viewing can't replace the resilience needed to stay focused for up to four hours in this Chamber, maintaining a nimble, agile and attentive mind on every topic before Chambers. Councillors will you lobby the State Government to strengthen their meagre "encouragement" as it currently discounts the core practice?

*Joanne McNeill, Executive Manager Governance and Organisational Performance advised that the mandatory candidate training delivered by Local Government Victoria (LGV) was updated in July 2024 to include additional information for candidates to better understand the role of a Councillor and a greater emphasis on the strategic nature of the role and the time commitment required. Council's role is to make sure that we deliver a robust mandatory Councillor induction program, which has also been enhanced this year, and we aim to give the incoming Councillors the necessary skills and information to perform their roles effectively as a collective. We're partnering really closely with the Municipal Association of*

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*Victoria who held a Stand for Council session on 31 July which talked through the experience of Councillors and what they can expect for potential candidates.*

*Chris Carroll, Chief Executive Officer acknowledged and thanked Frank for raising some valid points. The CEO said their experience had been that new Councilors coming in can often be a bit surprised about the requirements, and it takes a bit of adjustment. Council is focusing a lot on the training requirements as Councillors come into Council. The Government also has bit a bit more emphasis on training for candidates as well, while there were not as many requirements in the past. The CEO undertook to provide some of the feedback provided by Frank back to Local Government Victoria as part of the ongoing review process.*

- **Lauren Sherson:** Can Council please explain the extent of delegation given to the CEO during caretaker mode and that previously would belong to the nine Councillors?

*Joanne McNeill, Executive Manager Governance and Organisational Performance advised that the CEO's delegations can be viewed on Council's website in detail. Council will consider tonight changes to planning delegations to enable the CEO, or their delegate, to determine planning applications so that Council can continue to meet its statutory obligations during the caretaker period. There are specific limitations to these delegations, so it's a very specific delegation that's applied. Importantly, Council's Election Period Policy, which is also available on our website contains much more information on what can and cannot be done during caretaker and it specifically limits the kind of decisions that can be made.*

- **Beti Jay:** There is a heritage tree in somebody's back yard on Bank Street, South Melbourne. The neighbour has asked me to do some investigating on their behalf. Who is responsible for its care? Who is responsible for the damage it causes to neighbouring properties? Who is the steward of the tree?

*Simon Hill, Executive Manager Waste and City Maintenance undertook to follow up with the neighbour to discuss any concerns about the management of the tree as per the details provided.*

- **Beti Jay:** Residents of St Vincent Place, Albert Park, specifically the corner of Merton Street, would like to know what the frequency of their FOGO pick up is? One side of the streets says it hasn't been picked up in over a month.

*Simon Hill, Executive Manager Waste and City Maintenance advised that FOGO bins in St Vincent Place, Albert Park are collected weekly on a Monday. We have searched our customer request system and are not aware of any requests for missed FOGO bins over the last few weeks but undertook to pass this feedback onto Council's waste contractor and request all presented bins are collected next Monday.*

- **Beti Jay:** There is a tree on the nature strip on the corner of St Vincent Place and Merton Street, Albert Park, that has cracked a residents fence. Who is the steward of this tree and what can be done to stop further damage? There was a Zebra Crossing promised to be done in 2022. Where is that crossing leading from one side of the street to the park?

*Simon Hill, Executive Manager Waste and City Maintenance advised that Council is responsible for management of trees on the nature strips at this location. Council does on occasions install root barriers where appropriate to reduce the impact on tree roots on built structures. Council does not have any current or completed request for investigation of tree damage to a fence at this location. Simon Hill requested that the owner of the property in question please contact Council and lodge a customer request and an officer will make contact and discuss any concerns.*

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*In regards to a proposed installation of a zebra crossing, the question was taken on notice.*

- **Beti Jay:** A business on Carlisle Street has reached out to request if lighting can be installed in Dianella Lane, Balaclava, to improve safety. Why won't the rubbish truck go down Dianella Lane Balaclava to avoid residents and businesses having to walk the bin to the corner of Woodstock which can be dangerous and causes a mess on Woodstock Street. Also the business owners street trader permit has gone up by 25%. Why is this?

*Simon Hill, Executive Manager Waste and City Maintenance advised that in relation to the bin collection it is likely that the laneway is too narrow to enable trucks to safely access, but undertook to follow up with Council's waste contractor. In relation to lighting and increased permit fees, the questions were taken on notice.*

- **Beti Jay:** There is an abandoned building in Palmerston Crescent, South Melbourne. Some drug users are camping out at a building and there is a bicycle garage forming with at least six bikes being collected to date. This is obviously a complicated issue. What will the Council do to help both the rough sleepers, the residents to feel safe and possibly the owners of the bikes?

*The question was taken on notice.*

## 5. COUNCILLOR QUESTION TIME

- **Councillor Clark:** There are multiple potholes on Mitford Street between Barkly and Milton Streets. Does the Council have any plans to fix this stretch of road?

*Lachlan Johnson, General Manager Operations and Infrastructure took the question on notice.*

## 6. SEALING SCHEDULE

Nil.

## 7. PETITIONS AND JOINT LETTERS

### 7.1 Petition: Sporting Future of Elwood Park

A Petition containing 24 signatures was received from local residents.

#### **MOVED Crs Martin/Baxter**

That Council:

1. Thanks, the petitioners for the petition.
2. Receives and notes the Petition and provides a response to a future Council meeting.

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



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## 7.2 Joint Letter: Objection to the proposed lane reduction on Park Street

A Joint Letter containing 5 signatures, was received from local residents.

- **Councillor Sirakoff:** How many inform letters were sent to surrounding residents on Park Street and possible neighbouring streets. What was the extent of the area covered?

*David MacNish, Head Major Transport Projects - Domain Precinct advised the number of letters sent out was approximately 5,000 and took the question on notice for a specific response.*

- **Mayor Cunsolo:** Would the works commence on Park Street, closer to Kings Way or at the intersection of Park Street that we are considering?

*David MacNish, Head Major Transport Projects - Domain Precinct stated that they understood the first stage of works was planned for this intersection, but took the question on notice for a specific response.*

### **MOVED Crs Pearl/Sirakoff**

*The Mayor advised that the vote would be taken in 3 parts.*

That Council:

#### PART 1

1. Thanks the writers for the joint letter.
2. Notes and acknowledges the concerns related to traffic capacity of Park Street
3. Notes that the design modification has been reviewed and that the modifications align with the objectives of the Park Street Streetscape Improvement Project and will maintain all existing traffic functions.
4. Notes that at a confidential meeting on the 7 August 2024, Council endorsed the award of tender.
5. Advises the signatories of the joint letter of the outcome of this decision.

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

#### PART 2

6. Requests that officers write to the Department of Transport (DTP) to:
  - i. Pass on resident concerns of local traffic congestion and accessibility as a result of the design modification.
  - ii. Request DTP monitor the intersection and provide regular updates to Council officers, that can be made publicly available, on the operation of the intersection.
  - iii. Request DTP make real-time adjustments as necessary to improve capacity and reduce congestion.

**A vote was taken and the MOTION was CARRIED.**

#### PART 3

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iv. Request DTP consider a design change that will reduce the likelihood of increased queuing at the intersection of Park Street and St Kilda Road, particularly for cars turning left into St Kilda Road from Park Street, such as by including queuing zones for car turning left into St Kilda Road to prevent cars from banking up on Park Street.

**A vote was taken and the MOTION was LOST.**

*The Mayor adjourned the meeting for a break at 8:10pm.*

*The meeting resumed at 8:20pm.*

## EN BLOC MOTION

### Moved Crs Pearl/Bond

That Council moves the following items en bloc:

- 8.1 Presentation of CEO Report Issue 109 - July, 2024
- 13.2 Presentation of Annual Report: Palais Theatre Year 7
- 13.4 Records of Informal Meetings of Council
- 13.5 Changes to Planning Delegations (5 September 2024 until the first sitting of the 2024-2028 Council)

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

## 8. PRESENTATION OF CEO REPORT

### 8.1 Presentation of CEO Report Issue 109 - July, 2024

#### PURPOSE

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

### Moved Crs Pearl/Bond

That Council:

- 3.1 Notes the CEO Report – Issue 109 (provided as Attachment 1).
- 3.2 Authorises the CEO or their delegate to make minor editorial amendments that do not substantially alter the content of the report.

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





## 9. INCLUSIVE PORT PHILLIP

### 9.1 City of Port Phillip Reconciliation Action Plan 2024 – 2026

#### PURPOSE

- 1.1 To present the Reconciliation Action Plan September 2024 – September 2026 (RAP) for adoption.

#### MOVED Crs Martin/Nyaguy

That Council:

- 3.1 Endorses and adopts the City of Port Phillip Reconciliation Action Plan (Attachment 1), subject to endorsement and certification from Reconciliation Australia.
- 3.2 Thanks, Traditional Owners, First Peoples Service Providers, First Peoples in our community and the broader community for providing feedback on the draft RAP.
- 3.3 Authorises the Chief Executive Officer, or their delegate, to make minor editorial updates to the Plan, including final feedback from Reconciliation Australia, if required.

**A vote was taken and the MOTION was CARRIED.**

## 10. LIVEABLE PORT PHILLIP

### 10.1 Johnson Street Park and Signalised Crossing - Works-in-kind Project Delivery (Fishermans Bend)

#### PURPOSE

- 1.1 This report presents the Johnson Street Park and Signalised Pedestrian Crossing Project Design Scope and Concept Design, for Council endorsement.

#### MOVED Crs Martin/Cunsolo

That Council:

##### Project Design

- 3.1 Endorses the Project Design Scope (Attachment 1) and Concept Design (Attachment 2) to inform the delivery of Johnson Street Park and Signalised Pedestrian Crossing.
- 3.2 Authorises the Chief Executive Officer (or their delegate) to approve changes to the Project Design Scope and Concept Design, if those changes do not alter the overall intent of the design, and if required through any value management exercise.

##### Works-in-kind Section 173 Agreement

- 3.3 Acknowledges delegation under the Instrument of Delegation – Members of Staff (7 June 2023) to negotiate and enter into an agreement under section 173 of the Planning Environment Act 1987 in accordance with the Incorporated Document for 272-280 Normanby Road, South Melbourne, June 2023 in the Port Phillip Planning

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Scheme (Incorporated Document) and informed by the Project Design Scope and Concept Design (Attachments 1 and 2).

- 3.4 Notes this includes including credits in respect to the use of public open space contribution funds towards the Project and appropriate terms in the works-in-kind Section 173 Agreement pursuant to the Incorporated Document, limited to 8% of the site value of the land.

## Planning Scheme Amendment

- 3.5 Adopts the draft planning scheme amendment documentation (Attachment 3), and requests the Minister for Planning (Minister) to prepare, adopt and approve Amendment C233port to the Port Phillip Planning Scheme, without notice, in accordance with the Minister's powers of the Planning and Environment Act 1987 (Vic) (Act).
- 3.6 Authorises Officers to consult with the Minister, in accordance with sections 8(1)(b), 20(4) and 20(5) of the Act, to assist the Minister to prepare, adopt and approve the planning scheme amendment.
- 3.7 Authorises the Chief Executive Officer (or their delegate) to make changes to Amendment C233port to give effect to the outcomes in this report, if those changes do not alter the overall intent of the planning scheme amendment, or if the changes are requested by the Department of Transport and Planning.

## Community Engagement

- 3.8 Notes the community engagement feedback which informed the Project and Planning Scheme Amendment, outlined in the *Johnson Street Park Community Engagement Summary Report, June 2024* (Attachment 4) and *Council Meeting Report 5 June 2024, Item 13.3, for Proposed Discontinuance of Road (in part) Johnson Street, South Melbourne*.

**A vote was taken and the MOTION was CARRIED.**

## **11. SUSTAINABLE PORT PHILLIP**

### **11.1 Port Phillip EcoCentre Funding Agreement**

#### **PURPOSE**

- 1.1 To present the proposed new EcoCentre Funding Agreement for the period 1 July 2024 to 30 June 2029 for approval by Council.

#### **MOVED Crs Martin/Baxter**

That Council:

- 3.1 Enters into a Funding Agreement with the Port Phillip EcoCentre Inc. for the period 1 July 2024 to 30 June 2029. Attachment 1.
- 3.2 Delegates authority to the Chief Executive Officer to sign the Funding Agreement with the Port Phillip EcoCentre and correct any typographical and other errors not impacting the intent of the Agreement.

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**A vote was taken and the MOTION was CARRIED.**

**Cr Pearl called for a DIVISION.**

**FOR:** Crs Baxter, Crawford, Martin, Nyaguy and Cunsolo

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

**The MOTION was CARRIED.**

## **11.2 Stormwater Harvesting and Elster Creek**

### **PURPOSE**

- 1.1 To seek Council endorsement for funding opportunities and to progress to the next stage of delivery of the Elwood Park Expansion Stormwater Harvesting Scheme.

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

- **Councillor Pearl:** Of the total amount of pollution that the municipality is dispelling in our waterways. What percentage roughly will this project reduce pollution by?

*Beth McLachlan, Head of Sustainability and Climate Change, advised that this project only looks at the impact on Elster Creek and the pollution coming through that particular waterway, not the entire municipality, therefore took the question on notice to follow up.*

### **MOVED Crs Martin/Baxter**

That Council:

- 3.1 Notes the updated phasing for the Elwood Park Expansion Stormwater Harvesting Scheme to deliver the project in four stages.
- 3.2 Delegates authority to the CEO to enter a Funding Agreement with the Department of Energy, Environment and Climate Action (DEECA, State Government) on behalf of the Department of Climate Change, Energy, the Environment and Water (DCCEEW, Federal Government) for \$1.7M from the Urban Rivers and Catchments Federal Program.
- 3.3 Agrees to proceed to detailed design for Stage 1 of the Elwood Park Expansion Stormwater Harvesting Scheme subject to Council entering the Funding Agreement as stipulated in 3.2.
- 3.4 Notes that following the detailed design stage 1 the project will be presented to Council should a further decision be required to address any elements of the project if they are identified as being off track
- 3.5 Agrees to utilise \$1,442,000 from the existing Council budget in the Stormwater Harvesting Design Project (Project 1490) for delivery of Stage 1 of the Elwood Park Expansion Stormwater Harvesting Scheme and delivery of the Elwood Canal Planting Plan.
- 3.6 Agrees to engage with South East Water for the provision of technical expertise on the delivery of Stage 1 of the Elwood Park Expansion Stormwater Harvesting Scheme.

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- 3.7 Endorse a submission to South East Water's Greening and Open Space Program for the delivery of Stages 2 to 4 of the Elwood Park Expansion Stormwater Harvesting Scheme.

**A vote was taken and the MOTION was CARRIED.**

## 12. VIBRANT PORT PHILLIP

Nil.

## 13. WELL GOVERNED PORT PHILLIP

### 13.1 Governance Arrangements - HousingFirst and Port Phillip Housing Trust

#### PURPOSE

- 1.1 To respond to a Notice of Motion requesting a report on the governance arrangements and considerations of Council's involvement in HousingFirst, the Port Phillip Housing Trust, and related entities, including options and advice.

#### **MOVED Crs Pearl/Martin**

That Council:

- 3.1 Notes the findings of the review of governance arrangements at HousingFirst and the Port Phillip Housing Trust as provided in confidential Attachment One.

**A vote was taken and the MOTION was CARRIED.**

### 13.2 Presentation of Annual Report: Palais Theatre Year 7

#### PURPOSE

- 1.1 To present the Palais Theatre Annual Report as required pursuant to Clause 16 (Annual Report and Forecast) of the Lease Agreement for the activities undertaken by Live Nation Australia Venues Pty Ltd (Lessee) for the period 1 April 2023 to 31 March 2024 ("reporting period").

#### **Moved Crs Pearl/Bond**

That Council:

- 3.1 Notes and accepts the Palais Theatre Annual Report and declares it is satisfied with the activities undertaken by Live Nation for the period ended 31 March 2024.

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

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## 13.3 Council and Planning Committee Meeting Timetable for 2025

### PURPOSE

- 1.1 To amend the Council and Planning Committee Timetable for November and December 2024.
- 1.2 To present to Council a proposed timetable for Council and Planning Committee meetings for 2025.

### MOVED Crs Cunsolo/Bond

That Council:

- 3.1 Adopts the Council and Planning Committee Meeting timetable for 2025 (Attachment 1).
- 3.2 Approves the following variations to the 2024 Council and Planning Committee Meeting timetable:
  - Cancellation of the scheduled 20 November Council Meeting
  - Cancellation of the scheduled 28 November Planning Committee Meeting
  - Cancellation of the scheduled 4 December Council Meeting
  - Cancellation of the scheduled 12 December Planning Committee Meeting
  - Addition of a 27 November Council Meeting
  - Addition of a 11 December Council Meeting
  - Cancellation of the scheduled 13 November Special Council Meeting
  - Addition of a 14 November Special Council Meeting
- 3.3 Notes that under the Governance Rules the Chief Executive Officer or delegate, after consultation with the Mayor, in the case of an administrative matter or an emergency situation, may alter the date, time or location of, or cancel a Council meeting by giving such notice to the Councillors and the public as is practicable.
- 3.4 Notes that following the 2024 Local Government elections, the incoming Council may choose to amend the Council and Planning Committee Meeting timetable for 2025 via formal resolution.

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

## 13.4 Records of Informal Meetings of Council

### PURPOSE

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

### Moved Crs Pearl/Bond

That Council

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

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

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## 13.5 Changes to Planning Delegations (5 September 2024 until the first sitting of the 2024-2028 Council)

### PURPOSE

- 1.1 To delegate to the Chief Executive Officer (including the power to on delegate), the power to enable specific planning activities to be undertaken during the period of time between the last Ordinary Council meeting being 4 September 2024 prior to the Council election until the first sitting of the new Ordinary Council meeting.

### Moved Crs Pearl/Bond

That Council:

- 3.1 Delegates to the Chief Executive Officer (including the power to on delegate), effective for the period 5 September 2024 until the first sitting of the new Ordinary Council meeting on 20 November 2024, the power to:
  - 3.1.1 Determine an application where:
    - 16 or more objections are received and the application has not been refused under delegation.
    - The application raises strategic or substantive policy issues.
    - The application involves substantive non-compliance with the Planning Scheme or Council Policy, but officers consider the application should be supported.
    - The application involves non-compliance with residential parking requirements.
    - The application exceeds six storeys in height in the area covered by Sub precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North precinct.
- 3.2 To determine planning permit applications, amendments or requests for extensions of time to applications within the Fishermans Bend Urban Renewal Area including applications comprising use and/or development of accommodation.
- 3.3 To provide comments to the Minister for Planning for proposals, permit applications and/or planning scheme amendments in Council's role as a referral authority.
- 3.4 To instruct Council's Statutory Planners and/or Council's solicitors in relation to any application lodged with VCAT under Part 4, Division 2 or 3 of the *Planning and Environment Act 1987*, or an application for a planning scheme amendment or an application before an Advisory Committee.
- 3.5 All determinations made during the period 5 September 2024 until the first sitting of the new Planning Committee will be reported to the Planning Committee in the November or December Statutory Planning Delegations Decisions Report.
- 3.6 This delegation does not preclude planning matters being considered by Council at its Ordinary Council meeting or Planning Committee.

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





## 14. NOTICES OF MOTION

### 14.1 Notice of Motion – Mayor Cunsolo – Support for Food Relief Services

#### **MOVED Crs Cunsolo/Pearl**

That Council:-

1. Notes that there is a cost-of-living crisis that disproportionately impacts food security for our communities most vulnerable residents.
2. Expresses its concern that the Flexible Service Response (FSR) component of the Home and Community Care Program for Younger People (HACC PYP) funding, which supports several food relief services within the municipality, ended on the 31 August 2024 with no transition plan for vulnerable residents.
3. Notes Council's support for food relief services previously funded under the FSR through the funding allocation endorsed in the 24/25 CoPP Budget (\$51,200.00 per annum in total).
4. Continues to assist food relief services within the municipality to identify and apply for grant opportunities.
5. Continues to advocate to the State Government to provide funding to support the continuation of food relief services within the municipality.
6. Reviews impact of the cessation of HACC PYP FSR funding on the provision of food relief services in the municipality and considers funding options to support their continuation via the 25/26 Council Budget process (anticipated funding shortfall without HACC PYP FSR funding is \$204,688.00 per annum).

**A vote was taken and the MOTION was CARRIED.**

### 14.2 Notice of Motion – Councillor Nyaguy – Housing Emergency

#### **MOVED Nyaguy/Baxter**

That Council:-

1. Declares a housing emergency in Port Phillip.
2. Notes that Council has core role in both the supply of housing and the provision of affordable housing, including for renters.
3. Requests Officers, in parallel with the review of In Our Backyard, provide a report on further opportunities increase medium density development and provide more houses than the State Government's current housing target for Port Phillip, including through:
  - a. Rezoning land around tram and major bus routes to increase density.
  - b. Amending and advocating for planning rules to prevent de-densification and encourage densification.
  - c. Reconsider Council's interpretation of the Burra Charter in order to enable retention through restoration and great housing supply in areas with heritage overlays.

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4. Re-affirms Council's 10% affordable housing target noting the possibility to increase this target should the above report provide further opportunities to increase density.
5. Approves an additional \$100,000 in one-off funding, open to organisations that support private market renters in Port Phillip, in recognition of the high levels of distress being caused by the current cost of living crisis. Authorises the CEO, or their delegate, to develop the funding criteria, including determining an appropriate organisation to deliver the rent relief funding on its behalf.
6. Notes that the In Our Back Yard (IOBY) Strategy includes an annual budget commitment of \$500,000, which is due to end in 2024/25. Notes that this program has supported affordable and social housing in Port Phillip and is therefore important to allocate provisional funding in the 10-Year Financial Plan.
7. Directs officers to present the IOBY strategy for renewal and endorsement by the new Council in 2025 with consideration of options to increase annual funding up to \$1 million.

## AMENDMENT

### MOVED Crs Martin/Pearl

That part 5 of the motion be deleted and replaced with the following:

5. Requests the CEO, or their delegate, to:
  - a) develop funding criteria that would enable a Council sponsored organisation to consider applications for rent relief funding by private market renters in Port Phillip;
  - b) develop a process for selecting a provider to deliver this support; and
  - c) report back at a future meeting of council with the proposed funding criteria and process for selecting a provider, along with the proposed level of funding support, for consideration by Council.

And that the word 'up' be added to part 7 of the motion to read "Directs officers to present the IOBY strategy for renewal and endorsement by the new Council in 2025 with consideration of options to increase annual funding up to \$1 million."

**A vote was taken and the AMENDMENT was CARRIED.**

**The AMENDMENT became the SUBSTANTIVE MOTION.**

**A vote was taken and the SUBSTANTIVE MOTION was LOST.**

**Cr Martin called for a DIVISION.**

**FOR: Crs Baxter, Crawford, Martin and Nyaguy**

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

**The MOTION was LOST.**

## 15. REPORTS BY COUNCILLOR DELEGATES

Councillor Martin reported as Council's representative to the Housing First board and advised that Jan Berriman has been appointed as their new CEO. Jan has already reached out to Council officers and is very passionate about the first pillar of Housing First which is residents first. Jan is very keen to work very closely with Council as is the new board chair,

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Emmanuel Tsakis. Cr Martin said they thought this was an excellent move from Housing First and they were looking forward to a very positive relationship between Housing First and the City of Port Phillip.

Councillor Pearl reported as the Council delegate to the Multifaith Network. In order to increase engagement with members and to deepen relationships, the network recently visited the Hari Krishna temple in Albert Park and Planet shakers in South Melbourne. Between those two faith-based organisations, they bring 22,000 people per week into our City to express their faith, but they also bring their wallets with them and spend a lot of money in Port Phillip. The multi faith network is going strong. Those two community organisations, among others, have indicated we can continue to hold meetings out in the community at these organisations in the future. It does show there are certain elements of our community that are struggling in the faith network at the moment, particularly the Jewish community, but they are being well supported by your multifaith network which is working well.

Councillor Martin reported as Council's delegate to the Older Persons Advisory Committee who had their last meeting for the current Council term. A very detailed report was provided by Council officers about the implementation of the Aged Care Reforms. The OPAC has been very supportive of Council officers and providing them with a lot of advice. They said they were hoping there will be some sort of informal arrangement between our older people and respective Council officers in the time that the committee is not operating. It is really important that Council officers know what is going on out in the community during this time given the rollout of aged care reforms. Cr Martin thanked the Council officers that have been briefing OPAC monthly. These have been very informative briefings and OPAC members have been providing advice back which has been a great partnership.

## 16. URGENT BUSINESS

Nil.

## 17. CONFIDENTIAL MATTERS

### MOVED Crs Bond/Pearl

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 Property Matter

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

**Reason:** If the information was publicly released this would likely compromise Council's position in commercial negotiations or compromise the tenant's business undertakings and reveal commercially sensitive information.

#### 17.2 Strategic Property Matter

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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
- 3(1)(c). land use planning information, being information that if prematurely released is likely to encourage speculation in land values
- 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:** Contains commercially sensitive information that would be unreasonable to disclose as it affects the commercial position of the City of Port Phillip and bidders.

## **17.3 Public Open Space - Potential Acquisition**

- 3(1)(a). Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released
- 3(1)(c). land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

**Reason:** Includes information about potential future land use that is likely to encourage land speculation, and commercial and strategic information that if disclosed would undermine Council's commercial position.

## **17.4 Lagoon Reserve Redevelopment - Stage 2 Pavilion Contract Award**

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

**Reason:** The Council Report and the attached Tender Evaluation Report contain procurement and contractual information that are confidential in nature.

## **17.5 Award of Electrical Maintenance 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

## **17.6 RFT000302 Specialised Pressure Cleaning Maintenance Services Contract**

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

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

**Reason:** The report contains information on Council approved budgets and budget allocations to the subject service. It also includes the names and titles of Officers from internal and external Local Government Authorities within the tender evaluation process. The report contains information and attachments about the tenderers submitted annual pricing and pricing structure, and other private business information such as insurances and assets.

## **17.7 RFT000258 Microsoft Enterprise Agreement**

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

**Reason:** The report contains confidential contractual information that if released would impact Council's ability to negotiate and finalise the contract

## **17.8 Audit and Risk Committee - Independent Member Appointment**

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

- 3(1)(f). personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**Reason:** If released the information to be received, discussed or considered in relation to this Agenda item may impair Council's ability to effectively negotiate contractual arrangements. The report also contains personal information that would not be reasonable to release. Once appointment has been accepted and notification to unsuccessful applicants completed, Council may make details of this report public in the future.

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

The meeting closed to members of the public at 10:24pm.

The meeting reopened to members of the public at 11:01pm.

As there was no further business the meeting closed at 11.01pm.

Confirmed: 18 September 2024

Chairperson \_\_\_\_\_