



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

22 APRIL 2026



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD  
22 APRIL 2026 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS**

The meeting opened at 6:30pm.

**IN ATTENDANCE**

Cr Makin (Chairperson), Cr Buckingham, Cr Crawford, Cr Cunsolo, Cr Halliday, Cr Hardy, Cr Jay (online), Cr Mears, Cr Thomann.

Chris Carroll, Chief Executive Officer, Brian Tee, General Manager City Development, Kylie Bennetts, General Manager Community Wellbeing, Robyn Borley, General Manager, Governance and Performance, Peter Benazic, General Manager, City Infrastructure, Daniel Lew, Director, People and Experience, James Gullan, Acting Manager Communications and Governance, Mark Thompson, Manager Parks and Infrastructure Maintenance, Mike Fisher, Manager City Planning and Sustainability, Susie Filleti, Acting Head of Economic Development, Samuel Laing, Principal Planner, Paul Wood, Manager Building and Planning Services, Vicki Tuchtan, Manager Property and Assets, Christine Dening, Manager Community Building and Inclusion, Emily Williams, Senior Council Business Advisor, Josh Vearing, Council Business Advisor.

*The 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 emerging.*

**1. APOLOGIES**

Nil.

**2. CONFIRMATION OF MINUTES**

**Moved Crs Mears/Thomann**

That the minutes of the Meeting of the Port Phillip City Council held on 18 March 2026 be confirmed.

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

*Kylie Bennetts, General Manager Community Wellbeing noted an officer response to a public question relating to the Lagoon Reserve Pavilion at the Council Meeting held on 18 March 2026 contained inaccuracies and did not fully reflect the relevant Council history. The Minutes were subsequently amended on 1 April 2026 to correct this.*

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



## **MAYORAL STATEMENT – ACOUSTIC CAMERA ADVOCACY**

The Mayor provided a statement congratulating the efforts of the community for their advocacy regarding acoustic noise cameras. At the meeting held on 4 March 2026, a Notice of Motion was tabled calling on the State Government to support an acoustic noise camera trial. The community rallied behind this cause and sent a number of emails to the Mayor, Councillors, and State Members of Parliament. An announcement was subsequently made supporting the trial of acoustic noise cameras. While Council did not at that time have confirmation of the trial locations, Council continued to advocate for one of the locations to be within the City of Port Phillip. The Mayor noted that advocacy was a key part of Council's agenda for the year and that it was encouraging when the community and Council worked together to achieve positive community outcomes.

The Mayor again thanked the many community members who had raised the concern, rallied behind the need for the trial, and contributed to generating positive change.

## **KATHLEEN PATRICIA (PAT) BROWN OAM -100<sup>TH</sup> BIRTHDAY**

The Mayor, on behalf of Council, congratulated Kathleen Patricia (Pat) Brown OAM on the occasion of their 100th birthday and acknowledged this significant milestone. Council recognised their outstanding contribution and service to the community, including their tenure as a former Councillor of the former City of South Melbourne. Pat was an advocate for the community both as a private citizen and as a Councillor at the former City of South Melbourne.

Pat served on the former City of South Melbourne Council from 1978 to 1984, and again from 1988 to 1994, including a term as Mayor from 1983 to 1984. Pat was awarded a Medal of the Order of Australia in 1989 for their service to the community and Local Government.

Following the creation of the City of Port Phillip through the amalgamation of the Cities of South Melbourne, Port Melbourne and St Kilda, Pat returned to Local Government and became one of Council's first elected Councillors, serving from 1996 to 1999 and lending their experience during Council's initial term post-amalgamation.

Council extended warm birthday wishes to Pat, and Mayor Makin encouraged the community to look out for the next edition of Divercity, which would include an interview with Pat.

## **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/archive.php>**

### **Public Question Time:**

- **Michael Barrett:** My questions relate to the NEXTDC M4 Data Centre in Port Melbourne, the Port Phillip EcoCentre has received funding from the City of Port Phillip for many years and, most recently, received joint funding with the Victorian Government for the redevelopment of the EcoCentre building. The EcoCentre's stated purpose is to provide education and inspiration to the broader community, particularly in relation to environmental issues. My questions at the 4 and 18 March Council meetings raised concerns about the environmental impacts of data centres, particularly water and electricity consumption, which are public assets managed by the Victorian Government. Through an FoI request, it has been confirmed that prior to Council receiving advice from

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the Victorian Government on 16 January 2026 that a planning permit had been issued for the NEXTDC M4 Data Centre, Council had received no inbound communication from the EcoCentre regarding the M4 Data Centre. This is despite the public media announcement of the M4 Data Centre on 12 June 2025.

Given the potential environmental and cost impacts of the M4 Data Centre on City of Port Phillip residents and ratepayers, the absence of any formal engagement by the EcoCentre prior to January 2026 is notable.

In your response to my question of March 18, you proposed follow up conversations with the Victorian Government regarding the M4 Data Centre. Can the EcoCentre now be added to your proposed list of follow up parties for follow up discussions?

*Mike Fisher, Manager City Planning and Sustainability stated that the Port Phillip EcoCentre is an independent, not-for-profit organisation, and Council provides funding particularly for provision of environmental education, volunteer programs and practical action projects to the City of Port Phillip community. Council does not direct the EcoCentre on its advocacy priorities or submissions which they may do from time to time. Council is not aware of any involvement or experience of the EcoCentre in relation to the data centre, and Council is not planning to add the EcoCentre to the list of follow up discussions. Instead Council's focus will be on the continued collaboration with the M9 Councils.*

- **Matilda Jessen:** I am here on behalf of a group of Gourlay Street residents regarding the tree removal and replacement works scheduled to commence on 27 April 2026. We welcome Council's investment in the street, there are concerns that the current proposal represents a short-term fix rather than a coordinated whole-of-street plan. Trees have been failing to thrive in Gourlay Street have struggled for almost a decade. Council has confirmed that many are diseased and failing due to sap-sucking insects and sooty mould. Despite this, large sections of diseased trees are being retained in upcoming works, even after multiple treatment attempts have not worked. Why is Council only replacing 23 of the 96 diseased trees in Gourlay Street rather than delivering a cohesive whole of street replacement program? Replacing less than a quarter risks a piecemeal outcome; many of the remaining trees are likely to fail in the near future due to the potential spreading of disease to new planting. This means we'd see ongoing canopy loss, inconsistent streetscape quality and no clear succession plan ultimately resulting in repeated removals and high long term costs. We're not asking for a delay, but an urgent review to ensure this project delivers a coordinated long term outcome for the whole of the street.

*Mark Thompson, Manager Parks and Infrastructure Maintenance stated that the independent expert report, which Council commissioned earlier this year, does not recommend the whole-of-street replacement. It confirms that while some trees are affected by the sooty mould, most are viable and responding to treatment. Removing them would unnecessarily destroy existing canopy directly contradicting the intent of the Greening Balaclava Urban Forest Plan. Council is therefore taking a targeted, evidence based approach removing only 23 of the trees that are genuinely failing and unlikely to recover, while retaining and improving conditions for the remaining trees. An independent soil investigation found that poor tree health is primarily driven by degraded soil conditions, not disease. High alkalinity, low nutrients, compaction and poor water retention were some of the issues. The solution is to fix the soil and large tree pits capture storm water through passive irrigation and replant with a selected species. This approach avoids the long-term canopy loss, delivers better environment outcomes, and reflects best practice and urban forest management rather than whole sale removals.*



- **Lisa Aldenhoven:** I'd like to reiterate that of the 96 trees in Gourlay Street, 80 are callistemons, and all of the callistemons are affected by sooty mould. We talk about the urban canopy and not wanting to disrupt that by removing all of the trees, but I would argue that there is no canopy provided by the existing trees given that they all have dieback and many are already dead. Of the 23 trees that have been marked for replacement only 17 of those are callistemons. Six are trees of other species that do not appear to be diseased, one assumes that they have only been nominated for removal as they are not consistent with the other trees on the street. The parasite is not species specific, so there is nothing to stop it from moving to the new trees once they are planted. All of the trees have issues with the soil and yet only 23 of the trees are going to be addressed by the works. How can Council justify that these works are going to contribute to a healthy urban forest and enhancing the streetscape when you are leaving 63 disease ridden trees in the street?

*Mark Thompson, Manager Parks and Infrastructure Maintenance stated that along Gourlay Street, 81 trees were assessed by specialist arborists. Of these, 10 were found to be dead and a further 14 were assessed as being in poor health. In total, 23 trees have been programmed for removal next week, as they are unsuitable for long-term retention. The remaining 57 trees were assessed as being in fair to good condition and suitable to retain. Where these trees were displaying sooty mould, they were treated with a systemic insecticide to reduce the insect population producing the honey-dew on which the mould grows. This treatment supports the long-term health of the retained trees, and Council will continue to monitor these trees and treat them appropriately. Replacement planting will occur in May, following upgrades to the tree plots. These upgrades include increasing plot sizes, improving soil quality, and installing passive irrigation to ensure new trees have the best possible conditions to thrive. Another key outcome of the project is improved paths of travel along the street to meet disability access standards.*

- **Adrian King:** In relation to the Lagoon Reserve Pavillion did any Councillor at any point over the course of the upgrade project, from the ideation phase through to completion, declare a conflict of interest? If so, please confirm who and when? Please outline Albert Park College's preferences for a pavilion 2nd floor including size as measured in m2, floor layout, overall design features and the school's main priorities. Did the College have any communication with the Council's external consultants used regarding the final colours chosen for the exterior of the pavilion?

In relation to local laws, given the widely known anti-social behaviours witnessed in St Kilda linked to rough sleepers, please explain why existing local law 42 (2) relating to camping on Council land does not conflict with local law 17 - behaviour on Council land.

*Kylie Bennetts, General Manager, Community Wellbeing took on notice the questions relating to the Lagoon Reserve Pavillion.*

*Brian Tee, General Manager, City Development stated that Local Law 42(2) is the camping on Council land exemption provision, and clause 17 relates to behaviour on Council land and they regulate different matters. As such Council does not believe that they conflict with each other. Local Law 42(2) restricts camping on Council land with limited exemptions such as where a person is homeless or has complex needs and this clause applies to camping, rather than behaviour. Whereas clause 17 is about behaviour and it applies to all people on Council land and provides that a person must not unreasonably interfere with another person, harass a person, or act contrary to any conditions or signs. A person who does not breach the camping prohibition Local Law may still behave in a way that breaches Local Law 17 relating to behaviour.*



- **Ebony Bain:** My question relates to the selling off of community housing in the City of Port Phillip. In the early 2000s, Council gave away 1.2 hectares of Council land on Greeves Street to a property developer on the condition that 28 of those apartments be put aside for community housing. Originally this was managed by the Port Phillip Housing Trust, which was created by Council but in 2005, the 28 properties were given away for free to Housing First to manage. In 2024, Council was notified that Housing First was planning to sell all 28 apartments. In these apartments, are people who are deeply connected to the area, some have lived for over 70 years and when they moved into these apartments around 20 years ago, they were promised that this would be their forever home. Residents are now being asked to move away from their community, move into show box apartment, aged care settings earlier than they require, or locations further from their local amenities. Given that these apartments were gifted to Housing First by Port Phillip Housing Trust, what can the Council do to prevent this from happening? If there is nothing you can do as you've previously said then why does Council continue to work with the same model? In 2020, Council again gifted land to Housing First to build 46 units on Marlborough Street, Balaclava. This model also features heavily in the Homelessness and Affordable Housing Strategy. How does the Council see community housing as a long-term strategy for homelessness and affordable housing when it appears that housing can just be sold whenever organisations like Housing First deem that they are no longer profitable. Housing First also charges tenants up to 30% of their income, raising concerns about ongoing housing affordability and housing stress. Is the Council making any changes to prevent Housing First and other organisations like them from selling off housing in the future or regulate minimum standards?

*Christine Dening, Manager Community Building and Inclusion took the questions on notice.*

## **Council Report Submissions:**

### **Item 7.1 Presentation of CEO Report – February Issue 126**

- Kevin Joyce

### **Item 11.3 13-21 Palmerston Crescent, South Melbourne – 916/2014/A**

- Anthony Scarpaci (Applicant) • David MacGowan

### **Item 14.2 Notice of Motion – Councillor Mears – Advocacy on Safety and Regulation of e-bikes, e-scooters and e-moto bikes**

- Adrian King

## **5. COUNCILLOR QUESTION TIME**

- **Councillor Buckingham:** Following on from the questions raised during Public Question Time about tree planting on Gourlay Street. Is there a risk that the new plantings will fail because of the parasite in the struggling trees? Has this risk been considered and do we have plans to address this?

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*Mark Thompson, Manager Parks and Infrastructure Maintenance stated that the risk is very low and Council is replacing all the soil in the current tree plots with fresh new soil for this particular species. Current tree plots are not suitable to maintain that particular species. The structural elements of the other trees in the street are currently being assessed on a 6 monthly basis and treating them accordingly. There is little evidence that the sooty mold will infect and affect the survival rate of the trees.*

**Councillor Buckingham:** Is the soil remediation is happening for all of the trees on Gourlay St or just the trees that are being replaced?

*Mark Thompson, Manager Parks and Infrastructure Maintenance stated that stage one is the trees being removed and the trees going into the plots. Stage two which is due in July 2026 is remediating the soil around the other trees that will be done by nondestructive digging and making the soil plots larger, and also adding additives to the soil to improve the health of the trees.*

**Councillor Buckingham:** This is clearly an ongoing process, it does start next week, but it's not a set and forget. Is there scope for Council officers to meet with residents of Gourlay Street to explain the plans for the trees and potentially consider some of their historical knowledge about failed tree planting in the past to continually improve the plan for Gourlay Street trees and hopefully improve the likelihood of success.

*Mark Thompson, Manager Parks and Infrastructure Maintenance confirmed that Council officers will be meeting with Lisa Aldenhoven on site prior to the works commencing and are happy to meet with other residents when is suitable to them. Another letter drop will occur on Friday 24 April 2026.*

**Councillor Halliday:** Followed up that it's been mentioned that the sooty mold is caused by the sugars or nectars on the trees, and that this is being treated with something that will kill the insects on there. Will this be something that needs to be done on an ongoing basis to manage the trees

*Mark Thompson, Manager Parks and Infrastructure Maintenance stated that stage two is improving the soil in the soil plot, as the current soil plots are too small for the trees in the current state. Increasing the soil density will significantly improve the tree health. Ongoing treatment will be unlikely, once Council gets on top of the disease and the trees return to a healthy condition they should have a full and natural life.*

- **Councillor Thomann:** I'm interested to find out who are the people over 100 years old in the City of Port Phillip. Is there a way to find out who are our centenarians and who is actually the oldest person living in the City of Port Phillip?

*Kylie Bennetts, General Manager, Community Wellbeing took the question on notice.*

- **Councillor Thomann:** There has been some questions about who owns Monarch Lane and the lane behind Monarch Lane in St Kilda. Who is responsible for the maintenance. Noting that there is often overflowing rubbish bins creating impacts for those that use it.

*Vicki Tuchtan, Manager, Property and Assets stated that the laneways referred to form a T shape off Ackland Street in St Kilda and one of them is referred to as Monarch Lane which is under private ownership. The laneway behind it that runs parallel to Acland Street is Council owned. Council has, at its discretion, assumed responsibility for the private laneway in terms of maintenance, and of course has a responsibility for the maintenance of the Council owned land at the rear.*

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- **Councillor Halliday:** Following up on the question from Ebony Bain in relation to the management of the housing trust, what is Housing First's obligation under the housing trust? What did entrust them to do with all these properties?

*Christine Denning, Manager Community Building and Inclusion stated that Housing First as trustees are responsible for the day-to-day management of the assets that are held within the trust.*

**Councillor Halliday** followed up to ask under that trusteeship, what is their discretion to buy, sell, invest the assets of the trust?

*Kylie Bennetts, General Manager, Community Wellbeing stated that Housing First is fully responsible for deciding which properties or units it wishes to sell when these properties are sold on the sale price.*

**Councillor Halliday:** followed up to ask am I to understand that the only effective constraints here on their management of it, notwithstanding other reasonableness, is that those proceeds of the sale need to be reinvested in the City of Port Phillip.

*Kylie Bennetts, General Manager, Community Wellbeing believed that yes that is the case.*

- **Councillor Halliday:** We still face the uncertainty of whether the Strait of Hormuz is open or closed on an hour by hour basis. We have seen some impacts or this and bracing ourselves for further impacts. What areas of Council operations and our outsourced services use fossil fuels and their derivatives?

*Mike Fisher, Manager City Planning and Sustainability stated that while Council continues to seek to reduce use of fossil fuels, Council does use fossil fuels in its operations including fuel for Council vehicles, gas used in buildings, and a small percentage of electricity used for street lighting. Fossil fuels are used in outsourced services and in Council owned buildings that are leased to tenants where fuel and energy used is managed by contractors or occupants rather than directly by Council. Council continues to seek opportunities to reduce fossil fuel use as part of the Act and Adapt strategy implementation and Council's overall commitment to reducing CO<sub>2</sub> emissions.*

**Councillor Halliday:** Followed up to ask derivatives wise, for example our road resurfacing program would also be impacted by increase in fossil fuel costs, given the bitumen required?

*Mike Fisher, Manager City Planning and Sustainability took the question on notice*

**Councillor Halliday:** How much of our CO<sub>2</sub> emissions are we offsetting each year?

Understand that we promote that we're net zero CO<sub>2</sub> emissions, but we still have fossil fuel utilization.

*Mike Fisher, Manager City Planning and Sustainability stated that Council purchases renewable energy through a power purchasing agreement and then buys carbon offsets for the remaining emissions from operations. The number of carbon offsets purchased was 1,791 tonnes in financial year 23/24 and 1,987 tonnes in financial year 24/25.*

**Councillor Halliday:** Followed up to ask what cost impacts are we projecting for our fossil fuel and derivatives usage in the upcoming budget?

*Mike Fisher, Manager City Planning and Sustainability stated that at this stage it is difficult to project the future costs across the complete fossil fuel and derivatives usage for Council. Before the conflict in the Middle East the annual budget for fuel was \$425,000 assuming diesel prices around \$3/L for six months, obviously this is speculation. Council is expecting the cost to increase by \$68,000.*



- **Councillor Halliday:** How much of our light vehicle fleet is currently electrified?  
*Mike Fisher, Manager City Planning and Sustainability stated that to date Council has 164 road registered assets in the fleet, 32 are fully electric, 60 are hybrid, and 72 of diesel/petrol.*  
**Councillor Halliday** followed up to ask under our new waste contract, what provisions are there in that contract for the electrification of our waste collection fleet?  
*Mike Fisher, Manager City Planning and Sustainability stated that the recently signed 4 year waste contract extension does not contain any provisions to electrify the service providers waste collection fleet, however officers are looking to the feasibility for the next contract and working on route optimisation to minimise travel distances to and from processing and collection.*  
**Councillor Jay** followed up to ask with all of the tonnage of carbon, how much did that cost? I'm assuming that we purchased carbon credits is that the way we offset that?  
*Mike Fisher, Manager City Planning and Sustainability took the question on notice.*

- **Mayor Makin:** We had a recent announcement from the State Government around an increase in frequency on our rail network. Have we received any notification around corresponding services frequency improvements on the bus network within the City of Port Phillip? Noting once again, that some key bus routes were identified as a priority under the Fishermans Bend Integrated Transport Plan.  
*Brian Tee, General Manager, City Development stated that Council has not received any notification or seen any public notification in relation to increases in bus services as outlined.*  
**Mayor Makin** followed up to clarify, despite an uplift of bus frequency being identified as an immediate improvement in the Fishermans Bend Integrated Transport Plan, which was released in September 2025, we are yet to see any uplift on the bus network as a result of that plan?  
*Brian Tee, General Manager, City Development took the question on notice*

## 6. PETITIONS, JOINT LETTERS AND DEPUTATIONS

Nil.

## 7. PRESENTATION OF CEO REPORT

### 7.1 Presentation of CEO Report – February Issue 126

#### Purpose

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

The following questions were taken on notice during discussion of the item:

- **Councillor Halliday:** Following on from Kevin Joyce's submission, a point was made that the traffic management plans included in the planning application now being superseded by the work that we're doing currently on Argyle St. How do we reconcile those two things, where we've done a traffic management plan and then we've change the conditions on the street?



*Kylie Bennetts, General Manager, Community Wellbeing took the question on notice but encouraged anyone affected by the granting of a permit can make objections or other submissions through Council's processes.*

- **Councillor Halliday:** Can you clarify how that process works? When residents make objections or supporting submissions and at what threshold does that come to Council for consideration?

*Kylie Bennetts, General Manager, Community Wellbeing took the question on notice.*

- **Councillor Thomann:** When you look at the St Kilda Pier, on the left there is an electric box that will be in the middle of 12 new palm trees. Have we envisioned for that electric box to be moved elsewhere to a less prominent space than in the middle of this eventual \$60m upgrade. Has this been considered?

*Kylie Bennetts, General Manager, Community Wellbeing took the question on notice.*

### **Moved Crs Halliday/Mears**

That Council:

- 3.1 Notes the CEO Report - February 2026 - Issue 126 – Monthly Review (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**

## **8. A HEALTHY AND CONNECTED COMMUNITY**

Nil.

## **9. AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT CITY**

Nil.

## **10. A SAFE AND LIVEABLE CITY**

Nil.

## **11. A VIBRANT AND THRIVING COMMUNITY**

### **11.1 Proposed Port Melbourne Special Rate and Charge Declaration Report**

#### **Purpose**

- 1.1 To determine Council support for the declaration of the Port Melbourne Special Rate and Charge (Special Rate) for 2026 – 2031 period.

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



- **Councillor Cunsolo:** Is there a hardship provision or are these fees allowed to be paid quarterly?

*Susie Filleti, Head of Economic Development stated that the special rate is part of the rating strategy, therefore the same hardship process applies.*

*Mike Fisher, Manager City Planning and Sustainability took the question on notice as to whether quarterly payments could be made.*

### **Moved Crs Cunsolo/Makin**

That Council:

- 3.1 After considering all submissions and objections, and meeting the requirements of sections 163, 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, Council declares the Port Melbourne Special Rate and Charge under section 163(1) of the Act. The purpose of this Special Rate is to support marketing, promotion and business development activities for the Port Melbourne Business Precinct, as outlined in the draft Declaration (**Attachment 1**).
- 3.2 Authorises the Port Melbourne Business Association (**Association**) to manage the funds raised from the Special Rate and Charge, on the condition that the Association enters into a funding agreement with Council for the duration of the Special Rate and Charge.
- 3.3 Authorises the CEO, or their delegate, to prepare and finalise the funding agreement between Council and the Association. This agreement will confirm all administrative arrangements and ensure that Council maintains full legal responsibility for approving and overseeing how the Special Rate and Charge funds are spent, in accordance with its obligations under the Act.
- 3.4 Notes the feedback provided through submissions and objections, as considered at the Council Meeting on 18 March 2026 and notes that Council Officers will work with the Association to reach out to those businesses who provided submissions and objections to ensure that opportunities and concerns identified are considered and, where possible, addressed to leverage the benefits of the Special Rate and Charge.
- 3.5 Notifies all owners and occupiers of properties included in the Special Rate and Charge, and all persons who have lodged a submission and/or objection of the decision of Council, of the decision to declare and levy the Special Rate and Charge commencing on 1 July 2026, and the reasons for the decision.
  - 3.4.1 For the purposes of paragraph 3.4 of this resolution, the reasons for the decision of Council to declare the Special Rate and Charge are that:
    1. there were 11.2 percent valid objections to the Special Rate and Charge, and overall, there is considered to be broad support from affected property owners and occupiers;
    2. the Special Rate supports Council's role and responsibilities under the Act, especially relating to encouraging local business activity, retail growth and employment in the area;
    3. all persons who are liable or required to pay the Special Rate and Charge, and the properties respectively owned or occupied by them, will receive a special benefit in the form of an enhancement or maintenance



in land values and /or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and

4. the basis for distributing the Special Rate and Charge among those required to pay it is considered fair and reasonable.
- 3.6 Advises the Association of the items outlined in 3.1, 3.2 and 3.3 of this resolution.
- 3.7 Notes the properties that are included in the Special Rate and Charge area will be subject to general re-valuations and supplementary valuations on the same cycle as the City of Port Phillip general rates and charges.

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

## **11.2 Proposed South Melbourne Special Rate and Charge Declaration Report**

### **PURPOSE**

- 1.1 To determine Council support for the declaration of the South Melbourne Special Rate and Charge (Special Rate) for 2026 – 2031 period.

### **Moved Crs Jay/Thomann**

That Council:

- 3.1 After considering all submissions and objections, and meeting the requirements of sections 163, 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, Council declares the South Melbourne Special Rate and Charge under section 163(1) of the Act. The purpose of this Special Rate is to support marketing, promotion and business development activities for the South Melbourne Business Precinct, as outlined in the draft Declaration (**Attachment 1**).
- 3.2 Authorises the South Melbourne Business Association (**Association**) to manage the funds raised from the Special Rate and Charge, on the condition that the Association enters into a funding agreement with Council for the duration of the Special Rate and Charge.
- 3.3 Authorises the CEO, or their delegate, to prepare and finalise the funding agreement between Council and the Association. This agreement will confirm all administrative arrangements and ensure that Council maintains full legal responsibility for approving and overseeing how the Special Rate and Charge funds are spent, in accordance with its obligations under the Act.
- 3.4 Notes the feedback provided through submissions and objections, as considered at the Council Meeting on 18 March 2026 and notes that Council Officers will work with the Association to reach out to those businesses who provided submissions and objections to ensure that opportunities and concerns identified are considered and, where possible, addressed to leverage the benefits of the Special Rate and Charge.
- 3.5 Notifies all owners and occupiers of properties included in the Special Rate and Charge, and all persons who have lodged a submission and/or objection of the decision of Council, of the decision to declare and levy the Special Rate and Charge commencing on 1 July 2026, and the reasons for the decision.



- 3.4.1 For the purposes of paragraph 3.4 of this resolution, the reasons for the decision of Council to declare the Special Rate and Charge are that:
1. there were 11.3 percent valid objections to the Special Rate and Charge, and overall, there is considered to be broad support from affected property owners and occupiers;
  2. the Special Rate supports Council's role and responsibilities under the Act, especially relating to encouraging local business activity, retail growth and employment in the area;
  3. all persons who are liable or required to pay the Special Rate and Charge, and the properties respectively owned or occupied by them, will receive a special benefit in the form of an enhancement or maintenance in land values and /or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
  4. the basis for distributing the Special Rate and Charge among those required to pay it is considered fair and reasonable.
- 3.6 Advises the Association of the items outlined in 3.1, 3.2 and 3.3 of this resolution.
- 3.7 Notes the properties that are included in the Special Rate and Charge area will be subject to general re-valuations and supplementary valuations on the same cycle as the City of Port Phillip general rates and charges.

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

**FOR:** Crs Makin, Jay, Thomann, Mears, Crawford, Buckingham, Halliday and Cunsolo

**AGAINST:** Cr Hardy

*The Mayor adjourned the meeting for a break at 7:59pm.*

*The meeting resumed at 8:20pm.*

### **11.3 13-21 Palmerston Crescent, South Melbourne - 916/2014/A**

#### **PURPOSE**

- 1.1 To consider and determine an application to amend a permit that allows the construction of a 19-storey mixed-use building above four basement levels in the Commercial 1 Zone and affected by a Design and Development Overlay and a Special Building Overlay, and a reduction to the car parking requirement.

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

- **Councillor Jay:** Considering that this site is being sold with the permit, is that legal?

*Samuel Laing, Principal Planner took the question on notice.*



***Councillor Jay moved an alternate to (1) include the addition of condition 1m (requiring the provision of visitor car parking spaces) and (2) outline the permit expiry date and Councillor powers in relation to planning permit extension requests:***

**Moved Crs Jay/Mears**

3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant an Amended Permit in Amended Permit Application 916/2014/A at 13-21 Palmerston Crescent, South Melbourne.

3.2 That the decision be issued as follows:

- 1 Existing Condition 1 (Amended Plans Required) be amended by deleting the words struck through and inserting the words in bold as follows:

Amended Plans Required

1. Before the development starts (other than demolition and preliminary site works), amended plans to the satisfaction of the Responsible Authority must be submitted to 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 ~~three copies must be provided~~ **submitted in electronic form**. The plans must be generally in accordance with the plans ~~numbered A001, A500, A501, A505, A506, A507, A508, A519, A550, A900, A901, A902, A903 and A952 all dated 22 May 2015 and plans numbered A489, A490, A950 all dated 4 December 2015 and A954 dated 9 December 2015~~ **10 September 2025** all prepared by Elenberg Fraser but modified to show:
  - a. Reconfiguration of the layout of Apartment 9 on the podium level 01-04 to orient the living area towards the east/right of way.
  - b. ~~Notation of bicycle parking spaces dedicated to the residential use and to the retail use~~ **Deleted**.
  - c. Initiatives required under conditions ~~54~~ and ~~76~~.
  - d. A coloured schedule (2 copies in a form that are able to be endorsed and held on file) of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed building.
  - e. All plant, equipment and services (including air conditioners, heating units, hot water system, etc) which are to be located externally identified on plans.
  - f. The roof of the arcade no higher than the lower sill height of the north facing habitable room windows on podium level 1.
  - g. Location of air conditioners for each dwelling with no air conditioners to be located in a winter garden which has an area of less than 8 square metres.
  - h. Screening of roof plant to the satisfaction of the Responsible Authority.



- i. The reflectivity of all external glazing materials to the satisfaction of the Responsible Authority.
  - j. **All references to the previous commercial uses deleted.**
  - k. **All references to the previous number of basement levels corrected.**
  - l. **The number and type of bins within the ground floor bin room updated to reflect the requirement for 21 bins in Section 3.4 of the Waste Management Plan (Issue B), prepared by Traffix Group and dated 24 October 2025.**
  - m. **Inclusion of a minimum of five car parking spaces allocated for the sole use as visitor car parking.**
- 2 Existing Condition 1 (No Alterations) be renumbered as a new Condition 1A.
  - 3 Existing Condition 11 (Car Parking Allocation) be deleted.
  - 4 The preamble of the existing permit be amended by deleting the words struck through and inserting the words in bold as follows:

To develop and use the land for the purpose of construction of 19 storey building ~~containing food and drink premises, retail and gymnasium at ground level,~~ with 196 apartments at upper levels, including ~~two~~ **three** basement levels and a reduction in car parking requirements~~-,~~ generally in accordance with the endorsed plans and subject to the following conditions.
- 3.3 Notes that the Amended Planning Permit will expire on 31 December 2027 if the development has not commenced. If an extension of time request is made to further extend the expiry date, that Councillors have powers under the 'City of Port Phillip S6 Instrument of Delegation to Members of Staff' to call in an extension of time request for determination at a Council or Planning Committee meeting.

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

## **12. AN ENGAGED AND EMPOWERED COMMUNITY**

### **12.1 Councillor Expenses Monthly Reporting - March 2026**

#### **PURPOSE**

- 1.1 To report on the expenses incurred by Councillors during March 2026 in accordance with the Councillor Expenses and Support Policy.

#### **Moved Crs Mears/Halliday**

That Council:

- 3.1 Notes the monthly Councillor expenses report for March 2026 (Attachment 1) and that this will be made available on Council's website.

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



## 12.2 Council Internal Resolution Procedure (Amendment)

### Purpose

- 1.1 To facilitate the adoption of a revised Council Internal Resolution Procedure (CIRP) which will be observed when dealing with alleged breaches of the Model Councillor Code of Conduct.

### Moved Crs Jay/Thomann

That Council:

- 3.1 Adopts the revised Council Internal Resolution Procedure. (Attachment 1).
- 3.2 Authorises the Chief Executive Officer, or their delegate, to make minor changes that do not materially alter the Council Internal Resolution Procedure.

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

## 13. A TRUSTED AND HIGH-PERFORMING ORGANISATION

### 13.1 Proposed discontinuance and sale of part R1831 (adjoining 56 Park Road, Middle Park VIC 3206)

#### Purpose

- 1.1 For Council to consider whether part of R1831 (Road) adjoining 56 Park Road, Middle Park, being part of the Land contained within Certificate of Title Volume 11330 Folio 501 (described as Road R1 on Plan of Subdivision PS641059P) shown outlined below in red on the Plan of Subdivision extract ("the Road"), should be discontinued pursuant to the *Local Government Act 1989 (Vic)* ("the Act") and sold to an adjoining property owner ("the Applicant").

### Moved Crs Hardy/Thomann

That Council:

Having considered that there were no submissions received in response to the public notice regarding Council's proposal to discontinue part of the Road, more particularly known as R1831:

- 3.1 Resolves to discontinue the Road as it considers that the Road is no longer reasonably required for public use for the following reasons:
  - 3.1.1 This section of the Road is not used for vehicular or pedestrian access by the public to access any adjoining properties, and
  - 3.1.2 This section of the Road is entirely fenced within the Applicant's residential allotment.
- 3.2 Resolves to sell the portion of the discontinued Road for market value plus disbursement of Council's costs to facilitate this transaction to the adjoining owner, 56 Park Road, Middle Park ("the Applicant").



- 3.3 Notes that proceeds from the sale will go into Council's Strategic Property Reserve used to support the acquisition and development of Council's property portfolio.
- 3.4 Authorises the Chief Executive Officer or their delegate to negotiate, approve, and enter into such documentation to complete the discontinuance, sale, and transfer of the Road as described.
- 3.5 Directs that the Chief Executive Officer or their delegate signs an authorisation allowing Council's solicitors to execute transfer documents and any other documents required to be signed on Council's behalf in connection with the transfer of the discontinued Road to the Applicant.
- 3.6 Directs that any easements, rights or interests required to be created or saved over the Road by any public authority be done so and not be affected by the discontinuance and sale of the Road.
- 3.7 Directs that the Applicant consolidates the title to the discontinued Road with the title to the Applicant's land (or such part of it approved by Council) within 12 months of the date of the transfer of the discontinued Road.

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

*The Mayor adjourned the meeting for a break at 8:59pm.*

*The meeting resumed at 9:06pm.*

## **14. NOTICES OF MOTION**

### **14.1 Notice of Motion – Councillor Thomann – Advocacy for Local Planning Authority and Community Led Decision-Making**

**Moved Crs Thomann/Mears**

That Council:

1. Expresses its strong concern regarding recent State Government planning reforms and interventions that remove or reduce Council's role as the responsible authority for certain categories of development, centralising decision-making and diminishing the capacity of locally elected representatives and the local community to assess proposals against neighbourhood character, infrastructure capacity, heritage values and community expectation.
2. Affirms Council's commitment to a planning system that is locally informed, evidence-based and publicly accountable, including meaningful community consultation and clear pathways for residents to understand and participate in decisions that shape their neighbourhoods.
3. Requests the Mayor write to the Minister for Planning conveying Council's concerns about the impacts of these reforms on local democracy and planning integrity and advocating for planning processes that maintain robust local involvement, transparency and accountability.



4. Requests that the Mayor, in the letter to the Minister for Planning, also advocate for greater clarity and consistency in State and local planning provisions relating to visitor car parking and on-site loading and service bays, particularly in high-density and high-rise residential developments, to ensure that planning controls appropriately support residents' ability to accommodate visitors, service providers, local traders, and emergency vehicles, and to minimise impacts on surrounding streets and public parking supply.

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

**FOR: Crs Makin, Jay, Thomann, Mears, Hardy and Cunsolo**

**AGAINST: Nil**

**ABSTAINED Crs Crawford, Buckingham and Halliday**

#### **EXTENSION OF TIME**

**Moved Crs Halliday/Mears**

That Council in line with provision 10.2 of the governance rules extends the meeting on 22 April by 30 minutes (until 10:30pm).

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

#### **14.2 Notice of Motion – Councillor Sears – Advocacy on Safety and Regulation of e-bikes, e-scooters and e-moto bikes**

**Moved Crs Mears/Halliday**

That Council:-

1. Acknowledges community concern about:
  - a) non-compliant and modified private e-bikes, e-scooters and e-moto bikes,
  - b) unsafe battery charging and storage (especially in higher-density housing), and
  - c) unsafe riding behaviour and the need for effective deterrence and enforcement.
2. Requests the CEO, or their delegate, advocates to the Victorian Government, through the Department of Transport and Planning (DTP), Energy Safe Victoria (ESV), Transport Accident Commission (TAC), Consumer Affairs Victoria and Victoria Police, for coordinated action to address:
  - a) device safety standards, point-of-sale compliance (including online sales) and post-sale modifications
  - b) battery/charger safety standards, labelling and safer charging guidance, and
  - c) enforcement and education on existing road rules including helmet use, footpath riding, speeding and impairment offences.



3. Requests the Mayor write to the Victorian Minister for Public and Active Transport, seeking coordinated action across DTP, ESV, Transport Accident Commission (TAC), Consumer Affairs Victoria and Victoria Police on these matters and the Australian Minister for Infrastructure, Transport, Regional Development and Local Government to highlight concerns.

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

## 15. REPORTS BY COUNCILLOR DELEGATES

Councillor Jay reported to Council to inform that they had attended the Business of Comedy conference hosted by an organisation in South Melbourne which involved a meeting of the minds as to how they could create a plan or strategy for creating a hub for comedy in Melbourne.

Mayor Makin highlighted that Councillor Hardy also attended the St Patrick's Day event on 15 March 2026 along with Councillors Jay and Thomann, this was omitted from their report at the 18 March Council meeting.

Mayor Makin reported as the Council delegate to the Municipal Association of Victoria (MAV) to inform that they attended a delegation with the MAV from 30 March to 1 April in Canberra to advocate for a range of Local Government priorities from a federal perspective, which involved ministerial meetings discussing social cohesion, the need for investment in city shaping infrastructure, and ongoing viability and sustainability of Local Government. The Mayor thanked MAV for convening the delegation and inviting them to be a part of it.

## 16. URGENT BUSINESS

Nil.

## 17. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 10:03pm.

Confirmed: 6 May 2026

Chairperson \_\_\_\_\_