



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

21 APRIL 2021



Please consider
the environment
before printing



Consider carefully how
the information in this
document is transmitted



**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD 21 APRIL 2021 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

PRESENT

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

IN ATTENDANCE

Peter Smith, Chief Executive Officer, Lili Rosic, General Manager Development Transport and City Amenity, Tony Keenan, General Manager Community Wellbeing and Inclusion, Chris Carroll, General Manager Customer Operations and Infrastructure, Kylie Bennetts, General Manager City Growth and Organisational Capability, Rachel Russell, Manager Governance and Organisational Performance, Kirsty Pearce, Head of Governance, Rebecca Purvis, Governance Officer, Emily Williams, Council Meetings Officer, Brian Tee, Manager Partnerships and Transport, Anthony Traill, Manager Open Space, Recreation and Community Resilience, Donna D'Alessandro, Manager Maintenance & Operations, Lauren Bialkower, Manager City Growth and Culture.

The City of Port Phillip respectfully acknowledges the Yalukut Weelam Clan of the Boon Wurrung. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.

The Mayor opened the meeting and made the following statement in relation to item 15.1 Notice of Motion on Rainbow Local Government:

Before we enter the formal agenda, I wish to advise the meeting of the inclusion on tonight's agenda of a notice of motion from Council's last meeting. Report 15.1, being a notice of motion for Rainbow Local Government raised by Cr Katherine Copsey, has also been included from the Ordinary Meeting of Council on 7 April 2021.

At the 7 April meeting the motion was declared defeated in a vote taken under division. Legal advice has been provided to Council that identifies an error in the Governance Rules that, at the time, disallowed the Mayor from exercising a casting vote. Consequently, the vote on this matter was procedurally invalid. Therefore, this matter has now been brought back to Council by the CEO, in accord with the independent legal advice received, and the motion that was moved at the meeting on 7 April 2021 is listed in the agenda for reconsideration by Council.

The unconfirmed minutes of the 7 April meeting have been amended to reflect the legal advice received, and through the confirmation of the minutes at tonight's meeting, the formal public record will identify the vote as invalid.

Prior to consideration of item 15.1 I will provide further advice to Council on the processes for debate on the motion.

1. APOLOGIES

Nil



2. CONFIRMATION OF MINUTES

MOVED Crs Pearl/Martin

That the minutes of the Meeting of the Port Phillip City Council held on 7 April 2021 be confirmed, with the following amendment to page 12:

Included at the end of the motion the words: **The vote on this motion has been determined procedurally invalid under the Local Government Act 2020, and this motion has been listed for reconsideration on the Agenda for the Council Meeting 21 April 2021*

<https://www.portphillip.vic.gov.au/about-the-council/council-meetings/2021-meetings-and-agendas>)

A vote was taken and the MOTION was CARRIED unanimously

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

The following submissions were made verbally during the council meeting and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archive.php>

Public Question Time:

- **Lina De Petro:** I would love to see council taking the following actions:
 1. Improve lighting on Tennyson street around the park
 2. Install CCTV at the park capturing the housing first property
 3. Install CCTV out the front of 7eleven on Barkly (a crime hotspot & hang out)
 4. Only fund social housing projects if they have a full time on-site manager, security, cameras and daily visits from social workers, drug & alcohol counsellors and mental health counsellors.
 5. Declare a social amenity crisis
 6. Apply for additional funding from State government for crime prevention through the "Building Safer Communities Grants Program"
 7. Run a survey to measure perceptions of crime & safety in our community
 8. Increase local laws officers staff numbers and number of daily patrols
 9. Change the Local Law 53 (exemption to move on orders for homeless) to only apply to people on a list who are verified homeless and if they have refused housing previously then the exemption shall not apply to them anymore.
 10. Ban repeat offenders from the city
 11. Request that the police allocate more units on the street

Why can't Council support Community Safety and Crime Prevention?

Councillor Crawford took the question on notice

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 21 APRIL 2021



Council Report submissions:

Item 8.1 Presentation of CEO Report – Issue 73

- Rhonda Small

Item 13.1 Live Music Action Plan

- Virginia Dowzer
- Lachlan McKenzie-McHarg
- Patrick Donovan
- Graham Chant

Item 14.5 Draft Council Plan 2021-2031, Municipal Health & Wellbeing Plan, Financial Plan, Revenue & Rating Plan, and Budget 2021-22: Release for Public Consultation

- Rhonda Small
- Jennifer Stone
- Jack Halliday
- Paul Hickey
- Jan Cossar
- Janet Bolitho
- April Seymore
- Craig Eyes
- Ron Burggraf
- Brenda Forbath
- David Brand

Item 15.1 Notice of Motion – Cr Katherine Copsey – Rainbow Local Government

- David Brand
- David Imber
- Sean Mulcahy

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 21 APRIL 2021



The following people made submissions made prior to the meeting, and these were read out in summary form by the Head of Governance and can be listened to on our website:

<http://webcast.portphillip.vic.gov.au/archive.php>

Council Report submissions:

Item 14.5 Draft Council Plan 2021-2031, Municipal Health & Wellbeing Plan, Financial Plan, Revenue & Rating Plan, and Budget 2021-22: Release for Public Consultation

- Catherine Mapperson
- Chris Kondos
- Jason Rouda
- Ms. Henderson
- Adrian Jackson
- Felicia Mariani
- Peter Moraitis

Item 15.1 Notice of Motion – Cr Katherine Copsey – Rainbow Local Government

- Bella D'Abrera
- Penny Essing
- Bill O'Loughlin

5. COUNCILLOR QUESTION TIME

Councillor Cunsolo: I have received requests from residents about getting an dog off leash beach during winter. What is the process for reviewing our policy for dogs on beaches?

Lili Rosic, General Manager, Development, Transport and City Amenity advised that Council is committed to balancing the needs of both pet owners and non-pet owners and has developed a 'Domestic Animal Management Plan' to encourage responsible pet ownership and promote pet welfare. We are due to review a new 4 year plan in the coming months and as part of the development of the plan, we will be undertaking community consultation to seek feedback on that matter. We will also consider the information we've already received regarding the request to review dog off leash controls on our beaches. We have done so in the past, as recently as 2018, and we have found that 80% of responses during that consultation believed the current beach set up provides balance for all users. If Council chose to review the dog controls along our beaches the matter would need to be considered by Council and changes would need to be made through the Government Gazette.

Councillor Pearl: Can Officers provide an update to City of Port Phillip's application to the State Government for funding of mobile CCTV units?

Anthony Traill, Manager Open Space, Recreation and Community Resilience advised that on 3 February 2021 Council resolved the following two actions as part of a petition response to hooning. Firstly to 'provide a report to consider requirements and costings of a mobile CCTV unit'. A report will come to Council for consideration at the 19 May Council Meeting. Secondly, 'Submits an application to Victoria Police to the Victorian State Government grant program'. This application was submitted on 15 March 2021, we've been advised that the successful grants are estimated to be announced in the middle of June 2021.



Councillor Pearl: Residents of Wellington Street, St Kilda have recently complained about the increased amounts of rubbish in the Street. What specific plans does council have to address this issue and to install bins in this street?

Donna D'Alessandro, Manager Maintenance & Operations advised that Wellington Street is identified as a hot spot area for dumped rubbish and litter. Currently, the street has a weekly clearing of dumped rubbish by our collection contractors, and we also do additional collections carried out as per residents requests. We also carry out litter picking once a week, and street sweeping as per our four week cycle. The street was last cleaned on 19 April 2021. Council has not received an increase in requests recently regarding litter or dumped rubbish for this street, and does not currently have any planned infrastructure or service level increases.

Councillor Pearl: A number of residents and traders in South Melbourne and Albert Park have complained that popup parks are being removed by Council Officers. Can Officers provide a response to these complaints?

Kylie Bennetts, General Manager City Growth and Organisational Capability advised that we appreciate feedback from the community about the positive impacts those parklets have had in that area and conversely the concern the community has around their removal. Council received \$100,000 from the Department of Jobs, Precincts and Regions Neighbourhood Activity Centre Renewal Fund and through that funding erected 10 community parklets across the municipality. The parklets were removed at the expiry of their permits, which were in place until the end of March. The decision that was made by Council to extend parklets until the end of June, applied to business parklets only, and they were permitted and cared for by hospitality traders rather than Council. To ensure that the investment that was made in those community parklets continues to be used and that they are well cared for, the parklets have been moved - a couple of them to the South Melbourne Market, some near to the Esplanade Market in St Kilda, and also the parklets at Spring Street, Port Melbourne and Medan Street Southbank are still in place. Council will soon consider a longer term approach to public space activation and there will be an opportunity to consider community requests through this process. We'd be pleased to work with the Councillors and community if there is interest in parklets in locations across the city.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Item 7.1 Joint Petition Response

Petition 1: Petition regarding Bus Route 606 Dow Street/Esplanade West, Port Melbourne

A Petition containing 27 signatures was received from local residents.

Petition 2: Petition requesting installation of traffic lights at intersection of Bay/Liardet Street, Port Melbourne

A Petition containing 27 signatures was received from local residents.



MOVED Crs Cunsolo/Pearl

That Council:

- 1 Acknowledges there is community desire for the installation of traffic lights at the Bay Street and Liardet Street intersection so the official PTV 606 bus route could resume turning right at this intersection and cease using Dow Street/Esplanade West, Port Melbourne.
2. Request Council officers provide Councillors a briefing on improvements to pedestrian and traffic safety at the intersection of Bay Street and Liardet Street not later than August 2021.
- 3 Thanks the lead petitioners for raising their concerns and advises them of Council's resolution.

A vote was taken and the MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 73

Purpose

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

MOVED Crs Copsey/Martin

That Council:

- 3.1 Notes the CEO Report Issue 73 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in February 2021

A vote was taken and the MOTION was CARRIED unanimously.

9. PEOPLE AND COMMUNITY

Nil.

10. TRANSPORT AND PARKING

Nil.

11. SUSTAINABILITY

Nil.

12. PLANNING

Nil.



13. ARTS CULTURE & ECONOMIC DEVELOPMENT

13.1 Live Music Action Plan

Purpose

- 1.1 To present the results from the consultation undertaken on the draft Live Music Action Plan and present the amended Live Music Action Plan for adoption.

MOVED Crs Copsey/Bond

That Council:

- 3.1 Notes the feedback from the consultation on the draft Live Music Action Plan, thanks those members of the community who provided this feedback and notes the subsequent amendments made to the Plan.
- 3.2 Adopts the Live Music Action Plan 2021 – 2024 and authorises the CEO to make minor editorial changes to finalise the Plan that do not materially alter the strategic intent of the document.

A vote was taken and the MOTION was CARRIED unanimously

14. ORGANISATIONAL PERFORMANCE

14.1 Opportunity to divest a bottle shop

Purpose

- 1.1 To seek approval to commence the statutory process under Section 189 of the *Local Government Act 1989*, notifying the public of an Intention to Sell a surplus property at 174 Nott Street, Port Melbourne, and considering the responses to that notice.

MOVED Crs Cunsolo/Pearl

That Council:

- 3.1 Resolves that the statutory processes under the *Local Government Act 1989* ("Act") be commenced to consider the sale of 174 Nott Street, Port Melbourne, (being the land described in Certificate of Title Volume 04054 Folio 616 and shown as Lot 1 on Title Plan 686995E), and authorises relevant Officers to carry out the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.
- 3.2 Resolves to hear and consider any submissions received in response to public notice published pursuant to sections 189 and 223 of the Act.
- 3.3 That the title of report 14.1 be changed to "Proposal to Sell a Council owned property at 174 Nott St, Port Melbourne", and the Council meeting papers amended to reflect this change.

A vote was taken and the MOTION was CARRIED unanimously.



14.2 Award of Panel of Contractors to Provide Electrical Services

Purpose

- 1.1 To seek Council's approval to enter into Contract 000025 – Electrical Services Panel with Sundancer Cruz ATF DOAS Family Trust T/As Alert Electrical Group and The Trustee for JMD Electrics Family Trust T/As JMD Electrics (Australia).

MOVED Crs Pearl/Baxter

That Council:

- 3.1 Enters into Contract 000025 Electrical services with Sundancer Cruz ATF DOAS Family Trust T/As Alert Electrical Group and The Trustee for JMD Electrics Family Trust T/As JMD Electrics (Australia) for a three-year period commencing 10 May 2021 with no further extension option.
- 3.2 Affixes the Common Seal of the Port Phillip City Council to Contract 000025 between Council and Sundancer Cruz ATF DOAS Family Trust T/As Alert Electrical Group and The Trustee for JMD Electrics Family Trust T/As JMD Electrics (Australia).

A vote was taken and the MOTION was CARRIED.

14.3 Award of Panel of Contractors to Provide Plumbing and Gasfitting Services

Purpose

- 1.1 To seek Council's approval to enter into Contract 000029 – Plumbing and Gasfitting Services Panel with DJ Murphy Plumbing Services and Peck Plumbing Pty Ltd.

MOVED Crs Pearl/Baxter

That Council:

- 3.1 Enters into Contract 000029 Plumbing and Gasfitting Services Panel with DJ Murphy Plumbing Services and Peck Plumbing Pty Ltd for a three-year period commencing 10 May 2021.
- 3.2 Affixes the common Seal of The Port Phillip City Council to Contract 000029 between Council and DJ Murphy Plumbing Services and Peck Plumbing Pty Ltd.

A vote was taken and the MOTION was CARRIED unanimously.



14.4 Councillor Gift and Hospitality Policy

Purpose

- 1.1 To present to Council for formal endorsement, the Councillor Gift and Hospitality Policy.

MOVED Crs Pearl/Baxter

That Council:

- 3.1 Adopts the Councillor Gift and Hospitality Policy, required under Section 138 of the Local Government Act 2020 as outlined in Attachment 1.
- 3.2 Authorises the Chief Executive Officer to finalise the document and make any minor amendments that do not materially alter the intent of the policy.
- 3.3 Formally rescinds the 2016 Councillor Gift Policy in Attachment 2.

A vote was taken and the MOTION was CARRIED unanimously.

The Mayor adjourned the meeting for a break at 8:26pm.

The meeting resumed at 8:34pm.

14.5 Draft Council Plan 2021-2031, Municipal Health & Wellbeing Plan, Financial Plan, Revenue & Rating Plan, and Budget 2021-22: Release for Public Consultation

Purpose

- 1.1 To consider release of the draft Council Plan 2021-31, including the Municipal Health and Wellbeing Plan, the draft Financial Plan (10-year), the draft Revenue and Rating Plan, and the draft Budget 2021/22 for public consultation.

The Mayor advised that due to the complexity of the matter, the motion would be taken in parts.

MOVED Crs Martin/Copsey

PART 1

That Council:

- 3.1 Notes the draft Council Plan 2021-2031, inclusive of the Municipal Health and Wellbeing Plan, the draft (10-year) Financial Plan, the draft Revenue and Rating Plan, the draft Budget 2021/22, and 10-year community vision for community consultation (attachment 1 & 2) amended to reflect any changes made through this resolution.
- 3.2 Notes that in accordance with requirements under the Local Government Act 2020, the Asset Plan will be developed by June 2022 and notes that asset management content has been developed in Volume 2 of the draft Council Plan

A vote was taken and the MOTION was CARRIED unanimously.



PART 2

Moved Crs Copsey/Martin

- 3.3 Endorses the draft Budget 2021/22, which includes:
- 3.3.1 A rate increase of 1.5 per cent, which is equivalent to the rates cap set by the Victorian Government.
 - 3.3.2 A general increase in fees and charges of 1.75 per cent, which is consistent with our financial strategy, unless it makes sense to vary, and to provide targeted support to those who need it most.
 - 3.3.3 Efficiency savings of \$2.3 million, including \$1.1 million from the Customer Experience Program. This adds to the \$12.6 million of savings delivered over the four budgets of the previous Council. Cumulative savings since the introduction of rates capping in 2016/17 are more than \$54 million.
 - 3.3.4 No debt– some finance lease liabilities will remain as part of our financing strategy.
 - 3.3.5 Cash reserves for operational needs including staff leave and contingency of \$26.3 million.
 - 3.3.6 Project investment of \$55.5 million to maintain, grow and improve services and assets.
 - 3.3.7 A cash surplus of \$1.74 million providing additional contingency for likely enterprise financial risks (per section 4.38) particularly as this is the first budget post COVID-19 pandemic.
 - 3.3.8 A small number of additional temporary and permanent service level reductions and increases as per section 4.60
 - 3.3.9 Intention to lease two properties as required by section 115 of the Act as per section 4.64

AMENDMENT

Moved Crs Crawford/Baxter

- 3.3.10 An additional \$50,000 to enter into another 12 month agreement with the National Trust of Australia (Victoria) for free City of Port Phillip resident access to Rippon Lea Estate to the value of \$20,000 with incentive based bonuses up to an additional \$30,000 for a total value of \$50,000.

A vote was taken and the AMENDMENT was LOST.

AMENDMENT

Moved Crs Baxter/Cunsolo

- 3.3.10 Reinstated funding of \$126,000 for Friends of Suai program, and requests that officers develop a transition plan by the end of December 2021, that would reduce all funding to Friends of Suai in a reasonable timeframe. This plan would outline ways the Council can continue to support the Friendship without providing direct funding and a plan to support the Committee to source other income to support projects in Suai.

Cr Clark called for a DIVISION.



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

AGAINST: Crs Bond, Sirakoff, Pearl and Clark

A vote was taken and the AMENDMENT was CARRIED.

The AMENDMENT became the SUBSTANTIVE MOTION.

THE SUBSTANTIVE MOTION WAS PUT.

A vote was taken and the MOTION was CARRIED unanimously.

PART 3

Moved Crs Martin/Baxter

- 3.4 Notes the Engagement Findings Report provided as an attachment to this report (attachment 3).
- 3.5 Notes that officers will seek an exemption from the Secretary of the Department of Health to preparing a stand-alone Municipal Health and Wellbeing Plan based on the draft Council Plan that Council has endorsed for public consultation.
- 3.6 Receives and hears feedback and submissions from the public at the Special Council meeting on 8 June 2021, commencing 6.30 pm at the St Kilda Town Hall, prior to considering adoption of the Council Plan 2021-31, including Budget 2021/22 at the Special Council Meeting on 23 June 2021 commencing 6.30 pm at the St Kilda Town Hall (or online if a physical meeting cannot take place).
- 3.7 Authorises the CEO to make amendments to the draft Council Plan 2021-31 including the draft Budget 2021/22 to reflect any changes through this resolution, and to make minor editorial adjustments to the document and releases it for public consultation.

A vote was taken and the MOTION was CARRIED unanimously.

15. NOTICES OF MOTION

15.1 Notice of Motion – Cr Katherine Copsey – Rainbow Local Government

Prior to consideration of the item, the Mayor advised the meeting of the following:

As advised at the start of the meeting, Report 15.1, being a notice of motion for Rainbow Local Government raised by Cr Katherine Copsey, has been included from the Ordinary Meeting of Council on 7 April 2021.

Given that the vote was invalid, this remains a live motion and therefore does not require moving again. The motion stands as having been moved by Cr Copsey, and seconded by Cr Baxter.

As the process was compromised, and time has passed since consideration of the motion at the 7 April meeting, it is appropriate that Councillors are aware of their colleagues views so that they can make an informed decision, and therefore councillors will be given the opportunity to again speak to the motion.



Moved Crs Copsey/Baxter

That Council:

- 1.1 Requests the CEO to develop and bring back to Council a costed program of work that would see all Council services and programs move towards Rainbow Tick accreditation over time. The program of work should identify priority Council programs and services for the phased implementation of Rainbow Tick accreditation and the timeframe for achievement of accreditation. This program of work should be integrated and align with a broader “diversity and inclusion action plan” to ensure all Council services and programs are culturally safe and appropriate for first nations people, people with a disability, people from culturally and linguistically diverse backgrounds and people of all genders and all ages.
- 1.2 Establishes an LGBTIQA+ Advisory Committee, noting that the main resource required for the Committee would be Officer and Councillor time.
- 1.3 Once the LGBTIQA+ Advisory Committee has been established, undertakes the development and implementation of a LGBTIQA+ Action Plan with input from the Advisory Committee, noting that officers advise that the Action Plan can either be resourced by reallocating current priorities or by bringing in a short-term resource to undertake the work.
- 1.4 Notes that the City of Port Phillip’s Flag Protocol already requires that the Rainbow Flag be flown from the highest flagpole on all three Town Halls during the week leading up to Pride March, and requests officers to liaise with Rainbow Local Government to facilitate the flying of appropriate flags from community flagpoles on LGBTIQA+ awareness days in accordance with Council’s Community Flagpole Guidelines.
- 1.5 Notes that the City of Port Phillip has been a long-time sponsor, supporter of and participant in the Pride March, which is held in the City. Councillors and staff take part in the march each year and Council provides a \$65,000 Grant to Midsumma to support Pride March, \$25,000 in traffic management and \$25,000 in kind support.

AMENDMENT

Moved Crs Cunsolo/Martin

That item 1.1 be amended to include the following, and that 1.6 be added:

- 1.1 Requests the CEO to develop and bring back to Council a costed program of work that *can be considered by Council prior to June 2021 to inform the final 2021/31 Council Plan and Budget*, that would see all Council services and programs move towards Rainbow Tick accreditation over time. The program of work should identify priority Council programs and services for the phased implementation of Rainbow Tick accreditation and the timeframe for achievement of accreditation. This program of work should be integrated and align with a broader “diversity and inclusion action plan” to ensure all Council services and programs are culturally safe and appropriate for first nations people, people with a disability, people from culturally and linguistically diverse backgrounds and people of all genders and all ages.
- 1.6 Notes that the work undertaken in relation to parts 1.1 to 1.3 of this resolution will be integrated with other work being undertaken as part of an overarching Diversity and Inclusion framework being developed by the CEO for future consideration by Council.

A vote was taken and the AMENDMENT was CARRIED.

MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 21 APRIL 2021



The **AMENDMENT** became the **SUBSTANTIVE MOTION**

The **SUBSTANTIVE MOTION** was **PUT**.

Cr Copsey called for a **DIVISION**.

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

AGAINST: Crs Bond, Sirakoff, Pearl and Clark

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

16. REPORTS BY COUNCILLOR DELEGATES

Nil.

17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 11.00pm.

Confirmed: 5 May 2021

Chairperson _____