



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

7 DECEMBER 2022



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL
HELD 7 DECEMBER 2022 IN ST KILDA TOWN HALL AND
VIRTUALLY VIA WEBEX**

The meeting opened at 6:32pm.

IN ATTENDANCE

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

Chris Carroll, Interim 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, David Taylor, Executive Manager Governance and Organisational Performance, Xavier Smerdon, Head of Governance, Emily Williams, Council Business Advisor, Samuel Yeo, Council Business Officer, Dana Pritchard, Manager Open Space, Recreation, and Community Resilience, Christopher Cook, Coordinator Open Space Projects.

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

The Mayor noted that Councillor Katherine Copsey is extending her leave of absence from 28 November 2022 until further notice.

2. CONFIRMATION OF MINUTES

MOVED Crs Martin/Crawford

That the minutes of the Meeting of the Port Phillip City Council held on 16 November 2022 be confirmed.

A vote was taken and the MOTION was CARRIED unanimously.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Chris Carroll, Interim Chief Executive Officer declared a conflict of interest in confidential item 17.3 *CEO Matters* and advised that he would leave the chamber when that item was considered.



PRESENTATION OF AWARDS

Councillor Bond made a presentation to acknowledge local resident Teresa Warren, who has attended City of Port Phillip Council Meetings regularly for 20 years.

I would like to make a presentation to a resident who has shown an unwavering dedication to our community.

Teresa Warren is a friendly face at most Council Meetings. In fact, it has recently come to my attention that Ms Warren has been attending City of Port Phillip Council Meetings for 20 years.

In that time, she has rarely missed a meeting. In a highly engaged community like Port Phillip, residents like Ms Warren help to hold us to account and ensure that their fellow community members are well-informed and represented.

A keen advocate for a range of social issues, in 2019 she was nominated at the Victorian Government Awards for the Moll Hadfield and the Francis Pennington award for her work in fostering resilience and community cohesion in social housing.

Through you Mayor, it is my honour to present Ms Warren with a letter acknowledging her contribution to the City of Port Phillip.

CONDOLENCE MOTION

PAUL MADDEN

Local social justice and affordable housing activist, Paul Madden, died suddenly on Sunday 20 November at the age of 75.

MOVED Crs Martin/Crawford

That Council

- Expresses its deep regret on the passing of Paul Madden
- Offers its sincere condolences to their family
- Places on record its appreciation of Paul's service to the City of Port Phillip in advancing social justice and the provision of community housing.

A vote was taken and the MOTION was CARRIED unanimously.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

The submissions were made verbally and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archivephp>

Council Report Submissions:

Item 7.1 Petition – Save Gasworks Park

- Christine Fetterplace
- Steven Cook

Item 13.7 South Melbourne Town Hall Lease Negotiations Outcome

- David Brand
- Janette Brown
- Nick Bailey



5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** Can officers please provide an update on security arrangements to protect the Captain Cook Statue from Vandals this coming Australia Day?

Allison Kenwood, General Manager Community Wellbeing and Inclusion advised that Council have additional arrangements in place to protect the statue for this time, including additional security and our mobile CCTV device will also be located in the area.

- **Councillor Pearl:** Residents in Port Melbourne and members of the u3a group have recently complained about the condition of the Petanque Court located in the Evans Street Park. Can Officers please provide an update on the condition of the field and what we are doing to improve it?

Allison Kenwood, General Manager Community Wellbeing and Inclusion advised that around two months ago, minor works were undertaken to improve the surface of the court. The challenge is that there is a walkway which involves walking over the court to access the exit point of the park. We will undertake to look at a solution that avoids community members needing to walk over the court as this is making the surface difficult to maintain.

- **Councillor Pearl:** Residents have raised concerns that Council was no longer allowing the closure of some streets for street parties, including one long-running regular street party in Albert Park. Can officers provide information on this if true and the background to the policy on this, and what can be done in the future to ensure these kinds of events can go ahead?

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

6. SEALING SCHEDULE

The Mayor advised that there was one item requiring sealing on the agenda being a confidential deed of settlement. As this matter was confidential in accordance with section 3 of the Local Government Act 2020 as it relates to (f) personal information, this was considered during the confidential section of the agenda.

7. PETITIONS AND JOINT LETTERS

7.1 Petition to Save Gasworks Park

A Petition containing 333 online signatures and 215 written signatures was received via change.org and local residents.

MOVED Crs Bond/Pearl

That Council:

1. Receives and notes the Petition.
2. Thanks the petitioners for their Petition.
3. Notes that the project is being built by the Victorian Schools Building Authority and therefore is exempt from any Council Planning Permits.



4. Notes that since the last petition was received Officers have been in discussions with Victorian Schools Building Authority regarding the ownership of the wall. The walls heritage status has been confirmed and a meeting between VSBA and Councillors held to understand more about the project.
5. Asks Officers to continue discussions with the VSBA to further understand the intention for the design and confirm ownership of the brick wall, presenting this to Council once determined.
6. Notes the Mayor will continue advocacy work with VSBA once the new Ministry is sworn in, but notes also that this project is being built by VSBA and remains exempt from Council's planning controls.
7. Encourages the petitioners to contact the representatives found on the VYAP website and VSBA website.

AMENDMENT

Cunsolo/Martin

That the following (shown in italics) be added to the motion:

8. *Requests that the VSBA engage with Council on the future of the wall and immediate vicinity prior to any decision or action regarding its removal.*

A vote was taken and the AMENDMENT was CARRIED unanimously.

The AMENDMENT became the SUBSTANTIVE MOTION

The SUBSTANTIVE MOTION was PUT.

The SUBSTANTIVE MOTION was CARRIED unanimously.

CHANGE TO ORDER OF BUSINESS

The Mayor advised the order of business within "Presentation of Reports" would be altered to consider items where there is public interest.

10. LIVEABLE PORT PHILLIP

10.1 Moubray Street Road Closure - Formal Discontinuance

Purpose

- 1.1 The purpose of this report is to consider whether the road known as part Moubray Street, between Withers Street and Bridport Street West, Albert Park, shown coloured blue on the plan contained in Attachment 1 to this Report should be discontinued pursuant to the Local Government Act 1989 (Vic) (Act).

MOVED Crs Pearl/Bond

That Council, having considered the submissions in response to the public notice regarding Council's proposal to discontinue the road known as MOUS02-20. being part of Moubray Street, between Withers Street and Bridport Street West, Albert Park, as contained in Attachment 1 to this Report (Road):



- 3.1 Resolves to discontinue the Road as it considers that the Road is not reasonably required for public use;
- 3.2 Directs that a notice pursuant to clause 3 of Schedule 10 of the Local Government Act 1989 (Vic) is published in the Victoria Government Gazette;
- 3.3 Directs that the Chief Executive Officer or delegate signs an authorisation allowing Council's solicitors to execute any documents required to be signed on Council's behalf in connection with effecting the discontinuance of the Road;
- 3.4 Directs that any easements, rights or interests required to be created or saved over the Road by any public authority be done so and not affected by the discontinuance of the Road; and
- 3.5 Directs that the Chief Executive Officer or delegate notifies, in writing, every person who has lodged a separate submission, of the decision and reason/s for the decision.

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.7 South Melbourne Town Hall - lease negotiations with ANAM - outcome

Purpose

- 1.1 To report the outcome of negotiations with the Australian National Academy of Music ("ANAM") for a new, long term lease of the South Melbourne Town Hall, and to recommend community consultation on the potential lease.

MOVED Crs Pearl/Bond

That Council:

- 3.1 Notes the outcome of the negotiations with the Australian National Academy of Music ("ANAM") for a potential new lease of the South Melbourne Town Hall.
- 3.2 Propose to enter into a lease of the South Melbourne Town Hall with ANAM on the following terms:
 - 3.2.1 a lease term of up to 35 years, if the lessee undertakes up-front capital investment in the building complex of \$20.5M;
 - 3.2.2 a further 15 year option, if the lessee undertakes further capital investment in the building complex of \$19.5M;
 - 3.2.3 a commencing rental of \$550,000 per annum, partly abated if performance targets are met;
 - 3.2.4 the lessee will be responsible for condition based and routine maintenance for the term of the lease;
 - 3.2.5 the lessee will be responsible for rates, taxes and insurance premiums;
 - 3.2.6 the lessee shall provide Port Phillip City Council access for Council meetings and citizenship ceremonies; and



- 3.2.7 such other terms and conditions as may be required by the Chief Executive Officer or delegate.
- 3.3 Pursuant to section 115(4) of the *Local Government Act 2020 (Victoria)*, commences community engagement on the proposed lease in accordance with Council's Community Engagement Policy.
- 3.4 Authorises Officers to undertake the administrative procedures necessary to enable Council to carry out its functions under section 115 of the Act in relation to the Lease proposed, including the giving of Public Notice on Council's website outlining the principal terms of the proposal.
- 3.5 Following the consideration of any submissions, receives a further report at a future Council meeting.

A vote was taken and the MOTION was CARRIED unanimously.

13.8 Council Plan and Budget 2023/24 – Direction and Long Term Financial Outlook

Purpose

- 1.1 To provide an update on changes in Council's strategic and operating environment and to seek approval of the 10-Year Financial Outlook and the parameters for the review of the Council Plan and development of the Budget 2023/24.

MOVED Crs Bond/Crawford

That Council:

- 3.1 Considers and notes the outcomes from a preliminary review of the operating environment and strategic risks (Attachment 1).
- 3.2 Endorses the 10-Year Financial Outlook (Attachment 2) and parameters, noting the significant challenge of rates capping and the rates cap gap primarily driven by additional capital works expenditure, the impact of rising inflation the increase to the 'in-principle' Enterprise Agreement.
- 3.3 Notes the inclusion of additional portfolio allocation for Lagoon Reserve and Childcare Centre Program, and provisional investment for South Melbourne Market Next project subject to endorsement as part of Budget 2023/24.
- 3.4 Endorses not applying to the Essential Services Commission for a variation to the rate cap for 2023/24.
- 3.5 Notes the ongoing use of a separated waste charge to recover costs of all direct waste services.
- 3.6 Delegates authority to the CEO or delegate to reflect any changes made by Council at tonight's meeting, which are not reflected in Attachment 2, and to make minor typographical corrections before final publication.

A vote was taken and the MOTION was CARRIED unanimously.



EN BLOC MOTION

MOVED Crs Clark/Martin

That Council moves the following items en bloc:

- 8.1 Presentation of CEO Report – Issue 91
- 13.1 Councillor Expenses Monthly Reporting – September 2022
- 13.2 Council and Planning Committee meeting timetable for 2023
- 13.3 Appointments of Councillors to Committees
- 13.4 Records of Informal Meetings of Council
- 13.5 Panel of Suppliers – Commercial Building Services (Minor Capital Works) – Delegation to CEO
- 13.6 Appointment of Authorised Officers Pursuant to the Planning and Environment Act 1987

A vote was taken and the MOTION was CARRIED unanimously.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report Issue 91

Purpose

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

MOVED Crs Clark/Martin

That Council:

- 3.1 Notes the CEO Report Issue 91 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in October 2022.

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 Councillor Expenses Monthly Reporting - September 2022

Purpose

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

MOVED Crs Clark/Martin

That Council:

- 3.1 Notes the monthly Councillor expenses report for September 2022 (**Attachment 1**) and that this will be made available on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.



13.2 Council and Planning Committee meeting timetable for 2023

Purpose

- 1.1 To present to Council a proposed timetable for Council and Planning Committee meetings for 2023.

MOVED Crs Clark/Martin

That Council:

- 3.1 Adopts the Council and Planning Committee meeting timetable for 2023 as contained in Attachment 1.
- 3.2 Notes that under the Governance Rules the Chief Executive Officer or delegate, after consultation with the Mayor, in the case of an administrative matter or an emergency situation, may alter the date, time or location of or cancel a Council meeting by giving such notice to the Councillors and the public as is practicable.

A vote was taken and the MOTION was CARRIED unanimously.

13.3 Appointments of Councillors to Committees

Purpose

- 1.1 To appoint Councillors to delegated committees, advisory committees and external committees until December 2023.

MOVED Crs Clark/Martin

- 3.1 Appoints Councillor representatives to delegated, advisory and external boards and committees as per Attachment 1, effective from the date of this resolution until December 2023.
- 3.2 Notes the Councillors appointed to the roles outlined in attachment 1 will also fulfil the requirements of any sub-groups or sub-committees formed by these bodies where Councillor representation is required. In the event the Councillor representative is not able to fulfil this role, a Councillor representative will be determined by the Mayor or brought back to Council for resolution.
- 3.3 Notes that a further review and update of Councillor representatives to delegated, advisory and external boards and committees may be undertaken in February 2023 by Council and any changes to memberships brought to a meeting of Council for decision.
- 3.4 Notes that a review of the advisory committees will be undertaken to bring governing documents into line with legislative requirements, and a report recommending new Terms of Reference for relevant committees will be brought back to Council in the 2022/23 financial year.

A vote was taken and the MOTION was CARRIED unanimously.



13.4 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 Clark/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.

13.5 Panel of Suppliers - Commercial Building Services (Minor Capital Works) - Delegation to CEO

Purpose

- 1.1 To update Council on the progress of public tender RFT000196 – Panel of Suppliers – Commercial Building Services (Minor Capital Works). A panel that is being established to assist with the delivery of capital building works.
- 1.2 To seek authorisation, and an accordingly temporary elevation of financial delegation, for the CEO to conclude the procurement process and award the contracts on behalf of Council. Noting that a public report will be presented to the first available Council meeting to put on record the procurement and award process.

MOVED Crs Clark/Martin

That Council:

- 3.1 Notes the planned usage of the Panel of Suppliers – Commercial Building Services (Minor Capital Works) in delivery of Council's annual renewal program.
- 3.2 Approves an increase of the Chief Executive Officer's delegation limit from \$1.0M (Inc. GST) to \$32.5M (Inc. GST), to enable the CEO to approve contracts with preferred tenderers during Council's non-sitting period from 9 December 2022 until Council resumes in February 2023.
- 3.3 Notes that a report will be presented upon the return of Council in February 2023, advising of the outcomes of the tender process and the successful tenderers.

A vote was taken and the MOTION was CARRIED unanimously.



13.6 Appointment of Authorised Officers Pursuant to the Planning and Environment Act 1987

Purpose

- 1.1 To approve two new appointments as Authorised Officers pursuant to the *Planning and Environment Act 1987*.

MOVED Crs Clark/Martin

That Council:

- 3.1 Approves the Instrument of Appointment and Authorisation at **Attachment 1**.
- 3.2 Affixes the common seal of Council to the Instrument of Appointment.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

Nil.

15. REPORTS BY COUNCILLOR DELEGATES

Councillor Martin thanked Council officers for organising and holding an event last week for all of our advisory committees and other voluntary bodies. It was wonderful to see so many of our community volunteers come together, they were both very pleased to be there and honoured to be recognised by Council. I hope this will be an ongoing feature of Council on an annual basis.

Councillor Crawford reported to Council as the delegate to the Linden Art Gallery Board. The very exciting Linden Postcard is about to open for its 32nd year starting on Friday. The show is running through until the end of February so plenty of time over the Christmas holidays to see this very iconic City of Port Phillip Event. The board welcomes a new director and its always amazing to see what people are capable of.

16. URGENT BUSINESS

Nil.

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 Appointment of Independent Members to the South Melbourne Market Committee**

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

17.2 Document for Sealing - Deed of Settlement

- 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.

17.3 CEO Matters

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

A vote was taken and the MOTION was CARRIED unanimously.

The gallery was closed to the public at 7:49pm.

The gallery reopened at 7:54pm

As there was no further business the meeting closed at 7:54pm.

Confirmed: 1 February 2023

Chairperson _____