



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

20 MARCH 2024



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD
20 MARCH 2024 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS**

The meeting opened at 6:33pm.

IN ATTENDANCE

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

Chris Carroll, Chief Executive Officer, Brian Tee, General Manager City Growth and Development, Taryna McKenzie, Interim General Manager Community Wellbeing and Inclusion, Lachlan Johnson, General Manager, Operations and Infrastructure, Claire Stevens, General Manager Organisational Capability and Experience, Joanne McNeill, Executive Manager Governance and Organisational Performance, Simon Hill, Executive Manager Waste and City Maintenance Dana Pritchard, Manager Open Space, Recreation and Community Resilience, Lauren Bialkower, Executive Manager City Growth and Culture, Peter Liu, Chief Financial Officer, 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 Martin/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 6 March 2024 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Bond declared an interest in item 7.2 *Petition: Esplanade Hotel Grand Prix Street Party 22-24 March 2024* as they reside within the Espy apartments which is where the petition originated from. Councillor Bond did not determine this to be a conflict of interest as they derive no financial benefit from the Espy Hotel Grand Prix or believe there is any amenity impact to them as a resident of the apartments as a result of the street party or had any discussions relating to the petition with any residents in their building.

Councillor Clark declared an interest in relation to confidential item 17.1 *Independent Waste Review*. They have previously declared material and general conflicts of interest when



Council has considered matters directly related to waste issues due to their employment within the waste sector. Having reviewed the report being considered, they did not determine they had a conflict of interest in line with the Local Government Act and Council's Governance Rules. Out of an abundance of caution and in the interest of transparency, Cr Clark declared the interest to ensure the community is aware of their considerations. Councillor Clark advised they would continue to monitor the discussions of the item and should a conflict arise they would disclose it and remove themselves from discussion or decision at that point.

Chris Carroll, Chief Executive Officer, declared a potential perceived general or material conflict of interest in relation item 10.4 *Council Submission to the Victorian Government's Fishermans Bend Urban Renewal Area Development Contributions Plan (Planning Scheme Amendment GC224)* as they have recently become a director of a trust and that trust holds an interest in a managed fund. That fund holds a small interest in a very large company – Goodmans – one of the key land owners in Fishermans Bend. The CEO advised that they are seeking further advice as they do not believe it is a conflict. They have not taken part in the finalisation of the report when they became aware of that interest but would remain in the meeting for the consideration of the item as they do not have a decision-making role.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

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

Public Question Time:

- **Helen Taylor:** Can council please clarify if Lagoon Reserve will be considered a specialised sports field and are there any plans to change the current open space usage of this facility? You have 263 sporting members currently for Lagoon reserve. Can Council clarify of these members the number who are actual rate paying residents of Port Phillip?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience advised that the specialised sports grounds that are specified in the dog off leash report are grounds which are maintained to host premier level sports. These grounds are North Port Oval and pitch 1 at JL Murphy Reserve and both of these grounds are currently not dog off lead areas. Lagoon Reserve will not be considered a specialised sports ground as it is being built to community level competition. Lagoon Reserve is an important element in our open space network that provides for a range of users including sports clubs. Sports clubs across Port Phillip are comprised of a number of Port Phillip residents as sports participants are more readily connected to clubs within their local area. Council does not currently collect statistics as to who is a resident and who isn't in regards to members of sports clubs. There are no changes proposed for the existing dogs off leash status at Lagoon Reserve.

- **Alex Darton:** We had a heatwave recently and a recent study showed that it is three degrees hotter within rented apartments as it is those owned by the individual. At night, when heatwaves do the most damage to the health of our residents, what can the City of Port Phillip do to help those in social housing, both long term and in the immediate? A recent report showed that 70% of social housing do not have air con or fans. The lack of air con or even fans mandated in these houses, though not our Council's responsibility, has a massive impact on the health of our residence. Can we be focusing our greening projects in and around these places of residence?

Tarnya McKenzie, Interim General Manager Community Wellbeing and Inclusion advised that as part of Council's extreme weather response, Council provides heat response

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 20 MARCH 2024



information and links and hot weather preparation advice. Our important partnerships with services supports us in actively responding through the course of the heatwave. Council is also working on a new Urban Forest Strategy which is currently under development and is considering how greening can be used to cool the City. This will include focusing attention for greening projects on areas of most need.

- **Janet Conwell:** The increase in homelessness in Melbourne is a significant social issue. It's crucial to address the root causes and provide support rather than just "moving people on", which does not solve the underlying problem. "Move on" directions are often given to people sleeping rough and can result in legal charges if escalated. These laws have been criticised for potentially being discriminatory and not addressing the real needs of homeless individuals. Enforcing such laws can have a detrimental effect on those without a home, leading to a cycle of fines, legal issues, and further entrenchment of poverty. What are the "move on" rules or laws for homeless people sleeping rough on the streets of Port Melbourne and actively homeless people living in their cars?

Brian Tee, General Manager City Growth and Development advised that Council has a proud record of supporting the most vulnerable within our community including rough sleepers. Council also understands and believes in the importance of addressing the underlying causes. Council officers, including through our local laws officers, are in regular contact with rough sleepers and look to engage them with services, including homelessness services and drug and alcohol support, and provide other support where we can. In 2023, Council opened up 30 apartments near Balaclava Station within a former Council car park for those most at risk. This year construction has commenced on another housing project in Wellington Street for an additional 30 new apartments which has got a substantial funding contribution from Council. Specifically in relation to move on powers, Council's Local Law does not have any move on powers, this is primarily the responsibility of Victoria Police. In relation to people sleeping in cars, Council does have a Local Law no.42 which deals with camping, which makes it illegal or a breach of the local law to camp in a car on public land including car parks. However there is an exception within that Local Law which provides that it is not an offence if you are homeless.

Mayor Cunsolo advised that due to several questions being received in relation to the Pickles Street safety improvements trial, where Council voted to not continue with the trial and to not make the installation permanent at the 21 February Council Meeting. Under rule 51.8 of Council's Governance Rules, questions were grouped together and a joint officer response provided.

- **Philip Edmands:** My question really is whether will more time will be allowed to determine what will happen given the recent decision in relation to that Pickles St median treatment? There seems to be a view now that because the permanent vote wasn't carried, nothing can be done, and perhaps without more that might be true. But clearly Council can do more. It is the responsible authority so it has the statutory duty of care to make the intersection safe. So it obviously must have the power to control what is done there and that part to fulfil its statutory obligation would never be abrogated by a procedural rule. It could rescind its earlier decision and replace it with a more nuanced one, it could add to it etc. Council needs to do more. This potentially a life and death issue. Council has addressed the safety issues at the intersection with the median treatment. If it is simply removed with no replacement mitigation that will recreate the hazard as a positive act by Council in breach of its duty of care under the Road Management Act. This is not to say that the main objection, preserving right access into Bridge from Pickles, shouldn't be looked at, it should. But more thought, consultation and analysis is required and in the



or similarly turning right out of Glover Street onto Pickles Street crossing 4 lanes of high-volume traffic with limited visibility in both directions. To me and my family, the median strip has been a resounding success. It has achieved exactly what it set out to achieve, zero accidents. We appreciate it's a slight inconvenience, including to the residents of Glover Street, but we must prioritise safety over convenience. Removing the median street in Pickles Street and opening the road to its original controlled state, especially as this junction falls within a designated School Zone, would not be in the interest of safety both for the road users and pedestrians.

- **Terrence Coyne:** Ethics and values are extremely important in all decision making, ethics and values as a general quote trump convenience and expediency. Has the Council's decision been based on an ethics fact based rationale or has it been more likely to have been driven by expediency and convenience? Is the decision that has been made consistent with Council values, and I have studied Council's values about health, safety and wellbeing of people. Even though a decision has been made, is it still not too late to change that? It may be difficult, but it's important.
- **Dale Perkin:** I live four properties from the intersection and I have two children. Regarding the motion to make the safety improvements being lost in a split vote, Council should consider that removing a safety improvement, given the successful trial, may breach its duty of care under the Road Management Act 2004 by reverting the intersection to a known dangerous state. Instead, will Council leave the safety improvement in place, until an alternative approach addressing any remaining concerns can be agreed and trialled?
- **Jennifer Taylor:** Why, if the objectives of the pilot island on Pickles St/Glover Street have been met, namely to avoid life-threatening accidents from occurring and highly dangerous speeds of vehicles driving down non-arterial roads, did the Council vote against the recommendation of the traffic engineers to make the island permanent? Why was there no consultation with the affected, given the importance of such a decision? I moved to South Melbourne 14 years ago, and crossing that road was terrifying. It was utterly dangerous to turn right and to cross over the road and dangerous living at that end of Glover Street due to the speed that people reached as they crossed that intersection. Children were at risk, cats were continuously being killed and dogs were unsafe and it was a relief when the island came in. It was safer, it was calmer, it may have not been convenient but it was a total relief in terms of safety. A few weeks prior to the vote, I was told on the grapevine that the island was going to be removed prior to any Council meeting or decision being made. I would like to know why that was the case before any vote had been made?

Mayor Cunsolo foreshadowed that they intend to raise a Notice of Motion at an upcoming Council Meeting which may address some of the issues raised and referred to Brian Tee, General Manager City Growth and Development to provide a response to the questions raised.

Brian Tee, General Manager City Growth and Development advised that the questions generally related to the extent of community engagement, safety issues and the request seeking more time for further consideration of these matters. By way of background and context the decision was made by Council to commence the trial having received three petitions in August 2021 – One for, one against, and one seeking an alternative solution. The trial has been in place since June 2022 and residents were informed of the trial prior to it commencing. At the 21 February 2024 Council meeting, Council reviewed the facts, community feedback received before during and after the trial, the crash statistics before and during the trial (noting that the median strip is still in place) and considered other matters such as the impact on the surrounding streets. Council made a decision at that Council

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 20 MARCH 2024



meeting to not continue with the trial and to not make the installation permanent. The usual course would then be for that trial to be removed noting that the Mayor has indicated that they have foreshadowed a Notice of Motion. Council officers intend to leave the current position in place until that Notice of Motion has been brought to Council for their consideration and an outcome is determined by Council. In essence, the trial/status quo will continue until the matter has been considered again by Council, which as the Mayor has indicated, cannot be before the next Council meeting which is scheduled after Easter on 17 April 2024.

Council Report Submissions:

Item 7.1 Petition: Request extension of Elwood Beach off-lead access

- Jen Bishop
- Kat John
- Lisa Gumbleton
- Jan Nicholson

Item 7.2 Petition: Esplanade Hotel Grand Prix Street Party 22-24 March 2024

- Richie McFarlane
- David Blakeley

Item 10.1 Inkerman Safety Improvement Project - Engagement Findings

- Cassie Johnstone
- Anna Lindars

Item 10.2 Draft Dog Off-Leash Guideline for Public Consultation

- Louisa Larkin
- Alex Makin
- Kathleen Murphy

Item 14.1 Notice of Motion Councillor Rhonda Clark – Rates Freeze

- Alex Darton
- Penny Nichol
- Rodney Hardy
- Campbell Spence
- Rhonda Small
- Justin Halliday
- Beti Jay
- Jack Halliday

The Mayor adjourned the meeting for a break at 7.54pm.

The meeting resumed at 8.01pm.

5. COUNCILLOR QUESTION TIME

Nil.

6. SEALING SCHEDULE

Nil.



7. PETITIONS AND JOINT LETTERS

7.1 Petition - Request extension of Elwood Beach Dog off-lead access

A Petition containing 309 signatures, was received from local residents.

MOVED Crs Crawford/Martin

That Council:

Receives and notes the Petition and provides a response to a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.

7.2 Petition: Esplanade Hotel Grand Prix Street Party 22-24 March 2024

A Petition containing 26 signatures was received from local residents.

Mayor Cunsolo noted that this petition was provided to Council outside the required deadline and therefore was not included in the main agenda. The CEO assessed the petition alongside governance advice and agreed to accept it under rule 53.8 of the Governance Rules due to the timeliness of the petition request.

Councillor Bond declared an interest in the item and remained in the chamber for consideration of the item.

MOVED Crs Bond/Crawford

That Council:

1. Receives and notes the Petition.
2. Proceeds with the issuance of an event permit for the Australian Venue Company to operate the *Espy Grand Prix Street Party* event from Friday 22 March to Sunday 24 March 2024 (including set up and pack down days of Thursday 21 March and Monday 25 March).
3. Monitors the event over the 5 day period and responds immediately to any breaches of permit conditions.
4. Conducts a post event debrief with the Australian Venue Company and relevant stakeholders to note any concerns that arise from the event.
5. Based on the findings of this debrief, considers whether the event be permitted again in future years.

A vote was taken and the MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

Nil.



9. INCLUSIVE PORT PHILLIP

Nil.

10. LIVEABLE PORT PHILLIP

10.1 Inkerman Safety Improvement Project - Engagement Findings

Purpose

- 1.1 To present the findings of the community engagement on the Inkerman Safety Improvement Project (the Project). A subsequent Council meeting will consider recommended options for proceeding with the project.

MOVED Crs Baxter/Nyaguy

That Council:

- 3.1 Thanks community members who provided feedback on the Inkerman Safety Improvement Project.
- 3.2 Notes the high level of interest from community and businesses and varied views as outlined in the Engagement Summary Report (Attachment 1).
- 3.3 Requests a subsequent report be tabled at an ordinary Council meeting in 2024 for Council to determine any design changes to the Inkerman Safety Improvement Project and whether to progress to detailed design and construction.

A vote was taken and the MOTION was CARRIED unanimously.

10.2 Draft Dog Off-Leash Guideline for Public Consultation

Purpose

- 1.1 To consider release of the draft Dog Off-Leash Guideline for community consultation.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Releases the draft Dog Off-Leash Guideline for community consultation.
- 3.2 Authorises the CEO, or their delegate, to make amendments to the draft Dog Off-Leash Guideline to reflect any changes through this resolution and to make minor editorial adjustments to prepare the document for consultation.

A vote was taken and the MOTION was CARRIED unanimously.

The Mayor adjourned the meeting for a break at 8.40pm.

The meeting resumed at 8.46pm.



10.3 Council Submission to the Victorian Government's Montague Precinct Implementation Plan (Fishermans Bend)

Purpose

- 1.1 This report provides an overview of the Victorian Government's draft Montague Precinct Implementation Plan (MPIP), which has been released for public consultation. It seeks endorsement of a submission that sets out the City of Port Phillips response to the Draft MPIP, and the further work required for its completion.

MOVED Crs Martin/Cunsolo

That Council:

- 3.1 Welcomes the Victorian Government's development of and consultation on the Draft Montague Precinct Implementation Plan.
- 3.2 Endorses the attached submission to the Victorian Government's Draft Montague Precinct Implementation Plan (Attachments 1 and 2).
- 3.3 Authorises the CEO, or their delegate, to write to the Victorian Government, notifying them of the Council Submission and seeking:
 - 3.3.1 Confirmation of council involvement in any updates to the Montague Precinct Implementation Plan, planning scheme amendment and associated supporting material.
 - 3.3.2 Receipt and review of the planning controls that will form part of a planning scheme amendment that implements the Montague Precinct Implementation Plan.
 - 3.3.3 Receipt and review of the Making Montague supporting material prior to finalisation of the Montague Precinct Implementation Plan for the upcoming planning scheme amendment.
 - 3.3.4 Involvement in aligning the government's infrastructure funding strategy (including development contributions plan) and Montague Precinct Implementation Plan processes and outcomes, noting that Council has made a separate submission to the Planning Scheme Amendment GC224 Fishermans Bend Development Contributions Plan process.
- 3.4 Authorises the CEO, or their delegate, to make minor amendments to the submission that do not materially alter the intent.

A vote was taken and the MOTION was CARRIED unanimously.



10.4 Council Submission to the Victorian Government's Fishermans Bend Urban Renewal Area Development Contributions Plan (Planning Scheme Amendment GC224)

Purpose

- 1.1 To seek endorsement of the submission in response to the State Government's proposed Draft Planning Scheme Amendment GC224 which introduces the Fishermans Bend Urban Renewal Area Development Contributions Plan (DCP), Open Space Uplift mechanism (OSU) and associated planning scheme provisions.

Chris Carroll, Chief Executive Officer declared an interest in relation to this item, and remained in the chamber during consideration of the item.

MOVED Crs Martin/Bond

That Council:

- 3.1 Endorses the City of Port Phillip submission to Draft Planning Scheme Amendment GC224 - Fishermans Bend Development Contributions Plan and Open Space Uplift mechanism (Attachment 1).
- 3.2 Notes that the submission will form the basis of the City of Port Phillip's engagement with the Department of Transport and Planning, in the interest of resolving issues where possible prior to a Precincts Standing Advisory Committee.
- 3.3 Authorises the CEO, or their delegate, to make administrative changes and correct any errors, that do not materially affect the intent of the submission, prior to submission to the Department of Transport and Planning.
- 3.4 Authorises the CEO, or their delegate, to make adjustments to the submission and subsequent advocacy before the Precincts Standing Advisory Committee process as necessary if further information on the draft DCP or the draft Amendment GC224 transpires through the process consistent with the thrust of Council's endorsed submission provided Council is kept briefed on those changes.
- 3.5 Requests the Department of Transport and Planning to release the updated scope and cost information that has formed the basis of the draft Development Contributions Plan projects in sufficient time to enable them to be reviewed by Council and other submitters.
- 3.6 Requests the Mayor write to the Victorian Government seeking a commitment to the eventual funding and delivery of the Fishermans Bend Tram servicing the Sandridge and Wirraway Precincts.
- 3.7 Requests the CEO, or their delegate, write to the Victorian Government seeking commitments to:
 - 3.7.1 release a comprehensive funding and finance strategy for all infrastructure classifications and categories.
 - 3.7.2 release the updated scope and cost information that has formed the basis of all draft DCP projects in sufficient time to enable them to be reviewed by Council and other submitters.



- 3.7.3 development of an updated Fishermans Bend Partnership Agreement, and an infrastructure governance and implementation strategy.
- 3.7.4 confirmation of process, timeframes and eventual funding for the delivery of catalytic infrastructure, including the Fishermans Bend tram and Melbourne Metro 2.
- 3.7.5 Collaborative development and finalisation of the Montague, Sandridge and Wirraway Precinct Implementation Plans, and a commitment to the review and update of any approved DCP as part of the Precinct Implementation Plan processes.

A vote was taken and the MOTION was CARRIED unanimously.

10.5 E-scooter Trial Update

Purpose

- 1.1 To update Councillors on the current State Government e-scooter trial
- 1.2 Request further delegation to the CEO to enter into interim agreements for continuation of the shared e-scooter services whilst procurement is undertaken should the State Government determine to end the trial and legalise e-scooters.

MOVED Crs Cunsolo/Baxter

That Council:

- 3.1 Notes that the Mayor has written to the Minister for Roads and Road Safety and the Minister for Public and Active Transport requesting the public release of the evaluation report for the e-scooter trial.
- 3.2 Notes the update to the Victorian Government led e-scooter trial including legislative changes that, once proclaimed, will empower Councils to manage shared e-scooter schemes through contractual arrangements that can address safety and amenity.
- 3.3 Notes that the e-scooter trial is due to end on 5 April 2024 and that, at the completion of the trial on 5 April 2024 or some other date as determined by the Victorian Government, Council will commence a procurement process to determine which e-scooter providers will operate in the City of Port Phillip and under what conditions.
- 3.4 Authorises the Chief Executive Officer (or their delegate) to extend existing agreements with e-scooter operators until the procurement process and transition to a new shared e-scooter agreement is completed.

A vote was taken and the MOTION was CARRIED unanimously.

11. SUSTAINABLE PORT PHILLIP

Nil.



12. VIBRANT PORT PHILLIP

Nil.

13. WELL GOVERNED PORT PHILLIP

13.1 Proposed Update to Rating Strategy 2022-2025

Purpose

- 1.1 To consider the release of proposed updates to *Rating Strategy 2022-25* for community consultation.

MOVED Crs Baxter/Pearl

That Council:

- 3.1 Notes that the following land types are negatively impacting the municipality due to being under-utilised, causing safety and amenity concerns and not contributing to the overall purpose and objectives of the Council Plan:
 - 3.1.1 Derelict Land
 - 3.1.2 Un-activated Retail Land
 - 3.1.3 Vacant Land
- 3.2 Notes proposed changes to the Rating Strategy 2022-2025 to include new property classes for differential rating purposes. These new property classes and differential rates will be set as follows:
 - 3.2.1 Derelict Land rate in the dollar to be set at 4 times (400%) of the Residential Land rate.
 - 3.2.2 Un-activated Retail Land rate in the dollar to be set at 4 times (400%) of the Residential Land rate.
 - 3.2.3 Vacant Land rate in the dollar to be set at 3 times (300%) of the Residential Land rate.
- 3.3 Releases the draft updated *Rating Strategy 2022-2025* (Attachment 1) for community consultation alongside the draft budget 2024/25 between 18 April 2024 and 13 May 2024 followed by the hearing of feedback for the draft budget at the Special Council meeting on 14 May 2024.
- 3.4 Notes that the draft Budget 2024/25, to be considered by Council on 17 April 2024, will be informed by the proposed Rating Strategy 2022-2025.
- 3.5 Notes that the proposed Rating Strategy 2022-2025 may be updated alongside the draft budget to reflect any feedback from the community consultation period prior to being brought back to Council for adoption.
- 3.6 Notes that the updated Rating Strategy 2022-25 will be considered for adoption alongside Budget 2024/25 at the Special Council Meeting on 26 June 2024.
- 3.7 Authorises the CEO to make amendments to the updated *Rating Strategy 2022-2025* to reflect any changes through this resolution, and to make minor editorial adjustments to the document to prepare for publication and distribution including but not limited to minor wording updates to the proposed definitions.

A vote was taken and the MOTION was CARRIED unanimously.



13.2 Proposed Discontinuance of Road Adjoining 197 and 199 Princes Street, and 55 Station Street, Port Melbourne

Purpose

- 1.1 To consider whether the road adjoining 197 and 199 Princes Street, and 55 Station Street, Port Melbourne, known as Laneway R2243 shown shaded red on the images below (Road), should be discontinued pursuant to the *Local Government Act 1989* (Act) and retained by Council.

MOVED Crs Cunsolo/Sirakoff

That Council:

Having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue the road known as Laneway R2243 (Road):

- 3.1 Resolves to discontinue the Road as it considers that the Road is not reasonably required for public use for the following reasons:
 - 3.1.1 It is enclosed on the side and rear boundaries by adjoining properties, and only accessible onto Princes Street;
 - 3.1.2 It is only open to the general public for pedestrian access to the rear of the adjoining property at 55 Station Street, Port Melbourne;
 - 3.1.3 It is not open to the general public for vehicular access; and
 - 3.1.4 It does not form part of a thoroughfare for pedestrian or vehicular traffic to any other public road;
- 3.2 Resolves to retain and restrict access to the discontinued Road, entering into a Section 173 Agreement with the adjoining land owners;
- 3.3 Authorises the Chief Executive Officer, or their delegate to negotiate, approve, and enter into such documentation to complete the discontinuance, retention, and restriction of public access of the Road as described;
- 3.4 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 restriction of public access; and
- 3.5 Directs that a notice pursuant to clause 3 of Schedule 10 of the *Local Government Act 1989* is published in the Victorian Government Gazette.

A vote was taken and the MOTION was CARRIED unanimously.

13.3 Appointment of Authorised Officers Pursuant to the Planning and Environment Act 1987

Purpose

- 1.1 To approve the new appointments as an Authorised Officer pursuant to the *Planning and Environment Act 1987*.



MOVED Crs Martin/Cunsolo

That Council:

- 3.1 Approves the Instruments of Appointment and Authorisation at **Attachment 1 Attachment 2 and Attachment 3.**
- 3.2 Affixes the common seal of Council to the Instrument of Appointments.

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 Crawford/Martin

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.

14. NOTICES OF MOTION

14.1 Notice of Motion – Councillor Rhonda Clark – Rates Freeze

Moved Crs Clark/Sirakoff

That Council:

1. Directs the CEO to prepare the 2024/25 budget with reduced spending by 1.6 percent across service areas to achieve a \$3.6 million efficiency in spending, to ensure there is no increase in rates next financial year, without compromising the quality or availability of services.
2. Notes the \$3.6 million in reduced spending is on top of the \$1.8 million in efficiency savings already incorporated in Council's 10 Year Financial Outlook 2023-2024.
3. Acknowledges that the CEO and his officers are best placed to identify efficiencies and provide Councillors with the reductions.

AMENDMENT:

MOVED Cr Bond

4. That any reduction in spending in the 24/25 Budget of \$3.6 mil, and subsequent rates freeze, be subject to Cr Clark securing agreement of 5 or more Councillors at a future Council meeting for any proposed spending or expenditure reductions before the revised budget is prepared by officers.

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 20 MARCH 2024



The Mayor adjourned the meeting at 9:50pm.

The Meeting resumed at 10:00pm.

Xavier Smerdon, Head of Governance, advised that as per Governance Rule 26.3, the amendment was substantially contrary to the motion and therefore must be considered an alternative motion. As the Governance Rules do not allow for alternative Notices of Motion, the amendment was disallowed.

The SUBSTANTIVE MOTION was PUT.

A vote was taken and the MOTION was LOST.

Cr Clark called for a DIVISION.

FOR: Crs Sirakoff, Pearl and Clark

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

The MOTION was LOST.

15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Martin/Nyaguy

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 Independent Waste Review

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

Reason:

This report will consider commercially and legally sensitive information that could impact Council's ability to manage an ongoing contract. Council will consider what information is to be released publicly at the 20 March 2024 Council Meeting.

A vote was taken and the MOTION was CARRIED.

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 20 MARCH 2024



The meeting closed to members of the public at 10:28pm.

The meeting reopened at 10:46pm.

As there was no further business the meeting closed at 10:46pm.

Confirmed: 17 April 2024

Chairperson _____