



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

4 APRIL 2023



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD
4 APRIL 2023 IN ST KILDA TOWN HALL AND VIRTUAL VIA WEBEX**

The meeting opened at 7:30pm.

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 Capability and Experience, Xavier Smerdon Head of Governance, Emily Williams Council Business Advisor, Charmaine Mackrodt Governance and Council Meetings Officer. John Bartels Manager City Planning and Sustainability, Felicity Leahy Executive Manager, Family Youth, Children & Divisional Performance, Karla Coombes, Coordinator Family Services.

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 Sirakoff/Pearl

That Council approves the requests to attend by electronic means received by Councillors Baxter and Clark.

A vote was taken and the MOTION was CARRIED unanimously.

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Martin/Pearl

That the minutes of the Meeting of the Port Phillip City Council held on 15 March 2023 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



CONDOLENCE MOTIONS

PAT GRAINGER

Pat Grainger, local historian and dedicated community member of Port Melbourne sadly passed away on 19 March 2023.

MOVED Crs Martin/Bond

That Council:

- Expresses its deep regret on the passing of Pat Grainger.
- Offers its sincere condolences to their family and places on record its appreciation for their service to the City of Port Phillip.

A vote was taken and the MOTION was CARRIED unanimously

TERRY NORRIS

MOVED Crs Crawford/Martin

Terry Norris, Australian stage, radio, television and film actor, and former Politician sadly passed away on 20 March 2023.

That Council:

- Expresses its deep regret on the passing of Terry Norris.
- Offers its sincere condolences to their family and places on record its appreciation for their service to the City of Port Phillip.

A vote was taken and the MOTION was CARRIED unanimously.

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:

- **Kathryn Bramwell:** In relation to a letter sent to the Mayor and CEO on behalf of the 'Louise Neighbourhood Association Inc' addressing ongoing community concerns in relation to the 8 Louise Street development application. As yet, nearly three months later we are yet to receive a reply. My question is, when will a reply be received and how will the matters raised in this letter be addressed?

The Mayor apologised for the delay in responding to the letter referenced and advised that the CEO had committed to actioning this item as a matter of priority.

Brian Tee, General Manager City Growth and Development added that the letter has been prepared by officers and has been sitting with him for review. He took responsibility for the length of time that it has taken to provide a response and advised that it will look at issues including the actions of Council and provide detail in terms of the issues that have been raised. Mr Tee acknowledged that this had been a difficult process. It had gone to VCAT and as part of that many of the issues and concerns were rightly ventilated and considered by VCAT who made a decision and that has put many of these matters to an end. Mr Tee

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advised that Council will provide a response to the issues identified in the letter dated 31 January 2023.

- **Toby Hayes:** In the last three financial years what is the percentage contribution made by postcode 3004 in terms of rates, parking revenue and development contributions relative to other City of Port Phillip postcodes and what percentage was invested in postcode 3004 in terms of public assets and spaces relative to other City of Port Phillip postcodes?

Lachlan Johnson, General Manager Operations and Infrastructure advised that in the last three financial years the percentage of rates parking and development contribution revenue by postcode 3004 accounted for approximately 10% of the total income for the City of Port Phillip. Postcode 3004 is surrounded by significant public assets and open spaces including the Royal Botanical Gardens and the Albert Park Sporting and Recreation Precinct.

In addition to those facilities Council has invested in public assets and spaces in postcode 3004 at approximately 1.3% of the total spend over the last three years. That being said, the Albert Park Reserve is currently under construction and will be handed over to Council in the later part of this year. The net value of these works is estimated at \$5 million in exchange for permanent loss of parking spaces and revenue. If this is included in the total, the investment exceeds 10%.

Further the Cobden Place Pocket Park has been deferred for delivery to the 2025/26 year to avoid disruption and double up of works as development activities are currently occurring in and around the area. Mr Johnson noted that under general taxation principals all rate payers make contributions to services and assets outside their respective postcodes. Given the size, density and proximity of the city, these wonderful community assets are accessible to the vast majority of residents regardless of where they live.

Toby Hayes: Is Council aware of the significant increase in property damage and community safety incidents in and around Louise Street, 3004 and when will Council invest in CCTV, lighting and public realm improvements?

Allison Kenwood, General Manager Community Wellbeing and Inclusion advised that Council is very concerned about community safety and continues to work in partnership with Victoria Police around community safety and improvements. Officers will raise Louise Street at the next hotspot meeting with police to ensure they are aware of the challenges. Property damage should also be reported directly to the Police so they can record incidents and take appropriate action. Council officers will continue to work with community and relevant authorities to apply design principles that will improve the safety of the built environment, minimise the opportunity for crime and promote safe and accessible living places. This includes working with Vic Pol around the best placement of CCTV cameras. Ms Kenwood advised officers would be very happy to discuss the concerns raised in more detail with Mr Hayes after the meeting.

- **Kath Gibson:** In relation to a water leakage issue on a public street that was reported to Council. Ms Gibson advised that the issue had since been rectified.

The Mayor, Cr Cunsolo, thanked Ms Gibson for attending the meeting and providing an update.

- **Marianne Latham:** Given the valuable contribution being made to the community by the Cultural Development Fund, why is the Council recommending that it be reduced by half in the current budget?

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Brian Tee, General Manager City Growth and Development advised that Council is very proud of the artists in our community and of our creative industry. Council has a very proud and an ongoing record of support for the arts and culture and we do offer a number of creative community supports including grants, festivals, and other initiatives. Mr Tee congratulated Ms Latham on being awarded a grant for a project that seeks to capture, celebrate, promote and preserve our very rich cultural history. From time to time, Council does review its funding and policy commitments and this is to endure that we correctly allocate our limited funding to the many multiple and competing priorities. Most recently Council spent about twelve months undertaking a cost review and this was a very detailed financial review to identify options for ongoing cost reductions. This resulted in a package of options which are being considered a part of 2023/24 Council Budget and the cost reduction options include a potential to reduce the cultural development fund projects stream and the next step in that a process is community engagement on the draft budget. Once that community engagement is complete, Council will consider the community's views on the budget proposals including this proposal.

Mr Tee advised the draft budget was expected to be released for community consultation following the 19 April Council Meeting and that the engagement process would be open for 28 days. Submissions can be made via Council's Have Your Say webpage and then those submissions will be taken to Council for consideration.

- **Helen Halliday:** On behalf of the St Kilda Historical Society. Why is the council targeting the Cultural Development fund, such a very small fund (approximately \$170,000) in a very large budget review (in excess of \$250 million)?

Brian Tee, General Manager City Growth and Development advised that the Cost Review process that Council has undertaken, was a 12 month process in which a number of different services were considered. The Cultural Development Fund is one of a series of measures that was put forward as part of the consideration process. The budget allocation will be further considered by Council when it considers the community engagement outcomes.

- **Lazarus Poutselas:** What urgent actions are you as a Council going to undertake to protect the community from the Commonwealth legislation, Telecommunication Act of 1997, unlawfully power-grabbing our inalienable rights to live in a safe environment. Whilst a non-proven "essential" and wireless 5G technology experiment is performed on us collectively without the clear and informed consent of the subjects of this city and others?

Brian Tee General Manager City Growth and Development advised that the location of telecommunication towers including 5G towers was not a matter in which Council has any jurisdiction. Council's permission is not sought and there is no requirement for Council to issue a permit. These matters are not governed by the Local Government Act.

- **Peter Moraitis:** How is the Councils Climate Emergency Plan which is currently being drafted taking the strong measures, strong targets (2050 net zero is inadequate) and strong incentives to facilitate the reduction of our municipal emissions. How will it find ways of bringing together an often more than willing but fragmented community to act? Will Councillors, both those who have supported the climate declaration and those who previously opposed it, join other Councils across the Country, which have put in place strong climate action plans, to assist the Port Phillip community to rapidly reduce the 1.3 million tonnes of emissions generated in the municipality?

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John Bartels Manager City Planning and Sustainability advised that Council officers are working through a thorough process to develop our first Climate Emergency Action Plan, which outlines the City of Port Phillip's response to the climate emergency. Council officers are very aware of the science and the new Intergovernmental Panel on Climate Change (IPCC) report and will be considering this in the drafting and development of the Climate Emergency Action Plan as well as also the revised Act and Adapt Sustainability Strategy. Community action will form a key aspect of both documents, in particular the climate emergency action plan, as Mr Moraitis has highlighted tonight, we have recognised that no level of Government, including Council, can achieve the necessary outcomes alone. As such advocacy to such levels of Government to support our community to make changes and take actions will also be important and be featuring in that plan. The items mentioned will also be considered in both documents as well as upgrading and of new houses to be more efficient, decreasing our resilience on fossil fuel dependency, and building a less wasteful community are all key opportunities. The draft of both documents will be consulted upon later this year and before they finalised. This gives the community the opportunity to provide feedback that can be taken and considered in the finalisation of that plan.

- **Linda Condon:** In relation to Councils Climate Emergency Action Plan and the latest IPCC report which outlines ten strong areas of work required. Have the Council put enough resources behind the development of the Climate Emergency Action Plan because I am concerned that maybe one person working on it and another supporting it may not be sufficient?

John Bartels, Manager City Planning and Sustainability advised that as mentioned earlier the IPCC report is being considered by Council officers in its development. In terms of the resources put forward for the development of the Climate Emergency Action Plan, its development is across two the financial years, the current and the following financial year. The resourcing in terms of staff and budget put towards it, are suitable for its development. Chris Carroll Chief Executive Officer further advised that one of the key things as an organisation was that the City of Port Phillip is taking responsibility across the entire organisation. Council is embedding sustainability and its response to the climate emergency in all of its operations. His expectation is that all leaders in the organisation have a responsibility in considering this and responding to it. One team in the centre doing all the work won't lead to sustainable change, so the whole organisation, including the leadership team are expected to get behind this. Council has had some briefings at an executive level and discussions and contributions are being made to that as well. There are some specific resources coordinating the response, but they are not responsible for all the work.

- **Janet Dimelow :** In relation to the Climate Emergency Action Plan, how does the Council feel about the speed that this plan is being produced as this is not moving as fast as we were hoping? How can Council ensure that both the Climate Action Plan and Act and Adapt Strategy strategies work better together and be more streamlined?

John Bartels Manager City Planning and Sustainability advised council officers are working through a thorough process. It is challenging, there is a lot of information out there and a lot of work to be done in terms of the development of Climate Emergency Action Plan. Officers are moving as fast as possible to develop the plan and also to integrate this alongside or as part of the review of the Act and Adapt Strategy so that they do read together. This is the intent and that is how they're currently being developed at this stage. It is intended that the Climate Emergency Action Plan will help to draw up and effectively summarise and highlight the activities for council in terms of responding to the climate emergency.



- **Alan Farrar:** In relation to the Climate Emergency Action Plan, we are concerned that there is not enough resourcing in Council to get this climate plan moving as quickly as it needs to. Would the council be interested in Australian Conservation Foundation (Macnamara branch) actively working with the Council to help with the planning process, is there scope for that?

John Bartels Manager City Planning and Sustainability advised that the development of the Climate Emergency Action Plan has been undertaken and led by officers. However as part of its development we wish to and we intend to engage with the community and particularly our engaged community and key groups, as part of its development to both inform but also to get feedback to then be considered at a subsequent Council meeting as part of the development an endorsement of the final climate emergency action plan.

5. COUNCILLOR QUESTION TIME

- **Councillor Nyaguy:** In relation to short stay accommodation in the municipality, is there an opportunity for us to provide better information for the community, potentially through our website to enable people, particularly in instances where they'd want to make a major complaint or having difficulties with maybe an Airbnb in building or in a nearby property? Will there be provision for us to do that?

Chris Carroll, Chief Executive Officer advised that that Council has had some community requests providing it with some feedback on its website and potential opportunities for improvement. The CEO undertook to work with officers to review those and whatever changes can be made as quickly as possible.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Costal Mann Gum Tree – 118 Glen Huntly Road Elwood

A Petition containing 14 signatures, was received from local residents, and presented to a Council Meeting on 15 March 2023. Council noted the petition and noted that a full response to the petition will be provided to a future Council meeting.

MOVED Crs Bond/Nyaguy

That Council:

1. Receives and notes the Petition.
2. Thank the petitioners for their Petition.
3. Notes that the process for the petitioners is a review of the Notice of Decision to Grant a Permit with the Victorian Civil and Administrative Tribunal as outlined in the notice sent to all objectors to the amended planning application 1120/2014/A.
4. Notes that VCAT have advised Council that an application for review has been made by an objector.

A vote was taken and the MOTION was CARRIED unanimously.



8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report - February 2023 Issue 94

Purpose

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

The following question was taken on notice discussion of this item:

Cr Sirakoff: We've had an increase in diversion of waste to landfill. Can an officer provide how many tonnes we have diverted over the past two months and what we have saved in the waste levy charged to the State Government as a result of this?

Lachlan Johnson, General Manager Operations and Infrastructure took the question on notice.

MOVED Crs Martin/Nyaguy

That Council:

- 3.1 Notes the CEO Report Issue 94 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in February 2023.

A vote was taken and the MOTION was CARRIED.

9. INCLUSIVE PORT PHILLIP

9.1 The State of Children's Services Within Port Phillip Annual Report 2023

Purpose

- 1.1 In line with the implementation of the *Every Child, Our Future Children's Services Policy* (the Policy), *The State of Children's Services Within Port Phillip Annual Report 2023* (Annual Report 2023) has been prepared to give a snapshot of Children's Services in the municipality. The report also provides an update on the implementation of the of the Children's Services Policy throughout 2022.

MOVED Crs Martin/Crawford

That Council:

- 3.1 Notes *The State of Children's Services Within Port Phillip Annual Report 2023*.
- 3.2 Notes that the Council's operation of childcare centres continues to meet the public interest due to the ongoing support provided for children and families experiencing disadvantage and vulnerability.

A vote was taken and the MOTION was CARRIED unanimously.



9.2 Draft Accessibility Action Plan - Release for Community Consultation

Purpose

- 1.1 To consider the draft Accessibility Action Plan 2023-2025 and endorse its release for community consultation.

MOVED Crs Pearl/Crawford

That Council:

- 3.1 Releases the draft Accessibility Action Plan 2023-25 (provided at Attachment 1) for community consultation between 5 April and 26 May 2023.
- 3.2 Notes that a further report outlining the findings of the community consultation and any proposed changes to the draft Action Plan arising from feedback will be presented to Council in August 2023.

A vote was taken and the MOTION was CARRIED unanimously.

10. LIVEABLE PORT PHILLIP

10.1 Places to live: City of Port Phillip Housing Strategy - Discussion Paper and Phase 2 Community Engagement

Purpose

- 1.1 To seek Council endorsement for public engagement of the *Places to Live: City of Port Phillip Housing Strategy - Discussion Paper*.
- 1.2 The Discussion Paper and feedback received through proposed community engagement will inform preparation of the draft Port Phillip Housing Strategy.

MOVED Crs Martin/Crawford

That Council:

- 3.1 Notes the report on the *Places to Live: City of Port Phillip Housing Strategy – Discussion Paper*.
- 3.2 Endorses the *Places to Live: City of Port Phillip Housing Strategy – Discussion Paper* at **Attachment 2** for the purposes of community consultation to inform preparation of the Port Phillip Housing Strategy.
- 3.3 Authorises the Chief Executive Officer (or delegate) to finalise and make minor changes that do not materially alter *Places to live: City of Port Phillip Housing Strategy - Discussion Paper* at **Attachment 2** for the purposes of enabling community consultation.

A vote was taken and the MOTION was CARRIED.



11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

Nil.

13. WELL GOVERNED PORT PHILLIP

13.1 Update to Procurement Policy

Purpose

- 1.1 To present the updated Procurement Policy (**Policy**) for Council's consideration and adoption.

MOVED Crs Crawford/Sirakoff

That Council:

- 3.1 Adopts the updated draft Procurement Policy (at attachment 3).
- 3.2 Authorises the Chief Executive Officer (or delegate) to finalise and make minor changes that do not materially alter the draft Procurement Policy.

A vote was taken and the MOTION was CARRIED

14. NOTICES OF MOTION

14.1 Notice of Motion Councillor Tim Baxter – Short Stay Accommodation

MOVED Crs Baxter/Martin

That Council:-

1. Acknowledges community concern about issues created by short-stay accommodation
2. Requests the Chief Executive Officer or delegate to prepare a report for Council that investigates how other Councils in Victoria and Australia regulate and manage short-stay accommodation in their municipalities.
3. Requests that this report details how regulation and management arrangements could be implemented in the City of Port Phillip, and the advantages, disadvantages and limitations of doing so.
4. Requests that this report details the number of complaints the City of Port Phillip has received about short-stay accommodation over the past 18 months and for the next three months.
5. Requests that this report consider the Victorian Government's response to short-stay accommodation and identify any opportunities for positive change
6. Requests that this report be tabled at a Council Meeting no later than 31 July 2023



7. Notes that community consultation on the City of Port Phillip's proposed Local Law 2023 has recently concluded, but did not include any clause addressing the issue of short-stay accommodation
8. Notes that any proposal to regulate short-stay accommodation will require community consultation, in accordance with section 73 of the Local Government Act 2020

A vote was taken and the MOTION was CARRIED

Cr Nyaguy called for a DIVISION.

FOR: Crs Baxter, Crawford, Bond, Sirakoff, Martin, Clark and Nyaguy

AGAINST: Cr Pearl

ABSTAINED Cr Bond

The MOTION was CARRIED.

14.2 Notice of Motion Councillor Marcus Pearl – Port Phillip Swimming Trail

MOVED Crs Pearl/Cunsolo

That Council:-

Requests that the CEO (or delegate) conducts a preliminary investigation into the feasibility of creating a 'Port Phillip Swimming Trail' and provides a report back to Council on the outcomes of this investigation.

The investigation should consider amongst other things: -

1. The partnership and approvals that may be required from Parks Victoria, Maritime Safety Victoria and DELWP, who are the governing authorities for the Bay waters and coastline.
2. How the existing yellow boating zone markers along the coastline could be used as markers for the swimming trail.
3. What wayfinding approaches could be considered including naming each marker, affixing a motivational quote and specifying the various distances along the trail.
4. What consultation will be required to implement such an initiative.
5. Any safety implications of such an initiative.
6. Indicative costs of such an initiative on Parks Victoria assets

A vote was taken and the MOTION was CARRIED unanimously.

15. REPORTS BY COUNCILLOR DELEGATES

Nil.

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16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 8:54pm.

Confirmed: 19 April 2023

Chairperson _____