



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

20 JULY 2022



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD 20 JULY 2022 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Peter Smith, Chief Executive Officer, Kylie Bennetts, General Manager City Growth and Development, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Claire Stevens, General Manager Governance and Organisational Capability, Joanne McNeill, Executive Manager Governance and Organisational Performance, Brian Tee, Executive Manager, City Planning and Sustainability, Lachlan Johnson, Executive Manager, Construction Contracts and Operations, Naomi Phillips, Council Business Officer, Merryn Shaw, Governance and Council Meetings Officer

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

1.1 Leave of Absence – Councillor Clark

MOVED Crs Pearl/Bond

That council grant a leave of absence from all official duties to Cr Clark for the period 28 July 2022 to 30 August 2022

A vote was taken and the MOTION was CARRIED unanimously

2. CONFIRMATION OF MINUTES

MOVED Crs Bond/Martin

That the minutes of the Meeting of the Port Phillip City Council held on 6 July 2022 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

PRESENTATION OF AWARDS

The Mayor advised the meeting that the City of Port Phillip Sustainability Team received a Highly Commended Award from Storm Water Victoria. The Mayor referred to Brian Tee, Executive Manager City Planning and Sustainability, who outlined the achievements of the team:

In 2021 the City of Port Phillip undertook a project with E2Designlab, Spatial Vision, and Hansen Partnership to use planning controls to improve permeability outcomes on private property. The aim being to find innovative way to reduce the flow of pollutants into the bay and reduce the risk of flooding. The Highly Commended Award was received by Council from Storm Water Victoria for Excellence in Research and Innovation

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

- **Krystna Kynst:** My questions relate to the costs and practicalities of implementing decision 3.11 and 3.12, passed at the 29 June 2022 meeting. These called for a search for ongoing cost reductions to enable Council to consider a rate freeze in the coming financial year 2023/24:
 1. How much are Councillors willing to spend on this cost cutting review?
 2. Where will the money to pay for the review come from?
 3. Where will the additional internal human resources needed to carry out such a review come from?
 4. Which programs will Councillors be targeting?
 5. Will the review include a cost/benefit analysis of any proposed cuts to services to ensure no-one in the Port Phillip community will be worse off?

Peter Smith, Chief Executive Officer, advised the motion calls for the costing to be done as soon as possible. Councillors will be briefed in the next two weeks and there will be a public report going to Council, hopefully in August so the community will be able to see the costs. That will also include the additional human resources, the programs that Council will be targeting will be the subject of the review will be up to Council, and we will be proposing to Council that there be a cost benefit and impact analysis on any options so they understand both so they understand cost benefits and implementation timeframe and any changed costs.

- **Rhonda Small:** I congratulate Councillors on not adopting a rate freeze for 2022-23 alleviating somewhat the challenge of maintaining and improving service delivery as costs inevitably increase, especially in high inflationary times.. I was disappointed by the amendments to 3.11 – 3.13 of the Rates Motion. It's my understanding that the



State Government introduced the rates cap to limit the amount that rates could be raised no more than the rate of inflation, and in fact the cap is below the rate of inflation. It's also my understanding that every year the budget process includes extensive consideration of potential efficiencies and cost savings and which is part of good governance in the management of public finances. But to add a separate process to seek cuts with the specific aim to achieve a zero rate rise is concerning, especially as the CEO pointed out at the meeting this would mean cuts to services. I have a couple of questions, directed to the CEO:

1. How will you work with council to identify options for ongoing cost reductions? Specifically, will Councillors guide you in the process by putting forward a list of areas for investigation for cost reductions, and/or identifying areas they do not wish to be subject to cost reductions?
2. Is it possible at the end of this process, that Councillors will conclude that options for cost reductions for the sole purpose of reducing rates below the rate cap in 23/24 are not acceptable?

Peter Smith, Chief Executive Officer advised the scope would be put to Councillors in a briefing and then made public, including terms of reference and parameters of the review. It will be up to Council to determine when it comes to Council in August and the community will be able to comment on that scope at that point. Councillors will guide the review and identify the areas they want to focus on including those they want to do a deep dive on, and identify the extent of review depending on the area. The review is scheduled as per the resolution to end in November, at the end of November Council will determine by formal decision which items are put through to the budget process, and which may require further engagement. Those options will be part of the budget process along with other priorities and Council, through that budget process and other engagement., will determine which options they take up and which they don't.

The following question was read out by a Council Officer:

- **John Spierings:** The following questions relate to parts 3.11, 3.12 and 3.13 of the rates motion passed at the 29 June 2022 meeting and are directed to the CEO:
 1. Given these parts of the motion were adopted without community consultation, is the resolution passed by council consistent with the community engagement principles set out in section 54 and with the budget principles set out in section 94 of the Local Government Act?
 2. Will the terms of reference for the proposed spending review be subject to community consultation? Will the terms of reference be made public?
 3. Will there be a community consultation process as an integral part of the spending review not just following your report to Council in November?
 4. With rising inflation and supply chain costs, is any other local government in Victoria considering a rates freeze in 2023/24?
 5. The Mayor recently said council is facing "catastrophic" financial risk in relation Fisherman's Bend with eye-watering bills for roads, footpaths and drainage on the horizon. In these circumstances, is exploring a rate freeze for 2023/24 justified, especially given the compounding financial risk of such a step?



Peter Smith, Chief Executive Officer stated that he believed the decision was consistent with the community engagement principles because the terms of reference and scope of the review will come back to Council in the first report and the community will be able to comment on them. Will there be a community engagement process? Part of the review will identify both stakeholder and community engagement that needs to be undertaken in addition to the engagement that occurs through the final budget process. He was unable to comment on other Councils in Victoria as it would be speculating on the approaches Councils might be taking next year. It is Council's responsibility to determine whether a rate freeze would be justified; the role of Council officers is to carry out the review.

Council Report Submissions

10.2 St Kilda Marina

• David Heffernan	• Karim Benkirane	• Alex Shulman
• Geoff Gowers	• Peter Holland	• Trevor White

16. Urgent Business – Bike Lane Removal

• Vicky Tutton	• Campbell Spence	• Janet Mitchell
• William Churchill	• Melissa Hillebrand	• Claudia Marck
• Tim Norman	• Ewen Young	• Julie Clutterbuck
• Marcel Randles	• Cameron Smith	• Una Steele
• Joe Leong	• Robyn Taylor	• Mark Naughton
• Margaret Lester	• Noel Jones	• Stephen Ridding
• Nina Taylor MP	• Guy Boston	• Maurice Hanratty
• John Finn	• Davinder Singh Bedi	• Dan Peel
• Adrian Jackson	• Jenni Roper	

5 COUNCILLOR QUESTION TIME

- **Councillor Cunsolo:** Can we have an update on the wombat crossing near Liardet Street?



Brian Tee, Executive Manager City Planning and Sustainability, advised that the wombat crossing had been approved and was progressing. The designs are underway and construction will be completed this financial year in 2023.

- **Councillor Pearl:** Can officers provide an update on the current status of the condition at Eastern Road Reserve, and what Council is doing to improve the maintenance of the reserve?

Lachlan Johnson Lachlan Johnson, Executive Manager, Construction Contracts And Operations, advised that Eastern Reserve was an extremely popular dog off leash area, being the only fenced dog off leash area in the City of Port Phillip at the moment. Unfortunately due to the size of the reserve and its popularity, as well as the soil condition and shading, the surface is in a very poor condition. Council's maintenance regime, has included fencing off small sections of the reserve to give the turf time to reestablish. While this has proven temporarily successful, it is particularly challenging at this time of year when grass will not grow. In September, when favourable conditions return, the reserve will be mechanically aerated to improve the drainage and soften the topsoil. This will allow grass coverage to return ahead of the rest of the spring summer months. Construction is almost complete at the new MO Moran dog park – we are hoping this will alleviate some of the usage at Eastern Reserve once the new park opens. Council's open space strategy includes actions to review existing dog off leash areas in the City of Port Phillip, this work is currently being scoped and is due to be complete by end of 2022/23 financial year.

6 SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Nil.

The meeting adjourned from 8:22pm to 8:30pm

8. PRESENTATION OF CEO REPORT

Nil.

9. INCLUSIVE PORT PHILLIP

9.1 Wellington Street Common Ground Project

PURPOSE

- 1.1 To update Council on the Wellington Street Common Ground project and the mechanisms that will ensure the conditions for Council's funding commitment are met, including: maintaining a long term social housing use for the site, obtaining State



Government commitment to an operating funding subsidy and allocation of housing to persons on the Port Phillip Zero By Name List.

- 1.2 To endorse in-principle a Partnership Deed and a project-specific Funding Deed between Council and St Kilda Community Housing (SKCH), which include an agreed schedule of funding milestones for the \$4M cash contribution committed by Council in September 2020.
- 1.3 To delegate authority to the Chief Executive Officer to finalise and execute the Deeds.

MOVED Crs Martin/Copsey

That Council:

- 3.1 Confirms the contribution of \$4 million cash from the In Our Backyard Reserve, and the surplus Council laneway known as R3723 for \$1 plus legal costs, to enable delivery of a Common Ground facility at 28 Wellington Street, St Kilda, by St Kilda Community Housing Ltd on Director of Housing land, on the basis of:
 - 3.1.1 The commitment from Homes Victoria to St Kilda Community Housing Ltd of a \$6 million operating subsidy over a four-year period, for the provision of support and concierge services, and the undertaking to complete an evaluation to consider extended recurrent funding.
 - 3.1.2 The signed Funding Deed and associated Licence between the Director of Housing and St Kilda Community Housing Ltd, that guarantees the social housing use of the site for at least 20 years.
- 3.2 Endorses the staged payments of its \$4 million contribution on completion of the following project milestones:
 - 3.2.1 \$1M within 14 days of Council entering into the Partnership Deed and the Funding Deed with St Kilda Community Housing Ltd.
 - 3.2.2 \$1M on completion of the ground-floor slab to the satisfaction of Council's municipal building surveyor or alternatively of St KCH's appointed building surveyor.
 - 3.2.3 \$1M on completion of the first-floor slab to the satisfaction of Council's municipal building surveyor or alternatively of St KCH's appointed building surveyor.
 - 3.2.4 \$1M within 14 days of the Certificate of Practical Completion.
- 3.3 Notes St Kilda Community Housing has secured the balance of capital funding (\$3.7 million) required to deliver the project, being a condition of Council's cash contribution in accordance with its 2 September 2020 resolution.
- 3.4 Notes that completion of the statutory process to discontinue and transfer the adjoining road (laneway) is subject to a separate report and decision at this meeting.



- 3.5 Provides in principle approval of the overarching Partnership Deed and the project-specific Funding Deed between Council and St Kilda Community Housing Ltd (provided at Attachment 2 and 3 respectively).
- 3.6 Delegates authority to the CEO to enter a tripartite Memorandum of Understanding (MOU) between Council, Homes Victoria and St Kilda Community Housing Ltd. that details arrangements for an operating subsidy, maintenance of social housing use on the site for 20 years, and allocation of housing to persons on the Port Phillip Zero By-Name List.
- 3.7 Delegates authority to the CEO to finalise and execute the Partnership Deed and the Funding Deed with St Kilda Community Housing Ltd, subject to the finalisation of the MOU referred to in part 3.5 of this resolution.

A vote was taken and the MOTION was CARRIED unanimously.

10. LIVEABLE PORT PHILLIP

10.1 Strategic Advisory Services Tender Panel

MOVED Crs Cunsolo/Bond

That Council:

- 4.1 Awards Contract number 1109 to: AECOM, Afflux Consulting Pty Ltd, Alluvium Consulting Australia Pty Ltd, Andrew O'Brien & Associates Pty Ltd, CCG Architects Pty Ltd, Conservation Studio Pty Ltd, E2 Design Pty Ltd, Ethos Urban Pty Ltd, Hansen Partnership Pty Ltd, Hill PDA Pty Ltd, HipVHype Sustainability Pty Ltd, Hodyl & Co Pty Ltd, JJ Ryan Consulting Pty Ltd, KPMG, Lat Studios Pty Ltd, Lovell Chen Pty Ltd, Mesh Livable Urban Communities Pty Ltd, Mott Macdonald Pty Ltd, SGS Economics & Planning Pty Ltd, Urban Initiative Pty Ltd, Urbanfold Pty Ltd, Veitch Lister Consulting Pty Ltd and Water Technology Pty Ltd.
- 4.2 Notes that the contract sum is based on a schedule of rates and has a projected value of \$3,500,000 exclusive of GST over the three-year period.
- 4.3 Affixes the common seal of the Port Phillip City Council to Contract No 1109 between Port Phillip City Council and AECOM, Afflux Consulting Pty Ltd, Alluvium Consulting Australia Pty Ltd, Andrew O'Brien & Associates Pty Ltd, CCG Architects Pty Ltd, Conservation Studio Pty Ltd, E2 Design Pty Ltd, Ethos Urban Pty Ltd, Hansen Partnership Pty Ltd, Hill PDA Pty Ltd, HipVHype Sustainability Pty Ltd, Hodyl & Co Pty Ltd, JJ Ryan Consulting Pty Ltd, KPMG, Lat Studios Pty Ltd, Lovell Chen Pty Ltd, Mesh Livable Urban Communities Pty Ltd, Mott Macdonald Pty Ltd, SGS Economics & Planning Pty Ltd, Urban Initiative Pty Ltd, Urbanfold Pty Ltd, Veitch Lister Consulting Pty Ltd and Water Technology Pty Ltd.
- 4.4 Delegates to the Chief Executive Officer the authority to determine if the contract option is to be exercised and execute the option as required.

A vote was taken and the MOTION was CARRIED unanimously.



10.2 St Kilda Marina - Submission for Landlord Approval - Review and Approval of Changes to the New Lease Redevelopment Concept Design

Purpose

- 1.1 To seek Council consideration of the key changes proposed to the lease approved concept for the redevelopment under the new St Kilda Marina lease.

MOVED Crs Copsey/Baxter

That Council:

- 3.1 Thanks the Australian Marina Development Corporation (AMDC) for their landlord approval submission and the work they are doing to deliver the significant community, environmental and financial benefits agreed within the lease between Council and AMDC, and wishes them well in their management of the site and endeavours to obtain planning approval.
- 3.2 Notes that there are two parts to the landlord approval process for the St Kilda Marina redevelopment:
 - Items Council approves (key changes to the concept approved with the lease) to progress to the planning stage
 - Items that are approved by Officers under delegation (detailed review of the documentation and alignment to the St Kilda Marina Site Brief and Planning Scheme requirements) to progress to the planning stage
- 3.3 Approves the following material departures from the lease approved concept for the St Kilda Marina, noting issues to resolve through the planning stage as detailed in Item 4 of this report:

A vote was taken and the MOTION was CARRIED unanimously

- 3.3.1 Dry stack and Centre for Boating modified external elevations design, including the Centre for Boating Roof Top Terrace

A vote was taken and the MOTION was CARRIED

MOVED Crs Bond/Clark

- 3.4 Conditionally approves the following material departures from the lease approved concept for the St Kilda Marina, with the requirement that all the identified issues and actions detailed within Item 4 of this report are resolved prior to completion of the planning approval process:



3.4.1 Increase in Net Lettable Area (NLA) from the lease approved concept 3745m² up to 5000m² (the maximum permissible by the St Kilda Site Brief and Planning Scheme)

3.4.4 Anticipated departures to the extent of public open space from the lease approved concept

A vote was taken and the MOTION was CARRIED .

3.4.2 Inclusion of a helipad on the peninsula near the Beacon

Cr Copsy called for a DIVISION.

FOR: Crs Bond, Sirakoff, Martin, Pearl and Clark

AGAINST: Crs Baxter, Crawford, Cunsolo and Copsy

A vote was taken and the MOTION was CARRIED.

MOVED Crs Pearl/Bond

3.4.3 Areas for Events and impacts on open space

3.4.5 Additional public pontoons

3.4.6 Riva Building Modifications and extension of a tenure for the sub-tenant closer to the foreshore

3.5 Does not approve the following material departures from the lease approved concept:

3.5.1 The floating venue in its current form.

3.5.2 The option for additional retail – the new foreshore building – in its current form

3.5.3 Peninsula Promenade modifications including the turning circle

A vote was taken and the MOTION was CARRIED.



MOVED Crs Copsey/Baxter

Cr Pearl FORESHADOWED his intention to move Option 1 If the motion were lost

3.6 Notes that the Tenant has proposed an idea to extend the existing beach as part of the upgrade to the seawall and that the following options are available to Council:

3.6.1 OPTION 1: Council approves progression of further planning and investigation for the extended beach idea as per the conditions specified in Item 5 of the report.

3.6.2 (or)

3.6.3 OPTION 2: Council acknowledges the potential amenity benefits that the extended beach could provide, however, given the uncertainty about future climate change impacts to all beaches from increased frequency and strength of storm events, and possible impacts on existing beaches of works required to construct the beach, does not support the concept of an extended beach.

3.7 Resolves to approve Option 2.

3.8 Notes that a re-submission may be made by AMDC for landlord approval in relation to items not approved.

3.9 Notes that the remainder of the submission is approved by Council officers under delegation to progress to the planning stage, with some items having conditions attached to resolve the design to the satisfaction of the Landlord. These include the Marine Parade Built Form arrangement, movement and circulation at the Boat Ramp and confirmation of the base case for the development.

3.10 Notes that any substantial changes to the design approach that result from the Tenant's addressing to the issues listed in the report will require a re-submission to be made for Landlord Approval.

3.11 Notes that Officers will issue a formal response to the landlord approval submission by the tenant detailing the above.

3.12 Notes that Officers continue to work with the tenant on a methodology to managing contamination in parallel with this landlord approval process and the forthcoming planning process.

A vote was taken and the MOTION was LOST

MOVED Crs Pearl/Bond

3.6 Notes that the Tenant has proposed an idea to extend the existing beach as part of the upgrade to the seawall and that the following options are available to Council:



3.6.1 OPTION 1: Council approves progression of further planning and investigation for the extended beach idea as per the conditions specified in Item 5 of the report.

3.6.2 (or)

3.6.3 OPTION 2: Council acknowledges the potential amenity benefits that the extended beach could provide, however, given the uncertainty about future climate change impacts to all beaches from increased frequency and strength of storm events, and possible impacts on existing beaches of works required to construct the beach, does not support the concept of an extended beach.

3.7 Resolves to approve Option 2.

3.8 Notes that a re-submission may be made by AMDC for landlord approval in relation to items not approved.

3.9 Notes that the remainder of the submission is approved by Council officers under delegation to progress to the planning stage, with some items having conditions attached to resolve the design to the satisfaction of the Landlord. These include the Marine Parade Built Form arrangement, movement and circulation at the Boat Ramp and confirmation of the base case for the development.

3.10 Notes that any substantial changes to the design approach that result from the Tenant's addressing to the issues listed in the report will require a re-submission to be made for Landlord Approval.

3.11 Notes that Officers will issue a formal response to the landlord approval submission by the tenant detailing the above.

3.12 Notes that Officers continue to work with the tenant on a methodology to managing contamination in parallel with this landlord approval process and the forthcoming planning process.

A vote was taken and the MOTION was CARRIED.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

12.1 CDF Key Organisations Multi-Year Funding 2023/25

Purpose



- 1.1 To present the Cultural Development Fund - Key Arts Organisations multi-year funding recommendations for 2023 - 2025 for Council's endorsement.

MOVED Crs Crawford/Baxter

That Council:

- 3.1 Endorses the recommended successful applicants as proposed by the Cultural Development Fund Reference Committee for the Cultural Development Fund – Key Arts Organisations multi-year funding 2023-2025 as outlined in Confidential Attachment 1
- 3.2 Releases details on the successful recipients of the Cultural Development Fund – Key Arts Organisations multi-year funding 2023-2025 from confidence, once all applicants have been advised of the outcome of their application and those successful have confirmed their ability to proceed with their application.
- 3.3 Thanks, the Cultural Development Fund Reference Committee for their work in assessing applications and making recommendations to Council.
- 3.4 Thanks, all applicants who participated in the funding round for the Cultural Development Fund – Key Arts Organisations 2023-2025.

Cr Copsy called for a DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Copsy, Martin and Pearl

AGAINST: Crs Sirakoff and Clark

The MOTION was CARRIED.

13. WELL GOVERNED PORT PHILLIP

13.1 Records of Informal Meetings of Council

Purpose

- 1.1 The purpose of this item is to report to Council written records of Informal Meetings of Councillors at the City of Port Phillip as required by the Governance rules



The record of the briefing on Nature Strip Guidelines on 11 May 2022 is to be amended to include Cr Cunsolo's attendance. The record will be provided at the next meeting.

MOVED Crs Pearl/Baxter

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.

13.2 73 Smith Street and 202 Nelson Road, South Melbourne - Removal of Land Parcel from the Road Register and IntraMaps

Purpose

- 1.1 The purpose of this report is to seek approval from Councillors on the proposed removal of land parcel R2515 (Land) abutting 73 Smith Street, South Melbourne (73 Smith Street) and 202 Nelson Road, South Melbourne (202 Nelson Road) from Council's Register of Public Roads (Register) and Council's IntraMaps application.

MOVED Crs Copsy/Cunsolo

That Council:

- 3.1 Notes that the land that comprises parts of land contained in the property titles of 73 Smith Street and 202 Nelson Road, South Melbourne, also known as R2515 (Land) on Council's Register of Public Roads (Register), was listed on the Register when Council gazetted its road management plan which included a copy of the Register in December 2004.
- 3.2 Notes that by virtue of its inclusion on the Register, the Land is considered a 'public road' under the Road Management Act 2004 (Vic) (RMA). Being a 'public road' under the RMA, it is a 'road' by definition under section 3(1) the Local Government Act 1989 (Vic) (LGA). As it is a 'road' under the LGA, Council has statutory powers over it.
- 3.3 Notes that the Land does not meet the common law test for being a 'public highway' as it cannot be shown that the Land is reasonably required for public use nor was it expressly dedicated to the public for use as a right of way (as opposed to a private laneway) and accepted by the public as a right of way by way of historical public use. Consequently, the Land cannot be discontinued and sold.
- 3.4 Notes that unlike other situations where a road, once discontinued, would then be sold by Council, in this case it is considered that the Land, which is burdened by a private carriage-way easement, should not have been included on the Register in the first place.
- 3.5 Acting under section 17(4) of the RMA, resolves that the Land be removed



from the Register on the basis that it is not reasonably required for public use, as:

- 3.5.1 The Land does not meet the common law test for being a 'public highway';
- 3.5.2 The Land is not a thoroughfare for the public, having been fenced within the property boundaries of 73 Smith Street and 202 Nelson Road, South Melbourne for a considerable period of time, and only being required to provide access to the abutting neighbours subject to private carriageway easements marked on the certificates of title of 73 Smith Street and 202 Nelson Road, South Melbourne;
- 3.5.3 The Land is not constructed as a road and not maintained by Council as a road. It does not connect roadways as it is a dead end and not wide enough for vehicles to pass through.

- 3.6 Authorises the removal of the Land from the Register and Council's IntraMaps application.

A vote was taken and the MOTION was CARRIED unanimously.

13.3 Proposed Discontinuance and Sale of Road Abutting 26 and 28 Wellington Street St Kilda

Purpose

- 1.1 This report seeks Council's approval to consider whether the road abutting 26 and 28 Wellington Street, St Kilda, known as laneway R3723 being the land contained in Memorial Book 22 Number 809 and Memorial Book 298 Number 450 (**Road**), shown as lot 1 on the title plan attached as Attachment 1 (**Title Plan**) to this report, and shown hatched on the screenshot below, should be discontinued pursuant to the *Local Government Act 1989* (Vic) (**Act**) and sold to Homes Victoria, the owner of the adjoining property (**Adjoining Owner**) at 28 Wellington Street, St Kilda (**28 Wellington Street**) for a nominal amount of \$1 plus legal fees.

MOVED Crs Copsey/Bond

That Council having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue and sell the road abutting 26 and 28 Wellington Street, St Kilda, known as laneway R3723, being the land contained in Memorial Book 22 Number 809 and Memorial Book 298 Number 450 (Road):

- 3.1 resolves to discontinue the Road as it considers that the Road is not reasonably required for public use for the reasons set out in the report;
- 3.2 resolves to sell the discontinued Road to Homes Victoria, the owner of the adjoining property (Adjoining Owner) at 28 Wellington Street, St Kilda for a nominal amount of \$1 plus legal fees;
- 3.3 directs that a notice pursuant to clause 3 of Schedule 10 of the *Local*



Government Act 1989 (Vic) is published in the *Victoria Government Gazette*;

- 3.4 directs that the Chief Executive Officer or 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 Adjoining Owner;
- 3.5 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 affected by the discontinuance and sale of the Road; and
- 3.6 directs that the Adjoining Owner be required to consolidate the title to the discontinued Road with the title to the Adjoining Owner's property within 12 months of the date of the transfer of the discontinued Road.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

Item 14.1 – Bike Lane Removal

The motion was withdrawn.

Item 14.2 – Social and Affordable Housing Compact with Local Government

MOVED Crs Martin/Crawford

That Council:-

1. Acknowledges and supports the intent of the M9 Councils to make a joint submission to Homes Victoria on its draft Social and Affordable Housing Compact with Local Government.
2. Writes separately to Homes Victoria, as a submission to the draft Compact, to further highlight: The City of Port Phillip's strong support for a Compact and Homes Victoria's intent for a genuine partnership to support delivery of social and affordable housing in the City through the \$5.3B Big Housing Build and beyond.
 - 2.2 The City of Port Phillip's strong support for a Compact and Homes Victoria's intent for a genuine partnership to support delivery of social and affordable housing in the City through the \$5.3B Big Housing Build and beyond.
 - 2.3 That a collaborative effort across all levels of government and the private and community housing sectors will be essential to address the scale of housing shortage.
 - 2.4 There are benefits in a regional Compact with the M9 Council's, based on the shared housing challenges and opportunities across the region, however that Council would also seek to work towards a Local Agreement between the City of Port Phillip and Homes Victoria to collaborate on and progress delivery of specific social and affordable housing project opportunities aligned to local needs in our City.



2.5 That the priority outcomes that Council seeks through any Compact includes:

- 2.5.1 Delivery of new housing across the spectrum of need, from assertive outreach and supported housing to address homelessness, community housing for those on very low / low-incomes, and private affordable housing for moderate-income key workers.
- 2.5.2 Optimising housing delivered through the Victorian Planning System, including through the introduction of mandatory affordable housing controls that will deliver social and affordable housing with certainty and at scale, in combination with the current system of Voluntary Housing Agreements.
- 2.5.3 Establishing sustained and diverse funding streams to enable long-term social and affordable housing delivery, including the provision of dedicated capital funding to support projects where Council is a direct contributor and partner.
- 2.5.4 The priority delivery of new supported social housing and resourcing for assertive outreach to address the homelessness and rough sleeping need through a Housing First approach.
- 2.5.5 Working in partnership to progress the renewal of public housing estates in the City to deliver additional, quality social housing that is well-integrated within local neighbourhoods, and to achieve broader community benefit such as improved public spaces and shared community facilities.

Cr Copsey called for a DIVISION.

FOR: Crs Baxter, Crawford, Cunsolo, Bond, Copsey, Martin and Pearl

AGAINST: Crs Sirakoff and Clark

The .MOTION was CARRIED.

Item 14.3 – Nightingale Street Pedestrian Infrastructure

MOVED Crs Crawford/Baxter

That Council:-

1. Receive a report by the end of 2022 that as a minimum;
 - a) Summarises any work, including concept designs and community engagement, that has been undertaken to prioritise the movement of pedestrians across Nightingale Street, Balaclava, east of Gibbs Street in the vicinity of the Sandringham Line underpass.



- b) Explores options for infrastructure solutions, including indicative costs and time frames for the delivery of a project.

A vote was taken and the MOTION was CARRIED unanimously.

Item 14.4 – Pop Up Bike lanes

The motion was withdrawn.

15. REPORTS BY COUNCILLOR DELEGATES

15.1 Australian Local Government Association National General Assembly

Council noted the report of Cr Baxter on his attendance as Council's delegate at the Australian Local Government Association National General Assembly in Canberra.



15.2 Victorian State Election - candidacy

Cr Crawford advised that she had been endorsed as the Australian Labor Party candidate for the seat of Brighton in the 2022 State Election. She will take a leave of absence for the duration of the caretaker period prior to the election.

16. URGENT BUSINESS

16.1 Bike Lanes

PROCEDURAL MOTION

MOVED Crs Bond/Cunsolo

That a motion with regard to the Bike Lanes be considered as urgent business.

A VOTE was taken and the MOTION was CARRIED

MOVED Crs Bond/Cunsolo

That Council:

3.1 Writes to the Department of Transport and requests that they re-instate the left hand turn into Williamstown Road from Bridge St in Port Melbourne.

3.2 Writes to the Department of Transport and requests that the Bridge St Port Melbourne central bike lane be removed, and the original conditions be reinstated.

3.3 Writes to the Department of Transport and requests that DOT come back to Council with options for alternative proposals to the Westbury St, St Kilda East central bike lane.

3.4 Writes to the Department of Transport and requests that where swerving around speed humps is observed; where speed humps are located on a 40kmh local road; where speed humps are immediately preceding or following a raised pedestrian crossing, and for all concrete blocks, bollards and yellow lines, that DOT shows Council a justification for their requirements on safety or other grounds, or facilitate their removal, or proposes an alternative treatment.

3.5. Council officers to brief Councillors on Department of Transport response to the Council letter as soon as possible and no later than August 2022.

3.6 Writes to the Department of Transport and requests that they conduct a safety audit that reviews safety concerns raised by the community.

3.7 Request that DOT works with the City of Port Phillip to review the Pop-Up Bike Lane programs prior to any revisions and future installation of infrastructure in the City of Port Phillip as part of the DOT Pop Up Bike Lane program following the upcoming practical completion.



3.8 Request that DOT conducts thorough consultation with the residents of the City of Port Phillip prior to any **revisions and** future installation of infrastructure in the City of Port Phillip as part of the DOT Pop-Up Bike Lane program **following the upcoming practical completion.**

Crs Copsey called for the vote under a DIVISION

FOR: Crs Crawford, Cunsolo, Bond, Sirakoff, Martin, Pearl and Clark

AGAINST: Crs Baxter and Copsey

The MOTION was CARRIED.

17. CONFIDENTIAL MATTERS

MOVED Crs Cunsolo/Pearl

That the meeting be closed to members of the public to deal with the following matters pursuant to section 66(2) of the Local Government Act 2020

17.1 Confidential: Cashless Paid Parking Procurement Exemption

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

17.2 Legally Privileged and Confidential: South Melbourne Market Legal options

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

A vote was taken and the MOTION was CARRIED.

As there was no further business the meeting closed at 11:20pm.

Confirmed: 3 August 2022

Chairperson _____