



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

15 FEBRUARY 2023



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD 15 FEBRUARY 2023 IN ST KILDA TOWN HALL AND
VIRTUALLY VIA WEBEX**

The meeting opened at 6:35pm.

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, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Lachlan Johnson, General Manager Customer Operations and Infrastructure, Joanne McNeill, General Manager Governance and Organisational Capability, Xavier Smerdon, Head of Governance, Mitch Gillett, Coordinator Councillor and Executive Support, Emily Williams, Council Business Advisor, Peter Liu, Chief Financial Officer, Dana Pritchard, Manager Open Space, Recreation and Community Resilience, Anthony Savenkov, Executive Manager Property and Assets, Mark Thompson, Acting Manager Maintenance & Assets.

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

MOVED CRS PEARL/BOND

That Council approves the request to attend the meeting electronically received from Councillors Baxter, Nyaguy and Martin.

A vote was taken and the MOTION was CARRIED unanimously.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Crawford/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 1 February 2023 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Cr Crawford declared a general and material conflict in relation to item 13.5 Tender: Drainage Asset Cleaning and Pipe Rehabilitation Services (Panel) as their partner has a business relationship with one of the tenderers being considered in this item.

Cr Clark declared a general and material conflict of interest in relation to item 13.5 Tender: Drainage Asset Cleaning and Pipe Rehabilitation Services (Panel) as they work for a company that provides the same services as the tenderers being considered in this item.

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:

- **John Brooksmith:** In relation to beach occupancy at the Sandbar Café, I understand the Council has recently authorised the café to fence off and privatise 50 square m of beach between the café and the High-water mark. This authorisation, I understand also increases the allowed number of patrons at the Café beyond the number allowed by VCAT. I also understand it is Council policy not to privatize the beach. Have Council officers the authority to privatise the beach and override the decisions of VCAT on the number of patrons allowed at this venue, bearing in mind this Cafe is adjacent to a residential property and operates from 7.00 to Midnight with private parties on most evenings?

The Council is undertaking renovations at the Male public toilets at the SANDBAR Café. The Public notice at the site advises this work is to be undertaken between late September and November 2022 The renovations appear far from complete today (15.02.2023) and some 40 Sq m of the beach have been fenced off by the builders as a work area. The Public are now being excluded from some 90 sq m of the beach in this area for the whole of the summer. Is it Council's intention to exclude the Public from access to large areas of the Port Phillip beaches on an ongoing basis for the whole summer for commercializing of the beach?

Brian Tee, General Manager City Growth and Development advised that Council has supported our hospitality traders including Sandbar with extended dining opportunities as part of our pandemic recovery commitments. The activation in question has been approved as part of Council's events program and has also received coastal consent from the Department of Environment, Land, Water and Planning. Council has received correspondence from Mr Brooksmith detailing specific concerns - we have been investigating the concerns raised and Officers will provide Mr Brooksmith with a formal response in the near future. In relation to overriding VCAT on the number of patrons allowed at this venue, the question was taken on notice.

Anthony Savenkov, Acting Executive Manager Property and Assets advised in relation to the renovations, the works are being undertaken to improve the amenity of the toilets and their accessibility for people with disabilities. Council appreciates that the construction works is an inconvenience for the public, we have fenced off the area for public safety. Construction was intended to be complete by November. Unfortunately, it has been delayed, and is now scheduled to be complete in April 2023, the notice on the site has recently been updated to reflect this.

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Cr Sirakoff followed up by requesting officers to clarify if the activation in question is temporary during the covid recovery period, and if so how long is it scheduled to be in place for?

Brian Tee advised that the current period for the use of that area for this activation expires in April 2023.

Cr Bond followed up in relation to the activation, is this similar to permits that have been given to the Beachcomber Cafe, West Beach Pavilion and in the past, the Exchange Hotel for activations. Meaning the activation at Sandbar is not unique?

Brian Tee confirmed that this is correct and the activation in question is consistent with other activations in the City of Port Phillip.

Council Report Submissions

Item 13.1 Cost Review 2022

- April Seymore
- Fooi-Ling Khoo
- David Brand
- Bill Garner

5. COUNCILLOR QUESTION TIME

- **Cr Pearl:** Can Officers provide an update on the release of the precinct plans from the State Government for the Montague area? What communications have been received from the relevant minister since November last year about these plans?

Brian Tee, General Manager City Growth and Development advised that Council has not received any formal communication from the Minister since November last year about the plans. We do acknowledge that the precinct plan is an important part to support development and outline the necessary community infrastructure particularly with the considerable development underway. Council Officers have engaged with the department and have been advised that progress has been delayed due to changes to Ministerial responsibility for Fishermans Bend and subsequent machinery of Government changes that has seen the Fishermans Bend Taskforce moved into the new Department of Transport and Planning (DTP). To progress this issue Council Officers are preparing a letter to the Deputy Secretary for Precincts in the Department of Transport and Planning, who is now responsible for Fishermans Bend. Councillors will be updated on the outcome of this correspondence and next steps.

- **Cr Pearl:** Following the resolution of Council last year, can Officers provide an update on the negotiations or process to reduce the fees collected by DEWLP for the Cute & Cuddly Pony hire operator who was operating in Catani Gardens, St Kilda and is now operating in Edwards Park Port Melbourne?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, advised that the commercial recreation providers within the City of Port Phillip are charged an annual license fee and a participant by the Department of Environment Energy and Climate Action (DECCA, formally DEWLP). The Council fee is \$328 per annum and the DECCA fee is \$1.60 per child. Under the requirements of the DECCA fee, fees can only be waived or changes if financial hardship is demonstrated. Council Officers have also double checked with the Cute & Cuddly Pony Hire company moving from Catani Gardens to Edwards Park,

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whether or not if the DECCA fees would still apply, which it does. The fee review showed that over the last few years the fee the annual fee for the Pony Hire was just under \$2000 per annum, this equates to around \$40 per week. Through the review, financial hardship could not be established and due to this the fees were not deemed to be unreasonable, therefore the fees have remained at the current level. The Pony Hire company has been notified of this in 2022.

Cr Pearl followed up, why does the DECCA fee apply to Edwards Park in Port Melbourne?

Dana Pritchard advised that the DECCA fee applies to any land that is DECCA land but Council manages on their behalf.

- **Cr Bond:** We heard one of our speakers tonight talk about the \$1.8 million dollar cost of the St Kilda Festival which is coming up this weekend. In the Mayors press release today, the economic benefit to St Kilda directly as a result of this festival is \$21 million with a further \$14 million in economic benefit to the entire State. Can Officers confirm that this is a 11.6x return on investment spent for St Kilda and a 19.4x return overall for our \$1.8 million spent on the festival. (Primarily on the 70 artists across 7 stages and the many local businesses who will benefit this weekend from the festival).?

Chris Carroll, Chief Executive Officer advised that he can certainly confirm there is a large economic benefit measured independently from the festival, and we are certainly looking forward to this weekend's event with the extended support from the State Government. In terms of the specific calculations the question was took on notice to provide an accurate figure.

- **Cr Clark:** Can Council Officers advise how many times they have advocated to Victoria Police on behalf of the City of Port Phillip for increased police resources for our municipality, and over what timeframe?

Chris Carroll, Chief Executive Officer advised that - In the short time I have been acting CEO and appointed CEO, I have had several discussions and communications with Victoria Police at various levels, advocating for them to work with us collaboratively around community safety issues that we are experiencing in certain sections of our community. As part of that I have asked them to consider resourcing, to participate in joint patrols with Council, or for them to carry out their own patrols for them to be visible on the streets of Port Phillip to help manage the situation we are seeing at present. This isn't necessarily them providing additional resources, but providing what they can with their existing resources. Council may be needed to support the police with advocacy for additional resources. Council has also asked for support from the police enforcing some of Councils local laws, with public drinking as an example. This hasn't translated to firm action on the ground yet, although they have been busy with summer management and the foreshore. They've been doing a great job with their officers in that space. These discussions have taken place multiple times over the past six months but I will undertake to provide specifically how many times.

Cr Clark followed up form a transparency point of view in terms of what can be communicated back to Council and the community. Is there a way in the future that details of discussions between the Council and the Police can be made publicly available?

Chris Carroll, Chief Executive Officer undertook to report back.



- **Cr Pearl:** In relation to the response provided to a question taken on notice at the 8 December 2022 Council Meeting regarding Shrine to Sea costs. The response provided by the State Government was that they weren't willing to disclose the amount of money that has been spent so far. How can Councillors and the public be assured that the amount of money versus the value being provided by the Shrine to Sea project is being adequately monitored by Council and Councillors?

Brian Tee, General Manager City Growth and Development advised that the Shrine to Sea project which has an initial allocation of \$13 million, is being exclusively funded by the State Government. Council is receiving and will continue to receive updates in terms of the progress of the project. In terms of issues around accountability for that funding, that is not something that Council directly has any oversight over, in terms of how that money is spent and allocated. It is state government funding on a state government project, admittedly partly on Council roads, as details of plans emerge of those parts of the project, these will be scrutinised by Council to the extent appropriate.

- **Cr Pearl:** I have watched with interest, the roll out of the defibrillator project being undertaken by the City of Glen Eira in partnership with Hatzalah. Defibrillators are being put on public streets, open and accessible in high pedestrian areas within the City of Glen Eira. Can Officers advise what the City of Port Phillip are doing in relation to this important public safety initiative? Are we working with Hatzalah to see if we can trial a similar roll out in the City of Port Phillip?

Chris Carroll, Chief Executive Officer advised that Council Officers are aware of the work that Hatzalah has been doing with the City of Glen Eira. Officers believe there is real interest in looking into this further. There has been similar work in other jurisdictions and with other agencies. Officers are preparing to provide a briefing to Councillors and hopefully arranging for Hatzalah to attend to talk about the work that they have been doing, this will need to come back to Council for consideration.

- **Cr Sirakoff:** In relation to the Shrine to Sea project, has Council received any updates from the State Government on further plans on the road and bike lane proposals within this project?

Brian Tee, General Manager City Growth and Development advised that the Shrine to Sea proposal does include a proposal for bike lanes along Kerferd Road. Council Officers have asked and the Shrine to Sea team have agreed to provide Councillors with further details in a Councillor briefing which is scheduled to occur next month.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

Nil.



8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - Issue 92

Cr Clark: In the Animal Management and Local Laws section of the CEO report. How many fines have been issued in relation to the management of animals? Can this figure be provided as an ongoing statistic within the monthly CEO report?

Brian Tee, General Manager City Growth and Development took the question on notice and undertook to seek if these statistics can be reported on in an ongoing manner within the CEO report.

Purpose

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

MOVED Crs Martin/Crawford

That Council:

- 3.1 Notes the CEO Report Issue 92 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in December 2022.

A vote was taken and the MOTION was CARRIED unanimously.

9. INCLUSIVE PORT PHILLIP

Nil.

10. LIVEABLE PORT PHILLIP

Nil.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

Nil.



13. WELL GOVERNED PORT PHILLIP

13.1 Cost Review 2022

Purpose

- 1.1 To outline the outcomes of the Cost Review Program 2022 to be considered as part of the development and consultation of the Draft Budget 2023/24.

MOVED Crs Bond/Crawford

The Mayor advised that items 3.3 and 3.4 of the resolution would be voted on separately.

That Council:

- 3.1 Notes the completion of the comprehensive and transparent cost review program where Councillors examined all twenty-eight services outlined in the Council Plan and Budget over nine council workshops and briefings.
- 3.2 Notes that it conducted 'deep dive' workshops to examine specific opportunities for service reduction options which focused on the following specific Councillor identified service activities (activities within a Council service profile) including Affordable Housing; Arts Collection; Program and Management; Arts Funding; Community Service Policy, Planning and Reviews; Economic Development and Tourism; Family Services and Support; Library Operations; Public Space Maintenance; Street Services; and Sustainability.
- 3.3 Resolves to consider the reduction of the Cultural Development Fund – Projects stream (funding for individual artistic/creative projects) from \$187,000 to \$100,000 from Draft Budget 2023/24 as part of the development of the draft budget.

A vote was taken and the MOTION was CARRIED.

Cr Crawford called for a DIVISION.

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

AGAINST: Crs Baxter, Crawford, Martin and Nyaguy

The MOTION was CARRIED.

- 3.4 Resolves to consider Ceasing Open House Melbourne Funding of \$10,000 from Draft Budget 2023/24 as part of the development of the draft budget.

A vote was taken and the MOTION was LOST.

Cr Crawford called for a DIVISION.

FOR: Crs Bond, Clark, Pearl and Sirakoff

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

The MOTION was LOST.

- 3.5 Resolves for the community consultation and engagement to be included as part of the Draft Budget 2023/24 process having considered the benefits, risks, change costs, compliance, regulatory, contractual and stakeholder impacts.
- 3.6 Notes that Council will continue to review services as part of the annual budget process to ensure that they remain relevant and align with Council Plan priorities.



- 3.7 Notes that Council will continue to ensure Council services are delivered efficiently and effectively. Council has annual efficiency targets set in the long-term financial plan that are to be achieved to address our rates cap financial challenge.
- 3.8 Notes the setting of 2023/24 general rates is informed by Council's financial strategy as part of the development of the Draft Budget 2023/24 which will consider factors such as the forecast 2022/23 cash surplus, the cost-of-living pressures, inflation impacting cost of services and project delivery while supporting the broader community.

A vote was taken on items 3.1-3.2 and 3.5-3.8 and the MOTION was CARRIED.

13.2 Financial Update Mid-Year 2022-23 Financial Review

Purpose

- 1.1 To provide Council with an overview of the results of the second quarter 2022/23 performance to budget and seek approval for one unbudgeted item to be funded from the surplus.

MOVED Crs Martin/Pearl

That Council:

- 3.1 Notes that following the mid-year budget review 2022/23 the Council is projecting a full year cumulative cash surplus of \$5.79 million which compares favourably to the 10-year Financial Outlook by \$3.2 million and Budget 2022/23 by \$4.2 million.
- 3.2 Notes attachment 1 – Financial Statements with accompanying explanatory notes.
- 3.3 Notes Attachment 2 – material portfolio achievements, high risk projects and deferrals including key reasons identified as part of the mid-year budget review 2022/23.
- 3.4 Notes Budget 2023/24 development will take into consideration the updated forecast cash surplus, the increased project portfolio deferrals to 2023/24, as well as the economic environment that Council is operating in.
- 3.5 Approves the CEO to work with the Department of Transport to develop a package of maintenance works on state infrastructure at Council's current service level. The package is estimated at up to \$500,000 which the Department of Transport is to provide the majority of the funding. The outcome of the agreement will be presented in the CEO report.

A vote was taken and the MOTION was CARRIED unanimously.



13.3 Electrical Maintenance Contract Variation

Purpose

- 1.1 To seek approval from Council to make a financial adjustment to the value of the Electrical Services Contract (000742) increasing the limit of the contract from the current limit of \$1.65m (Inc. GST) to \$2.0m (Inc. GST) over the three-year term ending on 25 May 2024.

MOVED Crs Pearl/Sirakoff

That Council:

- 3.1 Approves a variation to increase the threshold value of the Electrical Services Contract 000742 from the currently limit of \$1,650,000 (Inc. GST) to \$2,005,250 (Inc. GST).
- 3.2 Notes that the increase to the limit of the contract has no budget implications.
- 3.3 Notes that the current contract term finishes in May 2024 and that a competitive market procurement process will commence in late 2023 to ensure continuity of service deliver.

A vote was taken and the MOTION was CARRIED unanimously.

13.4 Carpentry and Handyman Services Contract

Purpose

- 1.1 To seek approval from Council to make a financial adjustment to the value of the Carpentry and Handyman Services Contract 000776 which commenced on 1 August 2021 for a contract value limit of \$1,815,000 (Inc. GST) to \$2,123,000 (Inc. GST) over the three-year term ending 31 July 2024

MOVED Crs Crawford/Bond

That Council:

- 3.1 Approves a variation to increase the threshold value of the Carpentry and Handyman Services Contract 000776 from the currently limit of \$1,815,000 (Inc. GST) to \$2,123,000 (Inc. GST).
- 3.2 Notes that the increase to the limit of the contract has no budget implications.
- 3.3 Notes that the current contract term finishes on 21 July 2024 and that a competitive market procurement process will commence in late 2023 to ensure continuity of service delivery.

A vote was taken and the MOTION was CARRIED unanimously.



13.5 Tender: Drainage Asset Cleaning and Pipe Rehabilitation Services (Panel)

Crs Crawford and Clark having earlier in the meeting declared conflicts of interest in relation to this item, left the chamber at 8:12pm.

Purpose

- 1.1 To present the report of the Tender Evaluation Panel (TEP) for Tender RFT000194 – Drainage Asset Cleaning and Pipe Rehabilitation Services and to recommend the creation of two panels of contractors by awarding contracts:

Part A - Drainage Asset Cleaning

- a) Citywide Service Solutions Pty Ltd;
- b) Veolia Environmental Services (Australia) Pty Ltd;
- c) MetroEnviro Maintenance Pty Ltd (as trustee for MetroEnviro Maintenance Trust);
- d) Rangedale Drainage Services Pty Ltd;

Part B - Pipe rehabilitation services

- a) Veolia Environmental Services (Australia) Pty Ltd;
- b) M Tucker and Sons Pty Ltd;
- c) TDM Pipeline Solutions Pty Ltd; and
- d) Melbourne Draintech Pty Ltd.

MOVED Crs Bond/Sirakoff

That Council:

- 3.1 award contracts for Part A– Drainage Asset Cleaning based on the rates submitted, with an estimated value of \$10.0M (Inc.GST), commencing on 1 March 2023, for the contract term of five (5) years with an optional two (2) year extension to:
- a) Citywide Service Solutions Pty Ltd;
 - b) Veolia Environmental Services (Australia) Pty Ltd;
 - c) MetroEnviro Maintenance Pty Ltd (as trustee for MetroEnviro Maintenance Trust);
 - d) Rangedale Drainage Services Pty Ltd.
- 3.2 award contracts for Part B- Pipe Rehabilitation Services based on the rates submitted, with an estimated value of \$6.75M (Inc.GST) commencing on 1 March 2023, for the contract term of five (5) years with an optional two (2) year extension to:
- a) Veolia Environmental Services (Australia) Pty Ltd;
 - b) M Tucker and Sons Pty Ltd;
 - c) TDM Pipeline Solutions Pty Ltd; and
 - d) Melbourne Draintech Pty Ltd.

A vote was taken and the MOTION was CARRIED unanimously.

Crs Clark and Crawford returned to the chamber at 8:14pm.



13.6 Councillor Expenses Monthly Reporting - October & November 2022

Purpose

- 1.1 To report on the expenses incurred by Councillors during October and November 2022, in accordance with the Councillor Expenses and Support Policy.

MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Notes the monthly Councillor expenses report for October 2022 (**Attachment 1**) and that this will be made available on Council's website.
- 3.2 Notes the monthly Councillor expenses report for November 2022 (**Attachment 2**) and that this will be made available on Council's website.
- 3.3 Notes that the September 2022 Councillor expenses included an incorrect phone charge as noted in (**Attachment 1**). This will be adjusted with the correct amount and updated and reflected on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.

13.7 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.

MOVED Crs Crawford/Bond

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

Nil.



15. REPORTS BY COUNCILLOR DELEGATES

Cr Crawford reported to Council as the delegate on the Linden New Art Board of Management to remind everyone that Linden's postcard show finishes this weekend and there is another exhibit there that is well worth seeing. Cr Crawford reminded everyone that St Kilda Festival is on this weekend (18 and 19 February), with two fantastic days scheduled, let's make it bigger and better than it has been before.

Cr Pearl reported to Council as the delegate on the South Melbourne Market Committee to advise that Amanda Stevens has been appointed as the new chairperson of the committee and wished Amanda the very best in her new term as chair. On behalf of the City of Port Phillip and Committee members, Cr Pearl thanked Jo Plummer as outgoing chair acknowledging their many years of service to the committee, and their large amount of energy and vision they brought to the role and a number of accomplishments including the project next plan which bought options for future development of the market site and wished Jo all the best for the future.

Cr Martin reported to Council as the delegate of the LGBTIQ+ advisory committee praising the turnout at last week's Pride march in St Kilda, it was an absolutely wonderful day and great to see so many people and Councillors in attendance. Cr Martin thanked the Council officers who were involved, it really is one of the highlights in the City.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 8:17pm.

Confirmed: 1 March 2023

Chairperson _____