



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

19 JULY 2023



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

The meeting opened at 6:30pm.

IN ATTENDANCE

Cr Cunsolo (Chairperson), Cr Baxter, Cr Bond, Cr Clark, Cr Crawford, Cr Martin, 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, Operations and Infrastructure, Joanne McNeill, General Manager Governance, Capability and Experience, Darryn Hartnett, Executive Manager Governance and Organisational Performance, Xavier Smerdon, Head of Governance, Emily Williams Council Business Advisor, Charmaine Mackrodt Governance and Council Meetings Officer, Nellie Montague, Acting Manager Partnerships and Transport, 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.

CEO STATEMENT – KERBSIDE WASTE COLLECTIONS

Chris Carroll, Chief Executive Officer provided the following statement:

“I sincerely apologise to those in our community who have been affected by the recent disruption to our kerbside waste collection services since our new contractor, Citywide, commenced delivering these services on Monday 3 July. Citywide has experienced significant issues with its mapping for routes and bin locations, and while most residents have been unaffected, this is little consolation for those who have had their rubbish, FOGO and mixed recycling bins missed after being rolled out for collection.

We totally understand the frustration of our community members impacted by this issue.

We have been very clear to Citywide, that we expect them to urgently resolve their collection issues and we have been doing everything we can to help. A dedicated team has been working through this issue with Citywide as a matter of urgency, and we’ve redeployed Council staff from other services to assist with this. Citywide has been deploying additional trucks every day as they attend to scheduled pickups and missed bins.

At the same time, we have been redeploying Council staff and trucks from other services to provide additional crews to support Citywide in responding to missed bin collections.

While there are no regular scheduled kerbside waste collections on weekends, we’ve had a fleet of Citywide and Council trucks and crews out on the road on Saturdays and last Sunday also, focused on missed bin pickups across our City.

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Since last week our Resource Recovery Centre in South Melbourne has been open to Port Phillip residents to drop off mixed recycling (from yellow lidded bins) or bagged garbage (of household rubbish that would normally go in kerbside rubbish bins) at no charge.

And we're also continuing to operate our communal recycling hubs for glass and food organics, which are located across the municipality and are available for use by anyone in our community.

To ensure that progress is being made towards restoring service levels, Council officers have been conducting daily audits, particularly concentrating on those areas that have had missed bins. Each morning, our audit team is double-checking areas scheduled for collection the day prior, to verify that collection has taken place and if not ensuring it is scheduled in the missed bin run.

Communicating with our community through this process is a priority for Council. We have been providing regular updates to our community via daily messages on Council's social media pages and website updates, whilst to our ASSIST customer service team has been working hard responding to any enquiries received through our website or by phone.

If you're experiencing any missed bin collections, to please report it to us the Snap Send Solve app or via My Port Phillip on our website. We're also reminding any residents reporting a missed bin pickup to please leave your bins out so that the waste collection crews can empty it without further delay.

It's really important that we capture any missed bin reports because they:

- *Identify for our contractors exact locations where bin collection errors are occurring*
- *Capture critical data that feeds into Citywide's maps for service improvement and accuracy*
- *Enable us to send out Council crews to collect any missed bins as soon as possible.*

We can report that there has been a substantial reduction in missed bins, with kerbside waste collection services getting better each day – but it's still not where we want it to be. Although the numbers show that service is improving, we know there's still work to be done.

I understand the frustration of our residents affected by these issues with our kerbside waste collection service. I unreservedly apologise to residents and councillors and appreciate your patience during this time"

Councillor Clark followed up to ask how long is the Resource Recovery Centre open for residents to bring their rubbish free of charge? Do we have a timeframe at this stage?

Lachlan Johnson, General Manager, Operations and Infrastructure advised that Council does not have a timeline at the moment for when that will cease. As noted by the CEO, we are seeing significant improvements with the missed bins but it is nowhere near where we want it to be. Therefore the Resource Recovery Centre will stay open for the foreseeable future, until the collections are operating how they should be. The Centre is open seven days a week, including limited hours on Saturday's and Sunday's for residents to drop off anything from the yellow lidded bin and also bagged garbage free of charge.

REQUESTS TO ATTEND BY ELECTRONIC MEANS

Nil.



1. APOLOGIES

An apology was received from Councillor Nyaguy.

2. CONFIRMATION OF MINUTES

MOVED Crs Baxter/Bond

That the minutes of the Meeting of the Port Phillip City Council held on 5 July 2023 and the Special Meeting of the Port Phillip City Council held on 12 July 2023 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Clark declared an interest in the proposed Confidential item of urgent business. Due to this item being confidential under section 3.1 of the Local Government Act 2020, details of this interest were declared during the Confidential Council Meeting.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

Under Council's Governance Rules, submissions made to items on the agenda, responses are not published in the Minutes. Questions raised during 'Public Question Time' are summarised and responses provided below.. Submissions can be listened to in full on our website: <https://webcast.portphillip.vic.gov.au/archive.php>

Public Question Time:

- **Brenda Forbath:** In relation to the current garbage collection problems. Why was it necessary to change the rubbish collection contractors and what was the factors that Council took into account in making this decision to change to the new contractor? Is Council aware of reports that in some areas, all rubbish is being amalgamated into one and this will result in increased land fill costs for Council. How is this being addressed ?

Lachlan Johnson, General Manager, Operations and Infrastructure advised that last year Council's previous waste contract was coming to an end. It is standard and normal of Council to conduct rigorous public tender processes when contracts like that are due to expire, that process occurred throughout 2022. Council awarded the current collection contractor 'Citywide' in October 2022. In this case the contractors where engaged after a lengthy assessment process. Some of the things that were assessed included value for money, technology, capability, methodology as well as corporate social responsibility contributions. There was a rigorous probity process that applied throughout that procurement process. Our Council is aware of the circumstances where multiple streams of rubbish have gone into the same truck, this is unfortunate. This is a short term consequence of us utilising some of our other teams such as the Street and Beach services to assist with the missed bin recovery. These trucks are not designed for the purposes of providing kerbside waste collection but have enabled us to make additional collections which is a priority whilst the issues are resolved. The City Wide contract does require three streams are separately collected. This temporary measure of having Council Staff and Council vehicles reallocated to collect kerbside waste will cease as soon as City Wide is able to provide the full service that they are required to under the contract and that the community expects. Whilst we regret any recycling that ends up in land fill we are trying to keep this limited as much as possible.



- **Alex Makin:** At the 21 June Council Meeting, Council responded that it was going to provide a dog usage counts in off leash spaces that would be shared over the next month. It is now 19 July and to my knowledge that information has not yet been made publicly available. What specific date will this data be shared with the Public and will Council meet the timeframes that it provided in its minutes at the 21 June Council Meeting?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience advised that the dog counts have been taken as part of the background report for the Off-Leash Dog Guidelines which was shared with the deliberative engagement panel prior to their first session on 19 of June. After that deliberative panel had some updates to the document, these updates have now been made and the full document which includes the dog counts will be posted on the Have Your Say Page prior to the end of this week.

Council Report Submissions:

7.1 Petition Response – Stop Current Plans to Redevelop Lagoon Reserve

- Kathleen Kendler
- Ana Garcia
- Anupam Sharma
- Kevin Pereira
- Alex Makin

9.1 LGBTIQA+ Action Plan Consultation Feedback and Adoption

- Liam McAuliffe
- Justine Dalla Riva

10.1 J Talbot Basketball Facility

- Sha VanGeyzel
- Abdelaziz Ismail

5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** Can officers provide an update on the progress of the outdoor dining area at the Dundas Place Reserve as per the funding that was approved under the most recent budget?

Allison Kenwood, General Manager Community Wellbeing and Inclusion advised that Council will have outdoor dining installed in November 2023 in time for Summer. There is a 12 week lead time for the furniture, so we hope to have it installed by November.

Councillor Pearl followed up to ask are the traders being consulted on the design of that furniture and would the public be displayed some images of the furniture and how it will look?

Allison Kenwood, General Manager Community Wellbeing and Inclusion confirmed this was the case.

- **Councillor Pearl:** Can officers provide an update on the efforts being made to improve traffic flow in and around Queens Lane and what is Council doing at the moment to mitigate this significant issues faced by residents?

Nellie Montague, Acting Manager Partnerships and Transport advised that in December 2021 Council considered a planning application at 464-466 St Kilda Road which backs onto Queens Lane. Council endorsed a recommendation in response to traffic and parking concerns raised by the community residing in Queens Lane for a report to be prepared for Council to assess the current function of Queens Lane, between Hanna Street and Kings



Way, including recommendations as necessary regarding traffic movement and functionality. The following tasks have been completed to respond to this recommendation

1. Site observations to assess traffic flow and congestion patterns
2. On-street car parking occupancy surveys to gauge parking demand
3. Traffic counts to capture queue lengths, areas of congestion and types of vehicles accessing Queens Lane

Collected data has been analysed to identify key issues and recommend changes that address, Traffic volumes and traffic flow, Congestion during peak periods, Loading and waste collection on the street and Access restrictions to laneways and off-street parking bays.

Initial findings of the draft report include that the Queens Lane/Kings Way intersection has delays and queues in the PM peak and is not performing satisfactorily. Recommendations to address this issue include:

- Improving compliance of the clearway and loading zone along Queens Lane.
- Modifying the clearway restriction to include tow-away zones.
- Modifying the "Keep Clear" line marking on Kings Way to increase the number of vehicles that can exit Queens Lane whilst vehicles queue at the end of each cycle on Kings Way.
- Working with body corporates to coordinate waste collection to occur outside of clearway restrictions between Arthur Street and Kings Way.

This work will progress immediately, while further medium to long term options to improve traffic conditions on Queens Lane will rely on State Government approvals and will take longer to complete. The final report with all recommendations will be provided to Council officers in August 2023, Officers will assess the appropriateness of recommendations and provide a report to Council in November 2023.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 – Petition Response: Stop the redevelopment of Lagoon Reserve.

A Petition containing 674 signatures, was received from local residents and presented to the 7 June 2023 Council meeting.

MOVED Crs Cunsolo/Pearl

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioners for their Petition.
3. Notes the increasing pressure public space is under from multiple users, and recognises the importance of public open spaces being shared by all community users.
4. Recognises that Lagoon Reserve is one of only 13 full sized ovals within the municipality and therefore plays an important role in our sports ground network.

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5. Recognises that Lagoon Reserve is a popular space for many in the community, particularly dog walkers.
6. Continues with the current project delivery for the Lagoon Reserve Upgrade.
7. Notes that the Dog Off Leash Guidelines are currently being developed and provision for new sites across the municipality will be made in line with this Guideline once adopted in 2024.
8. Notes that no short-term pop-up dog park opportunities will be delivered as part of this project, given the proximity to alternative off leash spaces.
9. Requests Council officers to investigate options for shared use of the park post construction, recognising that its primary purpose is as a sports ground.
10. Releases the dog usage counts conducted during February and March 2023 by 1 August, noting that Council had already committed to releasing the count data within the month following the Council meeting held on the 21 June 2023.
11. Investigates the provision of increased Animal Management and City Amenity Officer visitation to Gasworks Arts Park to support increased dog off leash numbers during the time that Lagoon Reserve is out of action due to construction.

A vote was taken and the MOTION was LOST.

The Motion reverted to the officer's recommendation

MOVED Crs Bond/Martin

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioners for their Petition.
3. Notes the increasing pressure public space is under from multiple users, and recognises the importance of public open spaces being shared by all community users.
4. Recognises that Lagoon Reserve is one of only 13 full sized ovals within the municipality and therefore plays an important role in our sports ground network.
5. Recognises that Lagoon Reserve is a popular space for many in the community, particularly dog walkers.
6. Continues with the current project delivery for the Lagoon Reserve Upgrade.
7. Notes that the Dog Off Leash Guidelines are currently being developed and provision for new sites across the municipality will be made in line with this Guideline once adopted in 2024.
8. Notes that no short-term pop-up dog park opportunities will be delivered as part of this project, given the proximity to alternative off leash spaces.
9. Requests Council officers to investigate options for shared use of the park post construction, recognising that its primary purpose is as a sports ground.

A vote was taken and the MOTION was CARRIED.

The Mayor adjourned for a break at 8:07pm.

The meeting resumed at 8:15pm.



8. PRESENTATION OF CEO REPORT

Nil.

9. INCLUSIVE PORT PHILLIP

9.1 LGBTIQA+ Action Plan - Consultation Feedback and Adoption

Purpose

- 1.1 To present the LGBTIQA+ Action Plan 2023-26 to Council for endorsement and provide an update on key document amendments as a result of community and Council staff feedback.

MOVED Crs Martin/Baxter

That Council:

- 3.1 Adopts the LGBTIQA+ Action Plan 2023-26 (Attachment 1) and delegates authority to the Chief Executive Officer, or their delegate, the ability to make amendments to the Action Plan to correct minor drafting errors that do not materially alter the intent.
- 3.2 Notes the results of the community and Council staff consultation on the draft LGBTIQA+ Action Plan 2023-26 as summarised in this Report (Attachment 2).
- 3.3 Request officers prepare an implementation plan, in consultation with stakeholders.

A vote was taken and as there was an equal division of votes.

In accordance with sub-rule 55.1 of the Governance Rules, the Mayor exercised a casting vote.

The MOTION was CARRIED.

Cr Pearl called for a DIVISION.

FOR: Crs Baxter, Crawford, Martin and Cunsolo

AGAINST: Cr Clark

ABSTAINED Crs Bond, Sirakoff and Pearl.

The Mayor exercised a casting vote.

The MOTION was CARRIED.

9.2 Community Grants Assessment Panel Reference Committee - Appointment 2023-2025

Purpose

- 1.1 For Council to endorse the appointment of four community members to the Community Grants Assessment Panel Reference Committee and Terms of Reference 2023-2025.

MOVED Crs Cunsolo/Martin

That Council:



- 3.1 Notes that the four previous community panel member appointments have ended and formally thanks these committee members for their participation and commitment.
- 3.2 Appoints the four recommended applicants Leesa Chen, Joanne McDonald, Victoria Mackey and Brian Hanlon to the vacant positions on the Community Grants Reference Committee from August 2023 through to December 2025.
- 3.3 Endorse the updated Community Grants Assessment Panel Reference Committee Terms of Reference 2023-2025.

A vote was taken and the MOTION was CARRIED unanimously.

9.3 Older Persons Advisory Committee New Member Nominations August 2023 to November 2024 - For Endorsement

Purpose

- 1.1 To present Older Persons Advisory Committee (OPAC) new member recommendations for endorsement.

MOVED Crs Martin/Bond

That Council:

- 3.1 Endorses five new members Kevin English, Janet Gardner, Ada Lubin, Jeanette Lyons & Richard Whitfield to the Older Persons Advisory Committee (OPAC) for the term July 2023 to November 2024.
- 3.2 Recognises the value of work undertaken by the OPAC as the peak advisory and advocacy body on issues affecting the wellbeing of older people (55 years and over) within the City of Port Phillip.
- 3.3 Acknowledges the on-going work of the OPAC and thank the Committee for its efforts.

A vote was taken and the MOTION was CARRIED unanimously.

10. LIVEABLE PORT PHILLIP

10.1 J Talbot Basketball Facility

Purpose

- 1.1 To inform Councillors of the feedback of the community consultation on the proposed concept design for J Talbot Reserve Basketball facilities project.
- 1.2 To seek Councillors' approval to progress with the proposed design for J Talbot Basketball facilities, considering the community consultation responses.
- 1.3 Update Councillors on the proposed next steps for the project.



The following question was taken on notice during discussion of the item:

Councillor Crawford: We heard from members of the public during public question time and submissions that the park may be underutilised. Can officers provide data of how many people use the park?

Dana Pritchard Manager Open Space, Recreation and Community Resilience took the question on notice to seek statistics of park usage, noting that the playground and basketball court in its current state are used perhaps less due to its poor condition.

MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Thanks the community for participating in the community engagement process on the proposed concept design for the J Talbot Reserve Basketball facilities.
- 3.2 Authorises officers to proceed with construction of the proposed design for a new quarter basketball court located in the middle of the J Talbot Reserve.

A vote was taken and the MOTION was CARRIED unanimously.

10.2 St Kilda Landside Works Upgrade - Road Closure

Purpose

- 1.1 To consider feedback from those who have made submissions on the proposed closure of a section of Pier Road between Jacka Boulevard and Royal Melbourne Yacht Squadron, St Kilda in accordance with the Local Government Act 1989, Section 207 (Power of Council over traffic), Schedule 11, Clause 9 (Power to place obstructions or barriers on a road permanently) (known as the “road closure”)

MOVED Crs Crawford/Baxter

That Council:

- 3.1 Notes that on 19 April 2023, Council resolved to commence the process to restrict the passage of vehicles on the section of Pier Road between Jacka Boulevard and Royal Melbourne Yacht Squadron, St Kilda.
- 3.2 Receives and considers all written and verbal submissions to the proposed road closure.
- 3.3 Extends its gratitude to all submitters.
- 3.4 Notes that officers will bring back a report for consideration for Council at a future meeting on the proposed road closure.

A vote was taken and the MOTION was CARRIED unanimously.

11. SUSTAINABLE PORT PHILLIP

Nil.



EN BLOC MOTION

MOVED Crs Pearl/Martin

That Council moves the following items en bloc:

- 12.1 Cultural Development Fund - Panel recommendations, updated Terms of Reference and Objectives/Criteria
- 13.1 South Melbourne Market Committee Charter (Revised July 2023)
- 13.2 Records of Informal Meetings of Council.

A vote was taken and the MOTION was CARRIED unanimously.

12. VIBRANT PORT PHILLIP

12.1 Cultural Development Fund - Panel recommendations, updated Terms of Reference and Objectives/Criteria

Purpose

- 1.1 To appoint community representatives as listed in confidential Attachment 1 to the Cultural Development Fund Reference Committee.
- 1.2 To present the updated Terms of Reference for the Cultural Development Fund Reference Committee. Attachment 2
- 1.3 To confirm that Officers will now make recommendations directly to Councillors on allocations from the Cultural Development Fund – Festival and Events stream, in addition to recommendations made by the Cultural Development Fund Reference Committee.
- 1.4 To present updated objectives and criteria for the Cultural Development Fund – Festivals and Events grant stream.

MOVED Crs Pearl/Martin

That Council:

- 3.1 Appoints Committee Members to the Cultural Development Fund Reference Committee as appears in confidential Attachment One, including the listed applicants who met criteria for a Committee 'pool'.
- 3.2 Makes public the list of Committee members following the adoption by Council and the acceptance of the nominees.
- 3.3 Approves the updated Terms of Reference for the Cultural Development Fund Reference Committee (Attachment 2).
- 3.4 Delegates authority to the Chief Executive Officer, or their delegate, to make amendments to the Terms of Reference documents to correct minor drafting errors that do not materially alter the intent.
- 3.5 Approves officer recommendations to Council in relation to the Cultural Development Fund - Festivals and Events stream.



- 3.5.1 Officers would have the ability to seek further information from applicants that have clear strategic and/or stakeholder value to the City.
- 3.5.2 The success of applications would be determined by the application's merits against the funding criteria and program objectives, and in competition with other applications.
- 3.5.3 All funding recommendations would be referred to a meeting of Council for approval, however recommendations could also be made directly to Councillors as/if opportunities arise.
- 3.6 Approves the updated Cultural Development Fund – Festivals and Events Grant Objectives and Assessment Criteria.

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 South Melbourne Market Committee Charter (Revised July 2023)

Purpose

- 1.1 To present the updated South Melbourne Market (SMM) Committee Charter and S5 Instrument of Delegation – Council to CEO – South Melbourne Market (S5 Instrument of Delegation) to Council for adoption.

MOVED Crs Pearl/Martin

That Council:

- 3.1 Endorse the South Melbourne Market Committee Charter July 2023 (Attachment 2) for adoption
- 3.2 Affixes the common seal of Council to the S5 Instrument of Delegation – Council to CEO – South Melbourne Market (Attachment 1).
- 3.3 Notes that this S5 Instrument of Delegation – Council to CEO – South Melbourne Market comes into force immediately from when the common seal of Council is affixed to that Instrument.
- 3.4 Revokes the current S5 Instrument of Delegation – Council to CEO – South Melbourne Market dated 20 October 2021 upon the updated S5 Instrument of Delegation being endorsed.

A vote was taken and the MOTION was CARRIED unanimously.



13.2 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 Pearl/Martin

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

Nil.

16. URGENT BUSINESS

Mayor Cunsolo advised that Councillor Pearl had requested to raise an item of urgent business being **Independent Review**. This item was considered during the 'Confidential Matters' section of the agenda in accordance with Section 3.1 of the Local Government Act 2020.

17. CONFIDENTIAL MATTERS

MOVED Crs Sirakoff/Martin

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 Public Space Land Acquisition Strategy

- 3(1)(a). *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released*
- 3(1)(c). *land use planning information, being information that if prematurely released is likely to encourage speculation in land values*
- 3(1)(g(ii)). *private commercial information, being information provided by a business, commercial or financial undertaking that if released,*



would unreasonably expose the business, commercial or financial undertaking to disadvantage.

17.2 Independent Review

- 3(1)(e). *legal privileged information, being information to which legal professional privilege or client legal privilege applies;*
- 3(1)(g(i)). *private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets*
- 3(1)(g(ii)). *private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

A vote was taken and the MOTION was CARRIED unanimously.

The meeting closed to members of the public at 8:30pm.

The meeting reopened at 8:52pm.

As there was no further business the meeting closed at 8.52pm.

Confirmed: 2 August 2023

Chairperson _____