



# MEETING OF THE PORT PHILLIP CITY COUNCIL

## MINUTES

16 AUGUST 2023



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

The meeting opened at 6:37pm.

**IN ATTENDANCE**

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

Chris Carroll, Chief Executive Officer, Lauren Bialkower, Executive Manager Advocacy and Stakeholder Engagement, Allison Kenwood, General Manager Community Wellbeing and Inclusion, Lachlan Johnson, General Manager, Operations and Infrastructure, Joanne McNeill, General Manager Governance, Capability and Experience, Xavier Smerdon, Head of Governance, Rebecca Purvis, Council Business Advisor, Katrina Collins, Senior Governance Advisor, Fiona van der Hoeven, Manager City Planning and Sustainability, David MacNish, Head of Major Transport Projects – Domain Precinct.

*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 Nyaguy/Sirakoff**

That Council approves the request to attend the meeting electronically received from Councillor Crawford.

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

**1. APOLOGIES**

An apology was received from Councillor Crawford at 8pm as they were unable to join the meeting.

Councillor Clark has an approved leave of absence from 28 July to 28 August.

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Bond/Martin**

That the minutes of the Meeting of the Port Phillip City Council held on 2 August 2023 be confirmed.

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



### 3. DECLARATIONS OF CONFLICTS OF INTEREST

Chris Carroll, Chief Executive Officer, declared a material conflict of interest with item 17.1. *CEO Employment Matters - 2022/23 Annual Performance Assessment and 2023/24 Annual Performance Agreement*. Chris Carroll left the meeting at the start of the agenda item and did not return to the meeting.

Councillor Pearl declared an interest in items 10.1. *Shrine to Sea Draft Masterplan Advocacy* and 10.2 *Approach to Review of the Move, Connect, Live Integrated Transport Strategy* and but did not determine it to be a conflict of interest and remained in the meeting for the item.

### CONDOLENCE MOTION – SIMON GUTTERIDGE

Moved Crs Martin/Baxter

That Council:

1. Expresses its deep regret on the passing of Simon Gutteridge.
2. 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:

- **Michael Barrett:** Mr Barrett spoke to the recent issues of rubbish collection in the City of Port Phillip.
- **Vicky Ho:** Are the bike lanes really working as my husband was hit by a car in Moray Street?

*The Mayor advised that the question would be taken on notice for further response.*

#### Council Report Submissions:

##### Item 10.1 Shrine to Sea Draft Masterplan Advocacy

- Karen Hardidge
- Danielle Ryan-Gledhill
- Leanne Planck
- Andrew Cocking
- Henry Green
- Norbert Oberholzner
- Heidi Ireland
- Lee Hardy
- Janet Bolitho
- Derek Samuel
- Matthew Unsworth
- Campbell Spence
- Graham Paton
- Alison McCormack
- Andrew Perkins
- Julie Clutterbuck
- Mark Naughton
- Guy Boston

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- Deborah Bye
- Ron Burgraaf
- Cameron Smith
- Ellen Martin
- Heather McDonald
- Steve Dimitrovski
- Terri Thompson

## Item 10.2 Approach to Review of the Move, Connect, Live Integrated Transport Strategy

- Julie Clutterbuck
- Mark Naughton

*The Mayor adjourned the meeting for a break at 8:00pm.*

*The meeting resumed at 8.07pm.*

## 5. COUNCILLOR QUESTION TIME

- **Councillor Pearl:** Can the CEO provide an update on speculation in tTe Age newspaper regarding Council's alleged involvement in the purchase of the Australia Post site in Port Melbourne please?

*Chris Carroll, Chief Executive Officer, advised that there are some confidentiality restrictions on this matter that need to be considered in any public discussion. Chris Carroll advised that Council has worked with the State Government for around 11 years on Fishermans Bend as a key priority of Council and has spent millions of dollars of officers' time and energy to work with the State Government to develop the Fishermans Bend framework and had a partnership agreement to support its implementation. Included in the framework is open space as a key priority for both Council and the State Government. Council's recently adopted Open Space Strategy, and also the State Government's own framework, identify the Australia Post site for future public space. Chris Carroll said Council strongly supported this and had offered to work with the State Government on multiple times, at multiple levels to achieve this outcome including offering funding and support. Chris Carroll said these offers had fallen on deaf ears which was very disappointing.*

- **Councillor Pearl:** Has there been any update received on when the Fisherman's Bend precinct plans will be released?

*Chris Carroll, Chief Executive Officer, advised that he has not received a date for release. He understands that there is potentially a meeting to occur in September with the Fishermans Bend Taskforce to discuss various items including this topic.*

## 6. SEALING SCHEDULE

Nil.

## 7. PETITIONS AND JOINT LETTERS

Nil.

## 8. PRESENTATION OF CEO REPORT

Nil.



## 9. INCLUSIVE PORT PHILLIP

### 9.1 Accessibility Action Plan 2023-25

#### Purpose

- 1.1 To present to Council the Accessibility Action Plan 2023-25 for endorsement.
- 1.2 To provide to Council the Accessibility Action Plan 2023-25 community consultation engagement report.

#### MOVED Crs Martin/Baxter

That Council:

- 3.1 Adopts the Accessibility Action Plan 2023-25 (Attachment 1) and delegates to the CEO, or their delegate, the ability to make changes that do not alter the substantive content of the document.
- 3.2 Notes the results of the community consultation and engagement on the draft Accessibility Action Plan as presented in this report (Attachment 2).
- 3.3 Requests officers prepare an implementation plan.

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

### 9.2 Swimming Trail Feasibility - Response to Notice of Motion

#### MOVED Crs Pearl/Bond

That Council:

- 3.1 Defers this item indefinitely, and for the proposed expenditure to be considered in the 2024/25 Council budget process.

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

## 10. LIVEABLE PORT PHILLIP

*Councillor Nyaguy left the meeting at 8.41pm.*

*The Mayor adjourned the meeting at 8.51pm.*

*The meeting resumed at 8.55pm.*

*Councillor Baxter left the meeting at 8.58pm.*

### 10.1 Shrine to Sea Draft Masterplan Advocacy

#### Purpose

- 1.1 To seek Council endorsement of the advocacy position that will inform a response to the Victorian Government's Shrine to Sea draft Masterplan.

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



**Councillor Pearl:** How much money has the State Government spent on this project? Have they released how much money they've spent so far of the 13.1 million? How much is left over for the rest of the project?

*David MacNish, Head of Major Transport Projects – Domain Precinct, took the question on notice.*

**MOVED Crs Cunsolo/Bond**

That Council:

- 3.1 Notes the Victorian Government's announcement in May 2023 to separate the bike lane on Kerferd Road from the draft Shrine to Sea Masterplan including affiliated Kerferd Road traffic designs and links to Moray Street bike lane and, that the Victorian Government have identified that it is to be considered at a future time.
- 3.2 Advocate to the Victorian Government to work with Council to develop a comprehensive community engagement approach for any future project that proposes a bike lane and associated works on Kerferd Road, not within the publicly released draft Shrine to Sea Masterplan.
- 3.3 Advocates for the matters set out in Attachment 5 – Advocacy Matters – Shrine to Sea Corridor, to this report be addressed within the Shrine to Sea Masterplan, with the removal of item 2.8 Bike Lane from Beaconsfield Parade to Moray Street - Kerferd and Albert Road / Albert Road Service Road.
- 3.4 Authorises the CEO, or their delegate, to prepare a formal Council submission to the Draft Masterplan, consistent with clause 3.3 above and submit to any engagement process on the draft Shrine to Sea Masterplan by the Victorian Government.
- 3.5 Write to the Victorian Government to seek funding for interim upgraded safety measures along Kerferd Road to help address repetitive crash history for all road users inclusive of bikes, such as white line-marking, green treatments at conflict points and, additional regulatory signage where appropriate.

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

**Cr Pearl called for a DIVISION.**

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

**AGAINST: Cr Martin**

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

**10.2 Approach to the Review of the Move, Connect, Live Integrated Transport Strategy**

**Purpose**

- 1.1 To seek endorsement for the scope, principles and key changes proposed for the mid-strategy review of the Move, Connect, Live Integrated Transport Strategy 2018 – 2028.

**MOVED Crs Martin/Cunsolo**



That Council:

- 3.1 Endorses the scope, principles, and key changes proposed for the review of the Move, Connect, Live Integrated Transport Strategy 2018 -2028 for the purpose of community consultation in August and September 2023, amending Action 18 of Table 1 included in section 4.11 of this report to read as follows:
  - 3.1.1 Deliver a network of dedicated and continuous priority bike lanes to create safer routes for all ages and abilities (target of 4 corridors by 2021-22, and 11 by 2027-28) and where there is scope to do so, consults with the community on the possible installation of separated bike lanes at these locations.
- 3.2 Note a Report on the findings of the consultation and the updated Strategy will be presented to Council for adoption.

**A vote was taken and the MOTION was LOST.**

**Councillor Martin called a DIVISION.**

**FOR: Crs Cunsolo and Martin**

**AGAINST: Crs Bond, Sirakoff and Pearl**

**The MOTION was LOST.**

**Moved Crs Pearl/Bond**

That Council:

- 3.1 Endorses the scope, principles, and key changes proposed for the review of the Move, Connect, Live Integrated Transport Strategy 2018 -2028 for the purpose of community consultation in August and September 2023.
- 3.2 Note a Report on the findings of the consultation and the updated Strategy will be presented to Council for adoption.

**A vote was take and the MOTION was CARRIED.**

*Councillor Baxter and Councillor Nyaguy returned to the meeting at 9.28pm.*

## **11. SUSTAINABLE PORT PHILLIP**

Nil.

## **12. VIBRANT PORT PHILLIP**

Nil.

## **13. WELL GOVERNED PORT PHILLIP**

### **EN BLOC MOTION**

**Moved Crs Bond/Sirakoff**

That the following items be moved en bloc:

- 13.1 Audit and Risk Committee Biannual Report



- 13.2 Proposed Submission on Victorian Government's Property Valuation Averaging Mechanism Paper
- 13.3 Discontinuation of part of Moubray Street, Albert Park (Moubray Street Community Park)
- 13.4 Proposed discontinuance of road at rear 182-192 Clarendon Street, South Melbourne
- 13.5 Proposed discontinuance of road at rear of 3, 5, 7, 9-11 and 15 Fitzroy Street, St Kilda
- 13.6 Painting Services Panel - Contract Extension
- 13.7 Records of Informal Meetings of Council

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

### **13.1 Audit and Risk Committee Biannual Report**

#### **Purpose**

- 1.1 To present the Audit and Risk Committee Biannual Report as at 30 June 2023.

#### **MOVED Crs Bond/Sirakoff**

That Council:

- 3.1 Notes the Audit and Risk Committee Biannual Report as at 30 June 2023, which details activities of the Committee covering scheduled meetings held on 21 February 2023, 23 May 2023 (annual workshop) and 27 June 2023.

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

### **13.2 Proposed Submission on Victorian Government's Property Valuation Averaging Mechanism Paper**

#### **Purpose**

- 1.1 To provide Council's proposed submission on the Valuation Averaging Mechanism options presented in the Local Government Victoria discussion paper.

#### **MOVED Crs Bond/Sirakoff**

That Council:

- 3.1 Endorses the City of Port Phillip submission to the State Government responding to the Valuation Averaging Mechanism discussion paper (Attachment 2).
- 3.2 Delegates authority to the Chief Executive Officer, or their delegate, to make amendments to the document to correct any minor drafting errors that do not materially alter the intent.

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





### 13.3 Discontinuation of part of Moubray Street, Albert Park (Moubray Street Community Park)

#### Purpose

- 1.1 The purpose of this report is to:
  - 1.1.1 clarify that 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 (**Road**) is a government road situated on Crown land;
  - 1.1.2 affirm Council's resolution dated 7 December 2022 to discontinue the Road pursuant to the *Local Government Act 1989 (Vic) (Act)*, noting that the effect of the discontinuance will be that the Road remains in the ownership of the Crown (and not vest in Council in fee simple), and, as such, no easements, rights, or interests will be created or saved over the Road by any public authority; and
  - 1.1.3 authorise a request to the Department of Energy, Environment and Climate Action (**DEECA**) (formerly known as Department of Environment Land Water and Planning) to arrange for the reservation of the discontinued road for park purposes, the appointment of Council as a committee of management, and the issue of an appropriate licence authorising Council to undertake the proposed park works (pending reservation of the land and appointment of the committee of management).

#### MOVED Crs Bond/Sirakoff

That Council, now being aware that the road known as part of Moubray Street, situated between Withers Street and Bridport Street West, Albert Park, and shown coloured in blue in Attachment 1 to this Report (**Road**), is a government road situated on Crown land:

- 3.1 Affirms its prior resolution on 7 December 2022 to discontinue the Road.
- 3.2 Notes that the effect of gazettal of the notice of road discontinuance of the Road will be that ownership of the Road will remain with the Crown (and not vest in Council in fee simple) and that no easements, rights or interests will be saved over the Road in favour of a public authority.
- 3.3 Will apply to the Department of Energy, Environment and Climate Action (DEECA) to:
  - 3.3.1 initiate the reservation of the Road and appoint Council as the committee of management; and
  - 3.3.2 issue a licence pursuant to the *Land Act 1958 (Vic)* (or as otherwise necessary) to enable Council to access the Road and perform any required works for the development of Moubray Street Community Park as a permanent park, pending the reservation of the land and appointment of Council as committee of management after the proposed discontinuance of the Road has been gazetted.

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



### 13.4 Proposed discontinuance of road at rear 182-192 Clarendon Street, South Melbourne

#### Purpose

- 1.1 To seek Council's approval to:
  - 1.1.1 remove the road adjoining the rear of 182-192 and 200 Clarendon Street, South Melbourne, being the land which is part of the land remaining in Crown Grant 5106/1863 and known as part of Crown Allotment 9, Section 2, Town & Parish of Melbourne South and being the laneway known as R3211 (**Road**) from Council's Register of Public Roads pursuant to section 17(4) of the *Road Management Act 2004* (Vic) (**RMA**); and
  - 1.1.2 commence the statutory procedures pursuant to the Local Government Act 1989 (Vic) (**Act**) to consider discontinuing the Road. If the Road is subsequently discontinued, it is proposed to be sold to the adjoining owner for market value.

#### MOVED Crs Bond/Sirakoff

That Council:

- 3.1 Acting under section 17(4) of the *Road Management Act 2004* (Vic), resolves that the road adjoining the rear of 182-192 and 200 Clarendon Street, South Melbourne, being the land which is part of the land remaining in Crown Grant 5106/1863 and known as part of Crown Allotment 9, Section 2, Town & Parish of Melbourne South and being the laneway known as R3211 (**Road**), be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in the report;
- 3.2 Acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) (**Act**):
  - 3.2.1 resolves that the statutory procedures be commenced to discontinue the Road;
  - 3.2.2 directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance of the Road be given in The Age newspaper;
  - 3.2.3 resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner of 182-192 and 200 Clarendon Street, South Melbourne, for market value;
  - 3.2.4 notes that the current market value of the Road is currently assessed to be \$700,000 plus GST;
  - 3.2.5 notes that proceeds from the proposed sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio;
  - 3.2.6 authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and
  - 3.2.7 resolves to hear and consider any submissions receive.

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



**13.5 Proposed discontinuance of road at rear of 3, 5, 7, 9-11 and 15 Fitzroy Street, St Kilda**

**Purpose**

- 1.1 To seek Council's approval to:
  - 1.1.1 Remove the road adjoining the rear of 3-5, 7 and 9 and 15 Fitzroy Street, St Kilda, being the land contained certificate of title volume 2591 folio 074 and the land described as Road R1 on plan of subdivision LP29616, and being part of the laneway known as R3571 (**Road**) from Council's Register of Public Roads pursuant to section 17(4) of the *Road Management Act 2004* (Vic) (**RMA**); and
  - 1.1.2 Commence the statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) to consider discontinuing the Road. If the Road is subsequently discontinued, they are proposed to be sold to the adjoining owner for market value.

**MOVED Crs Bond/Sirakoff**

That Council:

- 3.1 Acting under section 17(4) of the *Road Management Act 2004* (Vic), resolves that the road adjoining the rear of 3-5, 7 and 9 and 15 Fitzroy Street, St Kilda, being the land contained certificate of title volume 2591 folio 074 and the land described as Road R1 on plan of subdivision LP29616, and being part of the laneway known as R3571 (**Road**), be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in the report;
- 3.2 Acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) (**Act**):
  - 3.2.1 resolves that the statutory procedures be commenced to discontinue the Road;
  - 3.2.2 directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance of the Road be given in The Age newspaper;
  - 3.2.3 resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner of 3-5, 7, 9 and 15 Fitzroy Street, St Kilda, for market value;
  - 3.2.4 notes that the current market value of the Road is currently assessed to be \$30,000 plus GST;
  - 3.2.5 notes that proceeds from the proposed sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio;
  - 3.2.6 authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and
  - 3.2.7 resolves to hear and consider any submissions received pursuant to section 223 of the Act at a Council meeting to be determined later.

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



## **13.6 Painting Services Panel - Contract Extension**

### **Purpose**

- 1.1 To seek Council's approval for a two-year extension of Contract 000582 Painting Services Panel (formally Contract 2350).

### **MOVED Crs Bond/Sirakoff**

That Council:

- 3.1 Awards the extension of Contract 000582 Painting Services Panel (formerly Contract 2350) to The Trustee for The Sweeney Family Trust and Quayclean Australia Pty Ltd for two years commencing 7 September 2023.
- 3.2 Notes that Council officers have assessed the performance of the contractors to date under the contract as efficient and representing value for money.
- 3.3 Notes the estimated value of the two-year extension is \$913,192.42 (inclusive of GST).
- 3.4 Authorises the Chief Executive Officer to execute the necessary Deeds of Extension on behalf of Council with The Trustee for the Sweeney Family Trust and Quayclean Australia Pty Ltd.
- 3.5 Notes that no further extensions are available and that a new procurement process will be undertaken in the lead up to the end of the current contract on 7 September 2025 to ensure service continuity.

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

## **13.7 Records of Informal Meetings of Council**

### **Purpose**

- 1.1 The purpose of this item is to report to Council written records of Informal Meetings of Councillors at the City of Port Phillip as required by the Governance rules.

### **MOVED Crs Bond/Sirakoff**

That Council

- 1.1 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**



## 14. NOTICES OF MOTION

### 14.1 Notice of Motion - Councillor Andrew Bond – Middle Park Hotel VCAT Decision Planning Implications

#### Moved Crs Bond/Nyaguy

That Council:-

1. Write to both the Victorian Minister for Planning, and Shadow Minister for Planning and inform them of the 13th April 2023 VCAT decision to recognise 'As of Use' rights for the Middle Park Hotel planning application for an extension to its roof top.
2. In this letter, highlight that the implications of this decision by VCAT is to strip the City of Port Phillip of its previously held planning authority to impose fair and reasonable conditions over licensed venues, and potentially other businesses and properties where this new 'as of right' precedent set by VCAT is deemed to be held.
3. Requests that the State Parliament restore this planning power to Local Government through the legislative process available to it.

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

## 15. REPORTS BY COUNCILLOR DELEGATES

Councillor Nyaguy reported that at a recent meeting of the LGBTIQ+ Advisory Committee the committee unanimously endorsed the Voice referendum and will write to other Council advisory committees seeking their opinion.

## 16. URGENT BUSINESS

Mayor Cunsolo advised that the Chief Executive Officer has requested to raise an item of urgent business being a confidential strategic property matter. 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 Martin/Bond

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 CEO Employment Matters - 2022/23 Annual Performance Assessment and 2023/24 Annual Performance Agreement

- 3(1)(f). personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs
- 3(1)(h). confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).



**Reason:** Under the CEO Employment and Remuneration Policy (in accordance with section 45 of the LGA 2020), there is the following Confidentiality clause: 16 Confidentiality 16.1 Council is not required to disclose any personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**17.2 Urgent Business – Confidential Strategic Property Matter**

The information contained in this Council report is considered to be Confidential Information in accordance with Section 3 of the Local Government Act 2020; as it relates to:

- 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
- 3(1)(h). confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

**Reason:** The information in this report relates to a strategic property matter that was previously considered in confidential business under section 66(2)(a). The premature release of this information would disadvantage Council in commercial negotiations.

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

The meeting was closed to the public at 9.41pm.

The meeting was reopened at 9.53pm.

As there was no further business the meeting closed at 9.53pm.

Confirmed: 6 September 2023

Chairperson \_\_\_\_\_