



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

1 FEBRUARY 2023



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**MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 1  
FEBRUARY 2023 IN ST KILDA TOWN HALL AND VIRTUALLY VIA WEBEX**

The meeting opened at 6:36pm.

**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, David Taylor, Executive Manager Governance and Organisational Performance, Xavier Smerdon, Head of Governance, Emily Williams, Council Business Advisor, Liam O’Cathasaigh, Event Manager, Dana Pritchard, Manager Open Space, Recreation and Community Resilience, Katrina Terjung, Manager Community Building and Inclusion, Lauren Bialkower, Executive Manager - Advocacy and Stakeholder Engagement, Emma Murdoch, Head of Property and Workplace Operations, Anthony Savenkov, Acting Executive Manager Property and Assets, Arran Maclean, Asset Portfolio Planner - Public Space.

*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 Martin/Bond**

That Council approves the requests to attend by electronic means received by Councillors Clark, Nyaguy and Pearl.

**A vote was taken and the MOTION was CARRIED unanimously.**

**1. APOLOGIES**

Nil.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Bond/Sirakoff**

That the minutes of the Meetings of the Port Phillip City Council held on both 7 and 8 December 2022 be confirmed.

**A vote was taken and the MOTION was CARRIED unanimously.**

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil.



## CONDOLENCE MOTION

### PAUL DAHAN – FORMER MAYOR OF SOUTH MELBOURNE

#### MOVED Crs Martin/Pearl

*Former Mayor and Councillor of South Melbourne Paul Dahan sadly passed away on 16 January 2022.*

That Council:

- Expresses its deep regret on the passing of Paul Dahan.
- 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.**

## ACKNOWLEDGEMENT OF SERVICE

### KATHERINE COPSEY - OUTGOING COUNCILLOR

The Mayor acknowledged Katherine Copsey as City of Port Phillips former Lake Ward Councillor and invited Councillor Tim Baxter to say a few words:

**Councillor Baxter:** “I was only too happy to be asked to speak about the service of Cr Copsey to this City, to this Council and as a friend as well.

*It's been a really wonderful six years with Kat on Council. We were both elected at the same time and one thing that was always constant through all of that with Kat as a colleague was her understanding of the policy, and being across what the outcomes and details for so many things. Not everything, we're not perfect and occasionally some more discussion was required, but I was always amazed by the sheer breadth of policy knowledge that kat would bring into briefings and Council Meetings. So whether that be her favourite topics of sustainable transport and safe cycling, or waste, which is as we know the most interesting and sexy topic of Local Government of course, but just understanding how that worked, where we needed to get to and the difficulties that were often involved in that. Her passion and knowledge around climate change, housing and homelessness, and particularly the arts, of which Kat was a big supporter on Council and I assume will remain a big supporter in Parliament. Being a performer herself, she understands people particularly in live music need to thrive and what they can contribute to society. Having that insight was always extremely valuable to have on Council. I know that sometimes we talked about the things we were really proud about achieving on Council. People in the gallery may not know but it can sometimes be hard to get sort of anything done on Council. It can sometimes take a very long time to come up with an idea for a project, get it planned out, and then get it budgeted, and then actually get it built or implemented, whatever it is, can take years. So you celebrate what wins you do get an one of the things that we always talked about as being part of our legacy, certainly Kat's legacy, and obviously a shared legacy from a number of different people was when we voted to allocate land and partnership for the Pride Centre in St Kilda. That's something that I know Kat will take with her until she shuffles off as something that she was part of. She's not arrogant enough to say that she made it happen or anything like that, but she was part of it and played a role in that happening. That wonderful edifice in Fitzroy Street, in a region that Kat now represents in Parliament, will always be a testament to the sort of things that she has always stood for in Local Government and will continue to stand for in State Parliament. Another thing I remember was when Kat and I went up to Crowlands I think it's called, near Ararat, where the windfarm for the Melbourne Renewable Energy*



*Project was being - well they were just breaking ground so they hadn't built anything - but we went up there with a number of other Councillors whose Councils had participated in the Melbourne Renewable Energy Project and we got dorky photos with hard hats and high-vis vest, you know typical pollie sort of stuff. But that was something that again we could really feel as though we were doing something and we were making changes and Council was leveraging in some ways quite small power into something a lot bigger. I know that's something that we were both quite proud of.*

*There will be many things you're proud of and I'm not going to list them all, but one of the other really big ones is a project that will be completed this year and has taken a really long time to get done and has had many parents, is the Marlborough Street Social Housing Project, which will house dozens of vulnerable people that need housing. What better legacy could one leave than to say "I was part of putting roofs over peoples' heads that need it". So I really want to thank Kat - I keep wanting to say Cr Copsey but you're not a Councillor anymore - for being part of those things and supporting them strongly and passionately.*

*In between briefings it would be in these stuffy rooms and if it was a sunny day we would go out onto the lawn and just sit there just to get some fresh air and bring some sunlight into our brains. I will miss those chats and the personal friendship we've had as colleagues. The friendship will stay but I won't get to hang out with you at Town Hall anymore so thank you very much Kat for everything you've brought to this building and your community. The projects you've passionately supported, the people you have inspired, and those people you've brought a bit of sunlight to.."*

#### 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:

- **Dr Aubrey Seklow:** It has come to my notice that dog ownership has increased in Port Phillip which also means that instances of dog droppings has increased exponentially. I suggest a new slant on dog registration to the Council to prevent this increasing problem. An initiative has begun in Italy, Israel and the UK where at the point of registration the dogs DNA is taken by a saliva test, either by the Council or an appointed veterinarian. The cost of the saliva test is part of the registration fee. The DNA is kept on record and matched with a sample of the DNA taken from the dog's droppings. The appropriate fine is then issued to the dog owner. This would surely be a deterrent to the owner to pick up the droppings in future. Will the Council give this proposal consideration to be the first Council in Australia to initiate this innovate program to the benefit of all ratepayers?

*Brian Tee, General Manager City Growth and Development advised that Council is indeed seeing an increase in dog ownership at this time and Council officers are aware of this type of program being piloted in the UK. Officers have not been able to locate any publicly available evidence it has been successful and we are not considering this program at this time. Before adopting a program such as this Council would need to consider the advantages and indeed some of the disadvantages and risks, that would of course include the cost and resources required to obtain DNA samples from each dog upon registration and the impact that this might have as a disincentive for registering your dog if there is a significant additional cost.*

*Council does acknowledge that there are problems associated with dog droppings and our Domestic Animal Management Plan (DAMP) adopted in 2021, seeks to address many of*



*these issues and we are doing this through promoting owner responsibility through increased education, awareness and enforcement (both the requirement to carry waste bags and pick up after your dogs). We've also increased our patrols of parks including at peak times and in hotspot areas. We are also developing and installing footpath stencils advising of the requirements to pick up, and will continue to do so in the coming year*

*We hope that these measures will go some way in alleviating the problem of dog droppings and avoid the need for the more expensive and time consuming measures such as those that have been proposed.*

***Councillor Clark** followed up that as mentioned there is currently no evidence from the pilot trials taking place overseas. This is mostly likely the case as they are very new initiatives. If there was to be some evidence, is Council prepared to keep an eye out to see what overseas trial findings may show.? In light of the measures mentioned (stencils and increasing patrolling) which also incur a cost too, if the animal user was required to pay for the testing, are both of these items Council could consider later down the track?*

*Brian Tee responded that we will continue to monitor this issue and the impact that it has on our community. We will consider any outcomes from those overseas trials that are underway. This may be an option for us to explore depending on the outcomes of our measures and of those pilots and as soon as that information becomes publicly available.*

#### **Council report submissions:**

##### **Item 7.1 Petition against a Flying Fox at TT Buckingham Reserve**

- Linda Lucas
- Anna Scott
- Marg Lugg

##### **Item 9.1 Draft Positive Ageing Policy 2023-27**

- Freda Erlich
- Coralie Ling
- Ian MacDonald
- Wendy Priddle
- Jennifer Edge

##### **Item 9.3 Friends of Suai/Covalima Chairperson Appointment**

- Megs Alston

## **5. COUNCILLOR QUESTION TIME**

- **Councillor Sirakoff:** In relation to the motion that was passed at the 8 December 2022 Council meeting requesting to remove the Department of Transport (DoT) pop up bike lanes. Residents have been following up on the progress of this request, has there been any feedback from DoT on when this removal will commence?

*Brian Tee, General Manager City Growth and Development advised that the Mayor wrote to the State Government on 15 December advising of the Council resolution on 8 December. We have, on a number of occasions sought to engage with the Department to progress implementation of the resolution.*

*On 19 January, following Council officers' efforts to engage with the State Government, the Mayor received a letter from the Department advising that the Department looks forward to working with the City of port Phillip following our establishment of the newly formed Department of Transport and Planning (formally known as the Department of Transport) as*





of 1 January 2023. The author took the opportunity to confirm that we continue to work on the Council resolution relating to pop up bike lanes and we look forward to our key personnel returning from the holiday break. The Department will endeavor to provide the Council progress updates.

I can confirm that subsequent to that letter, Council officers have secured a meeting with the Department next week at which we will seek to progress implementation of the Council resolution.

## 6. SEALING SCHEDULE

Nil.

## 7. PETITIONS AND JOINT LETTERS

### 7.1 Petition against a Flying Fox at TT Buckingham Reserve

A Petition containing 12 signatures, was received from local residents.

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

**Councillor Clark:** Flying foxes make a 'whoosh' noise as they go through, as this is proposed to be installed in close proximity to residents, has a noise assessment been carried out? If not are officers going to carry out an assessment prior to installation, given the feedback received by surrounding residents?

*Dana Pritchard, Manager Open Space, Recreation and Community Resilience took the question on notice but advised that Councillors could request for it to be undertaken prior to installation.*

**Councillor Crawford:** Is it budgeted to have the Flying Fox automatically lock as a process?

*Dana Pritchard, advised that it is not currently budgeted and took on notice what that cost would be.*

### **MOVED Crs Martin/Pearl**

That Council:

1. Receives and notes the petition
2. Thanks the petitioners for their Petition
3. Notes that Council have previously considered a petition from 105 people on 17 February 2021 which requested the flying fox to be included in the planned upgrade for TT Buckingham Reserve.
4. Believes that adequate consideration has been given to community views both for and against the inclusion of a flying fox.
5. Recognises that there was more that could have been done to keep community members up to date with the proposed changes to the design of TT Buckingham Reserve.
6. Requests Officers to consider improvements to the notification process for changes to projects, including timely updates to the Have Your Say Page.
7. Supports the installation of a flying fox at TT Buckingham Reserve.

**A vote was taken and the MOTION was CARRIED unanimously.**



## 8. PRESENTATION OF CEO REPORT

Nil.

*The Mayor advised that item 13.1 Tender: Drainage Asset Cleaning and Pipe Rehabilitation Services (Panel) has been removed from tonight's agenda and will be rescheduled to a future Council meeting.*

## 9. INCLUSIVE PORT PHILLIP

### 9.1 Draft Positive Ageing Policy 2023-27

#### Purpose

- 1.1 To consider the draft Positive Ageing Policy 2023-27 and endorse its release for community consultation.

**The following questions were taken on notice during public question time and submissions in relation to this item:**

- **Jennifer Edge:** Firstly, Is there options for the community to receive hard copy material to be able to participate in 'have your say'. (for those who don't have access to computers or the internet)?

Secondly, the disabled car spaces in Shakespeare Grove Car park, closest to the pedestrian crossing, public toilet and the beach have been removed. What was the reason for the removal and what community consultation (if any) occurred?

*The Mayor took the questions on notice.*

#### **MOVED Crs Martin/Crawford**

That Council:

- 3.1 Releases the draft Positive Ageing Policy 2023-27 (Attachment 1) for a five-week period of consultation between 10 February and 20 March 2023.
- 3.2 Notes that a further report outlining the findings of the community consultation and any proposed changes to the draft policy arising from feedback will be presented to Council in May 2023.

**A vote was taken and the MOTION was CARRIED unanimously.**

*The mayor advised the order of business would be altered to consider items 9.3 and 12.1 first due to public interest.*

### 9.3 Friends of Suai/Covalima Chairperson Appointment

#### Purpose

- 1.1 To seek Council endorsement of the appointment of the Friends of Suai/Covalima (FoSC) Community Reference Committee (CRC) Chairperson.



**MOVED Crs Baxter/Crawford**

That Council:

- 3.1 Accepts and endorses the nomination of Megs Alston as Chairperson of Friends of Suai/Covalima Community Reference Committee.
- 3.2 Formally recognises the ongoing contribution of Megs Alston to the Friends of Suai/Covalima Community Reference Committee and Council's Friendship with Suai/Covalima.

**A vote was taken and the MOTION was CARRIED unanimously.**

*The Mayor adjourned the meeting at 8:10pm.*

*The meeting resumed at 8:22pm.*

## **12. VIBRANT PORT PHILLIP**

### **12.1 Carlisle Street Special Rate – 2023-2028 Intention To Declare**

#### **Purpose**

- 1.1 To commence the statutory process to introduce the Carlisle Street Special Rate, for the 1 July 2023 to 30 June 2028 period, for the purpose of marketing, tourism, promotion, business development and centre management of the Carlisle Street business precinct.

**MOVED Crs Bond/Sirakoff**

That Council:

- 3.1 Having otherwise considered all relevant matters, commences the statutory process in May 2023 under the Local Government Act 1989 (the Act) to introduce a Special Rate to and for the properties within the defined Carlisle Street Business Precinct, such Special Rate is to raise a levy of up to \$200,000 per annum in each of the financial years from 2023-2024 to 2027-2028.
- 3.2 In accordance with Section 163(1A) and 163B(3) of the Act, directs that public notices be published in The Age of the intention of Council to declare, if it is approved at the ordinary meeting of Council to be held on 1 February 2023, in accordance with the proposed declaration of Special Rate in the form of the attachment to this resolution. (Proposed Declaration of Special Rate) and as such a Special Rate levy is to be for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Carlisle Street Traders Association and funds, administratively only and subject always to the approval, direction and control of Council, are to be used for the purposes of the appointment of a coordinator, promotional, advertising, marketing, business development and centre management, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Carlisle Street Business Precinct.
- 3.3 Directs that in accordance with section 163 (1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and the occupiers of the properties referred to in the Proposed Declaration included as **Attachment 3**,





forming a part of the Proposed Declaration of Special Rate advising of the intention of Council to declare the Special Rate at the ordinary meeting of Council to be held on 17 May 2023, the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate levy) will be liable, the basis of the calculation and distribution of the Special Rate and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Rate will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act. The CEO is delegated to make minor amendments to the public notice (**Attachment 3**) that does not change the material intent and to ensure legislative compliance.

- 3.4 Advises the Carlisle Street Traders Association of the matters specified in paragraphs 2.3, 2.4 and 2.5 of this resolution.
- 3.5 Authorises the Chief Executive Officer or delegate –
- (a) to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act; and
  - (b) to prepare a funding agreement between Council and the Carlisle Street Traders Association to formalise the administrative operations of the Special Rate, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to the Carlisle Street Traders Association, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate in accordance with its obligations under the Local Government Act 1989 to do so.
- 3.6 Directs that the agreement specified in this resolution will be approved by the authorised officers of Council once the Special Rate is declared.

**A vote was taken and the MOTION was CARRIED unanimously.**

## 9. INCLUSIVE PORT PHILLIP

### 9.2 Community Facility Access and Allocation Policy Update

#### Purpose

- 1.1 To present the results of the internal review of the Community Facility Access and Allocation Policy 2014 and present the revised Community Facility Access and Allocation Policy for approval.

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

**Councillor Pearl:** Can officers provide an indication of the amount of money in our budget for people and groups paying insurance premium to the City of Port Phillip for the insurance. and provide an estimate for the number of events that take their own insurance?

*Emma Murdoch, Head of Property and Workplace Operations took the question on notice.*

**MOVED Crs Martin/Bond**



That Council:

- 3.1 Approves the adoption of the revised Community Facility Access and Allocation Policy 2023.
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to the Community Facility Access and Allocation Policy 2023 to correct any minor changes that do not materially alter its intent.

#### **AMENDMENT**

#### **MOVED Crs Crawford/Nyaguy**

Addition of:

- 3.1 Approves the adoption of the revised Community Facility Access and Allocation Policy 2023 *with the following amendments:*
  - a) *Update the “Other Considerations” section to ensure clarity around environmentally sustainable procedures and how they are deployed across the portfolio.*
  - b) *Amend the “Applications for Hire” section to ensure that it is clear that refusal of an application may be provided for any activity that actively promotes discrimination against the equal rights and opportunities of people within the community.*
  - c) *Amend the definition of “Private Group” to remove reference to “political parties” and replace it with “political campaigning activities, political fundraising activities”.*
- 3.2 Delegates authority to the Chief Executive Officer to make amendments to the Community Facility Access and Allocation Policy 2023 to correct any minor changes that do not materially alter its intent.

*Councillor Pearl noted an interest in relation to 3.1(c) of the amendment, as the treasurer of the Liberal Party MacNamara branch FEC. As this amendment was not included in the agenda, this interest was not noted at the start of the meeting.*

*Councillor Martin noted they are the branch secretary of the Brighton Labor Party branch, which meets in a different municipality.*

**The AMENDMENT became the SUBSTANTIVE MOTION.**

**A vote was taken and the SUBSTANTIVE MOTION was CARRIED.**

## **10. LIVEABLE PORT PHILLIP**

Nil.

## **11. SUSTAINABLE PORT PHILLIP**

Nil.



## 13. WELL GOVERNED PORT PHILLIP

### 13.2 Appointment of Audit & Risk Committee Chairperson 2023

#### Purpose

- 1.1 To appoint a Chairperson of the Audit and Risk Committee for 2023

#### MOVED Crs Sirakoff/Martin

That Council:

- 3.1 Appoints Mr Brian Densem to the position of Chairperson of the City of Port Phillip Audit and Risk Committee for the 2023 calendar year, commencing 01 January 2023 through to 31 December 2023.

**A vote was taken and the MOTION was CARRIED unanimously.**

### 13.3 Tender Award Update - Commercial Building Services (Minor Capital Works)

#### Purpose

- 1.1 To advise Council of the outcomes of the public tender process for Request for Tender 000196, Panel of Suppliers – Commercial Building Services (Minor Capital Works).

#### MOVED Crs Bond/Martin

That Council:

- 3.1 Notes the Council Report presented on 7 December 2022, which endorsed the recommendation to increase the Chief Executive Officer's delegation limit from \$1.0M (Inc. GST) to \$32.5M (Inc. GST), to enable the Chief Executive Officer to approve contracts with preferred tenderers during Council's non-sitting period from 9 December 2022 until Council resumed in February 2023.
- 3.2 Notes that under delegation, the assessment and procurement of the panel of contractors has been completed and that the following organisations have been engaged under a Deed of Standing Offer (RFT000196), based on the rates submitted:
  - a) Total Construction & Maintenance Solutions
  - b) Johnson Building & Maintenance Pty Ltd
  - c) Symmetry Commercial Pty Ltd
  - d) Urban Maintenance Systems Pty Ltd
- 3.3 Notes that the Deed of Standing Offer commences on 20 February 2023, for an initial contract term of four (4) years, with two potential extensions of two (2) x two (2) year terms at Council's discretion.
- 3.4 Notes that although no funding is guaranteed to any recommended tenderer, the projected expenditure of this contract is \$32.5M (Inc.GST) over the full eight-year



term including extensions and that this workload is subject to Council's annual budget process.

- 3.5 Notes that the contract value will continue to adjust annually by All Groups Consumer Price Index (CPI), on the contract anniversary each year.
- 3.6 Approves the recommendation that the Chief Executive Officer will have delegated authority to determine if the contract extensions are to be exercised and to execute those contract extensions as required.

**A vote was taken and the MOTION was CARRIED unanimously.**

## 14. NOTICES OF MOTION

Nil.

## 15. REPORTS BY COUNCILLOR DELEGATES

Councillor Martin acknowledged the very successful pride flag raising ceremony organized by Council's internal Pride Network and LGBTIQ+ Advisory Committee and hopes to see everyone at the Pride March in St Kilda on Sunday 5 February 2023.

## 16. URGENT BUSINESS

Nil.

## 17. CONFIDENTIAL MATTERS

### **MOVED Crs Bond/Pearl**

That Council resolves to move into confidential business to deal with the following matters pursuant to section 66(2) of the *Local Government Act 2020*:

#### **17.1 Appointment of the Independent Chair to the South Melbourne Market Advisory Committee**

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

As there was no further business the meeting closed at 8.51pm.

Confirmed: 15 February 2023

Chairperson \_\_\_\_\_