



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

6 SEPTEMBER 2023



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MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 6 SEPTEMBER 2023 IN ST KILDA TOWN HALL AND VIRTUAL VIA WEBEX

The meeting opened at 6:37pm.

IN ATTENDANCE

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

Chris Carroll, Chief Executive Officer, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Joanne McNeill, General Manager Governance, Capability and Experience, Peter Liu, Chief Financial Officer, Xavier Smerdon, Head of Governance, Katrina Collins, Senior Governance Advisor, Darryn Hartnett, Executive Manager Governance and Organisational Performance, Rebecca Purvis, Council Business Advisor, Anthony Savenkov, Head of Real Estate Portfolio, Fiona van der Hoeven, Manager City Planning and Sustainability, Lisa Davis, Manager Safety and Amenity, Dana Pritchard, Manager Open Space, Recreation and Community Resilience.

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.

REQUESTS TO ATTEND BY ELECTRONIC MEANS

Nil.

1. APOLOGIES

Apologies were received from Councillor Baxter and Councillor Crawford.

LEAVE OF ABSENCE

MOVED Crs Martin/Bond

That Council grants a leave of absence for Councillor Sirakoff from Thursday 7 September – Sunday 8 October 2023.

A vote was taken and the MOTION was CARRIED unanimously.

2. CONFIRMATION OF MINUTES

MOVED Crs Martin/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 16 August 2023 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Chris Carroll, Chief Executive Officer, stated his previously declared conflict of interest in item 10.1 St Kilda Triangle in relation to his wife's employment as a competitor of Live Nation. Chris Carroll advised they would stay in the chamber for the meeting as they are not involved in any advice or decision making on the matter and the information is now publicly available.

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:

- **Michael Barrett** – The new City of Port Phillip waste collection contractor Citywide is reported as being considered for sale by its owner, the City of Melbourne. As part of the tender process for the waste collection and disposal contract, was due diligence performed by the responsible officers at the City of Port Phillip as to the process around the sale of assets or partial sale of Citywide? What plans do the responsible officers of the City of Port Phillip have in the event of the sale or partial sale of Citywide?

Peter Liu, Chief Financial Officer, advised that Council is aware of a recent article in the Herald Sun regarding the ownership of Citywide. Council was not aware of any such plans by the Melbourne City Council to potentially sell its ownership of Citywide during the recent award of the kerbside waste collection contract in October 2022, nor have we since been since to that effect. Council will consider any potential impact on service delivery should any changes to Citywide's ownership transpire.

Council Report Submissions:

Item 7.1 – Petition – Short Stay Accommodation

- James Muscat

Item 10.1 – St Kilda Triangle

- Janet Rosenberg
- David Blakeley
- Mark Waltham
- Mary Stuart
- Serge Thomann
- Hugh Van Handel
- Peter Holland

Item 10.2 – Elwood Foreshore Site Plan

- Daniella Skotnicki
- Issac Hermann
- Pam Herdman
- Christine Evely
- Terence Seedsman
- Mark White
- James Newbury
- Jean Lee
- Bruce McCormish

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- Ian Pascarl
- Gui Glasberg
- Bianca Friedman
- Glenys Fraser
- Anthony Kaiser
- Louise Tregurtha
- Hanna El Moullem

Item 14.1 – NOM – Fitzroy Street Outdoor Speakers

- David Blakeley

5. COUNCILLOR QUESTION TIME

Councillor Sirakoff – Following our new local laws implementation on 1 August, has Council had the opportunity to engage with supermarkets about distancing limiting devices on their trolleys so that we don't have them in the streets?

Chris Carroll, Chief Executive Officer, took the question on notice.

Councillor Nyaguy - How many kilometres of on-road separated bike lanes does Port Phillip have and how many have been built since the adoption of the Integrated Transport Strategy? Of those, how many kilometres have been funded by Council?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that as of June 2022 Port Phillip had 265 kilometres of roads, 59 kilometres network of bike lanes and paths and 414 kilometres of footpaths. There are 38km of on road bike infrastructure in Port Phillip including about 4.5 km of separated on road bike lanes (Fitzroy Street, St Kilda Road, Moray Street, Cecil Street and temporary infrastructure along Park St). Following strong advocacy by City of Port Phillip, the Victorian Government has delivered the St Kilda Road protected bike lane between the St Kilda Junction and Dorcas Street. In Port Phillip this amounts to approximately 3km delivered within the City of Port Phillip.

Councillor Nyaguy - How many kilometres of off-road separated bike lanes does Port Phillip have and how many have been built since the adoption of the Integrated Transport Strategy?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that here is approximately 21 kilometres of off-road bike paths and shared paths across Port Phillip. Since 2020 the Garden City bike corridor has been delivered by Council which included approximately 1 km of bike path to connect existing treatments between the Bay trail and the Sandridge Trail.

Councillor Nyaguy - How many kilometres of on-road separated bike lanes do Melbourne, Bayside, Glen Eira, Stonnington, Merri-Bek, Yarra and Darebin have?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that Council officers do not have access to other Council's data so took the question on notice for further response.

Councillor Nyaguy - Excluding off-road paths like the Bay Trail, are any of the 11 identified routes currently fully separated bike lanes from end-to-end?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that no routes are fully separated from end to end. Moray Street is partially separated including separated roundabouts and Garden City is partially separated with off-road.

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Councillor Nyaguy - Do any current separated bike corridors connect with other separated bike corridors within the city?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that current connecting trails include the Bay trail, Garden City train and the Sandridge trail.

Councillor Nyaguy - Does Council consider Moray Street, South Melbourne and Fitzroy Street, St Kilda corridors complete as neither are currently connected and separated for the entire length?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that improvements can always be made to the bike infrastructure network and Council looks for opportunities across State Government projects and other road safety improvements to continue to connect existing infrastructure.

Councillor Nyaguy - What are the top five most dangerous bike corridors in Port Phillip? Would Council have a possible legal liability for accidents on bike corridors identified as dangerous and we have chosen not to upgrade them?

Fiona van der Hoeven, Manager City Planning and Sustainability, took the question on notice.

Councillor Nyaguy - Can Council officers provide an update on the status of the Park Road bike corridor? Once complete will the Park Road bike corridor connect to other separated bike lanes?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that the endorsed Park Street Streetscape Improvement Project between St Kilda Road and Kings Way is programmed for construction in the 24/25 Financial year. The project construction has been postponed to allow for the completion of interfacing projects that are happening that needed to use that road space as well. The temporary bike lane between Kings Way and Moray Street which connects to the Moray Street bike lane, was completed in August 2022. Aligning with the Council decision, the temporary infrastructure will remain in place until the delivery of the Victorian Government's Park Street Tram Link.

Councillor Nyaguy - Can Council officers provide an update on when options for the Inkerman Road bike corridor will be released to the public for consultation?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that Officers are preparing a report with the intention to present it to Council in October with a recommendation to put the project out to public consultation. Should Councillors determine that the project is to go out for consultation, this would occur shortly following the Council decision.

Councillor Nyaguy – I understand that in 2021 Council changed from a timetabled service to a on demand service for our older persons transport bus. Can officers advise whether this has resulted in a reduction of patronage on this service?

Fiona van der Hoeven, Manager City Planning and Sustainability, took the question on notice.

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

The meeting resumed at 8.10pm.



6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Petition - Request to implement Clause 59 in order to control Short Stay Accommodation

A Petition containing 107 signatures was received via change.org.

MOVED Crs Martin/Bond

That Council:

Receives and notes the Petition and provides a response to the 4 October 2023 Council meeting as part of the officers' report into Short-Stay Accommodation.

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

Councillor Pearl joined the meeting at 8.34pm.

10.1 St Kilda Triangle - Live Music Venue Design Feasibility Report and Community Engagement

Purpose

- 1.1 For Council to note the work done to date on the assessment of feasibility for a new live music/performance venue on the Triangle.
- 1.2 To request authorisation to seek feedback from the community and key stakeholders on the St Kilda Triangle Design Feasibility for a Live Music and Performance Venue, and particularly the indicative site layout (design option 2) as shown in Attachment 2, which operates as a 'proof of concept' for a live music/performance venue, considerable parking, complementary uses and public realm on the Triangle site.

MOVED Crs Bond/Clark

That Council:

- 3.1 Notes the release of the *St Kilda Triangle Potential Live Performance Venue Market Sounding Report* and the *St Kilda Triangle Design Feasibility for a Live Music and*

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- Performance Venue* with the publication of this report on Council's web-page on 1 September 2023. Reports are provided in Attachment 1 and 2 respectively.
- 3.2 Notes the key outcomes of the market sounding report (Attachment 1), which are:
- The live performance market, particularly live music is extremely strong.
 - The key gap in Melbourne is a purpose-built indoor venue of between 3,000 and 5,000 standing capacity with a 5,000 standing capacity venue noted as the 'sweet spot'.
 - St Kilda is supported by the majority of promoters surveyed as a live music location for various reasons.
- 3.3 Notes the indicative site layout (Option 2) recommended in the attached design feasibility report (Attachment 2) provides a proof of concept intended to demonstrate how a live music venue that responds to market demand can be accommodated on the site while allowing for a significant, but not matching, level of carparking, ancillary uses and some public realm. It also addresses key priorities identified in the 2016 Masterplan and other design principles such as the creation of a cultural precinct, protecting key views, connections to the foreshore, concentrating built form near the Palais and integrating effectively in the wider precinct.
- 3.4 Notes that the indicative site layout for the St Kilda Triangle (Option 2 in Attachment 2) broadly comprises of:
- **Venue and Carpark:** Option 2 venue - a 5000-standing capacity venue including a mezzanine or balcony (accommodating 1000 of the 5000 capacity), and a 200 space carparking option.
 - **Supplementary carpark:** Use of the site on the corner of Jacka Boulevard and Cavell St for on-grade parking (approximately 40 spaces) as supplementary parking for the preferred design option.
 - **Complementary Uses and Public Realm:** complementary use zones indicating the minimum required for the successful functioning of the venue and activation of the site, while the remainder of the site is used for public realm.
- 3.5 Notes that if Council was to elect to progress this project, the indicative site layout (proof of concept) presented in the attached design feasibility report (Attachment 1) could be translated into design guidelines and/or a site plan that would form the basis of procurement and strategic planning activities. This is work for subsequent stages which is still to be defined and presented to Council later in 2023, and will be informed by the outcomes of the planned community engagement.
- 3.6 Endorses the commencement of community engagement to seek feedback on the findings in the *St Kilda Triangle Design Feasibility for a Live Music and Performance Venue* report on the day following this Council report, 7 September 2023 for a period of 6 weeks in line with the activities detailed in the body of this report.
- 3.7 Approves additional project budget of \$80,000 for additional scope items, including: market sounding and consultancy support to complete the commercial analysis, resources to support the community engagement program and additional design consultancy to review and consider feedback and its implications on the design feasibility work.



A vote was taken and the MOTION was CARRIED unanimously.

10.2 Elwood Foreshore Site Plan

Purpose

- 1.1 To seek endorsement of a masterplan ("Site Plan") to guide improvement to the Elwood foreshore open space and infrastructure ("Elwood Foreshore").

MOVED Crs Cunsolo/Sirakoff

That Council:

- 3.1 Endorses the Elwood Foreshore Site Plan, as adjusted, and annexed as Attachment 1.
- 3.2 Thanks everyone who has provided input to date to help shape the future of this popular and valued public place.
- 3.3 Notes that the Elwood Foreshore Site Plan is intended as a high-level masterplan, to guide subsequent detailed design and development applications, and that the development application process includes further community consultation.
- 3.4 Notes that development in accordance with the Site Plan is anticipated to occur in stages, over approximately 10 years, subject to approvals and consents, including Coastal Crown consent.
- 3.5 Acknowledges the feedback from Bayside City Council and Head Street residents and requests officers seek to retain current facility addressing where possible.
- 3.6 Request officers undertake further studies during the detailed design stage on the location of car parking adjacent to the soccer pitch on Head Street.

A vote was taken and the MOTION was CARRIED unanimously.

10.3 Elder Smith Netball Courts and Pavilion Update

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

Councillor Nyaguy – Would this facility be connected to gas or would it be entirely electric?

Chris Carroll, Chief Executive Officer, advised that generally we try not to connect new buildings to gas unless required for specific purposes e.g. a restaurant. The question was taken on notice for further response.

Purpose

- 1.1 To seek Council endorsement on the proposed design for Elder Smith Netball Courts and Pavilion.

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- 1.2 Request Councils endorsement of additional funding of \$1.7m in 2024/25 financial year to deliver the project.
- 1.3 Obtain Councillors' endorsement of the inclusion of a number of discretionary inclusions for the pavilion.

MOVED Crs Martin/Cunsolo

That Council:

- 3.1 Endorses progressing the project with the proposed design for Elder Smith Netball Courts and Pavilion.
- 3.2 Approves additional funding of \$1.7m (excluding GST) for project costs to deliver Courts and Pavilion.
- 3.3 Approves additional funding for discretionary items;
 - 3.3.1 Solar panels and battery. Cost \$180,000. To be considered further, subject to costing and available budget, with a final report to be presented to Council.
 - 3.3.2 Scoreboards. Cost: \$80,000
 - 3.3.3 Seating outside the courts (on court seating is included). Cost: \$20,000
- 3.4 Notes the funding of the additional request will be mainly from a drawdown on open space contribution reserve.
- 3.5 Notes the proposed next steps for the project:
 - 3.5.1 February/March 2023 – construction procurement
 - 3.5.2 May 2024 - commence construction
 - 3.5.3 December 2024 – construction complete

A vote was taken and the MOTION was CARRIED.

10.4 Heritage Overlay 8 (HO8) Precinct Review

Purpose

- 1.1 The report seeks approval for the draft findings of the Heritage Overlay 8 Precinct Review to go to public engagement.

MOVED Crs Bond/Nyaguy

That Council:

- 3.1 Notes the officer report on the *draft Elwood Stage 2 Heritage Review Volume 1 - Findings Report Prepared for City of Port Phillip July 2023* (at **Attachment 1**) and the *draft Elwood Stage 2 Heritage Review Volume 2 - Citations Prepared for City of Port Phillip June 2023* (at **Attachment 2**).
- 3.2 Endorses the documents in Attachments 1 and 2 for the purposes of community consultation.

A vote was taken and the MOTION was CARRIED unanimously.



11. SUSTAINABLE PORT PHILLIP

11.1 Public Toilet Plan 2023 - 2033 Consultation Findings and Final Plan Endorsement

Purpose

- 1.1 To Present Councillors with the engagement summary report following the community consultation period relating to the draft Public Toilet Plan 2023 – 2033, and highlight the key feedback received this engagement period.
- 1.2 To provide an update to Council on the Public Toilet Plan and key document amendments since the draft was released as a result of community feedback.
- 1.3 To seek formal endorsement to implement the City of Port Phillip Public Toilet Plan 2023 -2033.

MOVED Crs Nyaguy/Martin

That Council:

- 3.1 Notes the results of the community consultation on the draft Public Toilet Plan 2023 – 2033 as summarised in this report and outlined in the attached Engagement Summary Report (Attachment 1).
- 3.2 Acknowledges and thanks the community for their feedback communicated during the consultation period.
- 3.3 Adopts the City of Port Phillip Public Toilet Plan 2023 – 2033 for implementation.

A vote was taken and the MOTION was CARRIED unanimously.

12. VIBRANT PORT PHILLIP

12.1 Artist Engagement Services contract

Purpose

- 1.1 To advise Council of the outcomes of the public tender process for Request for Tender 000249, Artist Engagement Services and recommend awarding the contract.

MOVED Crs Cunsolo/Sirakoff

That Council:

- 3.1 Awards RFT000249 to Auspicious Arts Projects Inc. for three years commencing on 18 September 2023 with one further option of three years to extend (maximum term of six years in total);
- 3.2 Notes that the contract value of \$4,000,000 inc GST has been calculated with reference to the schedule of rates submitted by Auspicious Arts Projects Inc and the projected Council budget for fees paid to artists (including Superannuation and Workcover) via this auspicing arrangement (estimated at \$3,809,524);



- 3.3 Notes that the projected amount to be retained by Auspicious Arts Projects Inc over the maximum six year term equates to \$190,476.00 (based on their fee of 5%);
- 3.4 Notes that the limit of the contract has no additional budget implications;
- 3.5 Delegates to the CEO the authority to determine if the contract extension is to be exercised and to execute the extension as required.

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 Procurement of Security Services Contract

Purpose

- 1.1 To seek Council's approval to enter into Contract 000238 - Security Services with National Protective Services Pty Ltd.

MOVED Crs Bond/Martin

That Council:

- 3.1 Enters into Contract 000238 Security services with National Protective Services Pty Ltd. for an initial four-year term with an option of a further two-year extension.
- 3.2 Notes that the estimated contract sum including provisional sum for service changes is \$9,401,880.69 (excluding GST) or \$10,342,068.76 (including GST) for the full six-year period.
- 3.3 Notes the provisional sum budget for possible future service changes total \$480,000 (excluding GST) or \$520,000 (including GST), as detailed in point 7 in this report, and this will be subject to Council's normal budgetary approval process.
- 3.4 Notes that the section 5 of Instrument of Delegation to the Chief Executive Officer may be utilised to address possible future service changes as outlined in 3.3.
- 3.5 Authorises the Chief Executive Officer to execute the further two-year extension option as and when required subject to satisfactory performance from National Protective Services Pty Ltd and subject to Consumer Price Index calculations at the time of the extension option is being considered.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Risk Management Policy and Framework

Purpose

- 1.1 To seek Council adoption of the Risk Management Policy and noting of the Risk Management Framework



MOVED Crs Martin/Bond

- 3.1 Adopts the revised Risk Management Policy (Attachment 1) and notes the updated Risk Management Framework (Attachment 2).

A vote was taken and the MOTION was CARRIED unanimously.

13.3 Councillor Expenses Monthly Reporting - July 2023

Purpose

- 1.1 To report on the expenses incurred by Councillors during July 2023, in accordance with the Councillor Expenses and Support Policy.

MOVED Crs Martin/Bond

That Council:

- 3.1 Notes the monthly Councillor expenses report for July 2023 (attachment 1) and that this will be made available on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.

13.4 In Principle Approval of the Annual Financial Statements 2022/23 and Performance Statement 2022/23

Purpose

- 1.1 To obtain Council's in principle approval of the annual financial statements and performance statement for the financial year ending 30 June 2023.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Notes the sound financial performance for financial year 2022/23 which includes an operating surplus and a low-risk rating on the Victorian Auditor General's Office Financial Sustainability.
- 3.2 Gives in principle approval to the annual financial statements and performance statement (the statements) for the financial year ended 30 June 2023.
- 3.3 Authorises the Mayor, Councillor Heather Cunsolo, and Deputy Mayor, Councillor Andrew Bond, or delegates to certify the annual financial statements and performance statement for the financial year ended 30 June 2023.
- 3.4 Approves the materiality threshold in the performance statement at +/- 10 percent of Council's 2021/22 result for the explanation of variances between the 2022/23 and 2021/22 result.
- 3.5 Authorises the Mayor and Chief Executive Officer to certify the Governance and Management checklist.

A vote was taken and the MOTION was CARRIED unanimously.



14. NOTICES OF MOTION

14.1 Notice of Motion Councillor Andrew Bond – Fitzroy Street Outdoor Speakers

MOVED Crs Bond/Martin

That Council:

In response to feedback from traders and a formal request from the Fitzroy Street Business Association, requests the CEO, or their delegate, to investigate ways in which outdoor speakers could be permitted for appropriate hospitality businesses in the Fitzroy Street Commercial Precinct until the formal review of the Footpath Trading Guidelines in 2024.

A vote was taken and the MOTION was CARRIED unanimously.

15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Bond/Sirakoff

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 Procurement of Waste Compactors - For Internal Waste Collection Services

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

Reason - Commercial in confidence of tenderer information and prices.

17.2 Portfolio Contingency Management

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

Reason: Commercial in Nature. Likely to reduce Council's ability in negotiation with contractors/tenders on procurement pricing if they are aware of the amount of contingency for the concerned project.

A vote was taken and the MOTION was CARRIED unanimously.

As there was no further business the meeting closed at 10.06pm.

Confirmed: 4 October 2023

Chairperson _____