



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

15 MARCH 2023



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MINUTES - MEETING OF THE PORT PHILLIP CITY COUNCIL - 15 MARCH 2023



MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 15 MARCH 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 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 Operations and Infrastructure, Joanne McNeill, General Manager Governance Capability and Experience, Xavier Smerdon, Head of Governance, Sam Yeo, Coordinator Advocacy and Partnership, Liam O Cathasaigh, Event Manager, Charmaine Mackrodt, Council Business Officer, Lauren Bialkower, Executive Manager Advocacy and Stakeholder Engagement, Adele Denison, Head of Arts, Festivals and Events, Coordinator Events, Partnerships and Industry Development, Anthony Savenkov, manager Property and Assets, Lisa Davis, Executive manager Major Projects and Customer Experience Uplift, Bill Mulholland, Coordinator Appeals Administration, Richard Scarff, Coordinator Parking Services, Danny Edmunds, Senior Project Manager.

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

Nil.

2. CONFIRMATION OF MINUTES

MOVED Crs Martin/Pearl

That the minutes of the Meeting of the Port Phillip City Council held on 1 March 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 potential/perceived and general conflict of interest in relation to item 12.2 Palace Foreshore 23/24 Event Proposal and 2022 Event Review, and confidential item 17.2 Palais Theatre and Luna Park Precinct Revitalization – Project Update due to his wife’s employment and business interests as she has dealings with Live Nation, sometimes as a customer, sometimes as a competitor, and therefore he excluded himself from those discussions.

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:

- **Marcus Diamond:** In relation to a notice to remove a gum tree at the rear of 118 Glenhuntly Road, Elwood. Is there a policy in Council that would remove a significant tree that has already been protected for a carpark. If there were a significant number of residents who wanted that tree saved, is there still a process we can go through Council rather than through VCAT?

Brian Tee, General Manager City Growth and Development advised that Council has issued a decision and there is no capacity for that decision to be revoked other than through an application through VCAT. In this matter, Council had to balance the competing interests of a residents’ carpark which was unable to be used due to the complication of the tree due to both the significant amenity and the environmental impact of that tree which is large in size. The decision of Council is to allow the removal of the tree, and as part of the permit there is a condition that requires that a new tree be planted on the property which will grow to 10 meters, as a way in which council has sought to balance the two competing outcomes.

- **Brad Every:** Will the Council consider adjustments in SEPP N-2 limits to be included in the Draft Music Policy, and in addition to that, will the policy outcomes also require the agent-of change be applied to existing properties as well, rather than just new residential properties to be included?

Adele Denison Head of Arts, Festivals and Events advised SEPP N-2 is a State Government legislative piece which means Council doesn’t have any control to amend that as part of this policy. However the potential next stages of the live music precinct would be advocacy and engagement with the State Government to look into exactly that sort of legislation. With the agent-of change, by nature that only impacts properties that are changing, so existing properties wouldn’t be affected. It would relate to any new developments or new venues.

- **Hugh van Haandel:** Why has this public amenity been gifted to LiveNation, and why has this site occupation not gone out for public tender?

Lauren Bialkower, Executive Manager Advocacy and Stakeholder Engagement, advised that any hirer or any applicant is able to make a submission to Council through an event permit. Council has certainly not received other alternate proposals that we have kept from Councillors. There’s no restriction on anyone else applying to host these sorts of music performances, this the only application that Council has received.



- **Adrian King:** How are the number of parklet spaces calculated and can Council outline the application process as it relates to resident community consultation with regard to any parklet application?

Lauren Bialkower, Executive Manager Advocacy and Stakeholder Engagement advised that there was no precedent world-wide in how to assess these and so the methodology for determining the upper limit used a percentage of car parks in an activity centre as the base, then applied modifiers to allow support for additional parklets in locations where carparks may be more valuable for our community's public space. For example, areas with significant additional off-street parking where narrower footpaths restrict outdoor trading in activity centres with high vacancy rates or where there is access to public transport or other safe transport alternatives. We do not conduct the consultation in relation to parklets applications. We have Council endorsed guidelines in the policy that sets out the terms and conditions in which we would consider the parklets.

Council Report Submissions:

Item 7.2 Petition – Advocacy on Short-Term Accommodation

- Rocco Sorace

Item 12.1 Draft St Kilda Live Music Precinct Policy 2023

- Brad Every
- David Blakeley
- Janet Rosenberg

Item 12.2 Palace Foreshore 23/24 Event Proposal and 2022 Event Review

- Janet Rosenberg
- Angela Dawson
- David Blakeley
- Mary Stuart
- Hugh van Haandel
- Penny Flanders

Item 12.3 Business Parklet Guidelines 2023

- Joanna Bainbridge
- Adrian King
- Helen O'Sullivan

Item 13.2 Motion of Municipal Association of Victoria State Council Meeting 2023

- Alex Makin

Item 13.4 South Melbourne Town Hall Intention to Lease Considering Submissions of Response

- Caroline Macleod
- John Daley



5. COUNCILLOR QUESTION TIME

- **Cr Pearl:** Can officers provide Councillors with an update on the Carlisle Street activation pop-up program that was announced in October 2022. The \$200,000 commitment for pop up shops along on Carlisle Street?

Lauren Bialkower, Executive Manager Advocacy and Stakeholder Engagement advised that the activation had commenced and is in progress, but took the question on notice to provide further detail on the progress and various stages.

- **Cr Pearl:** Can officers provide an update on the Foreshore Lighting Project, partially completed a few years ago, and particularly the landscaping components out the front of and around the Port Melbourne Life Saving Club?

Lachlan Johnson, General Manager Operations and Infrastructure advised there had been a number of delays associated with the works along the Bay Trail. The current works in Port Melbourne have been delayed in relation to a Fusarium Wilt issue, which relates to a disease that effects palm trees, obviously there's a lot of palm trees along that part of the foreshore. Working through those issues has meant there has been a delay in achieving approval from the State Government. A contamination management plan has had to be prepared. This is a prerequisite for the Department of Environment, Energy and Climate Action (DEECA) granting coastal crown consent for the works to proceed. We realistically anticipate that construction is going to commence in this space in 2023/24, potentially towards the end of this year or early into the following year, but took the question on notice to provide a more accurate timeline.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Petition Response – Port Melbourne Shared Bike Path Area

A petition containing eight signatures, was received from local residents, and presented to a Council Meeting on 2 November 2022.

Council received and noted the petition and noted that a full response to the petition will be provided to a future Council meeting.

Council officers met with the petitioner on site on the 17 November 2022 to better understand the details of their concerns.

MOVED Crs Martin/Crawford

That Council:

1. Thanks the petitioners for their efforts to support safe use of the Port Melbourne foreshore shared path by people of all ages, genders and physical abilities.
2. Notes that Officers will seek further information from the City of Melbourne, Department of Transport and Planning, and Victoria Police to understand the success of the Southbank shared path speed limit trial, and to consider if this is an



appropriate and applicable approach on this section of the Port Melbourne foreshore shared path.

3. Notes that officers will investigate options of educating and advising of appropriate behaviour and riding speed on this section of the bay trail for the 2023/24 season.
4. Notes that Parking Enforcement Officers enforce any reported or observed illegal motorcycle parking consistent with Victorian Road Safety Road Rule 197.

A vote was taken and the MOTION was CARRIED unanimously.

7.2 Petition on Short-Term Accommodation

A Petition containing 76 signatures was received from local residents.

MOVED Crs Pearl/Martin

That Council:

1. Receives and notes the petition.
2. Notes that a full response to the petition will be provided to a future Council meeting as soon as possible.

A vote was taken and the MOTION was CARRIED unanimously.

The Mayor advised that the order of business within "Presentation of Reports" would be altered.

13.4 South Melbourne Town Hall - Intention to Lease: Considering Submissions of Response

Purpose

- 1.1 To consider submissions received in response to a Notice published in accordance with section 115 of the *Local Government Act 2020*, advising of City of Port Phillip's intention to lease South Melbourne Town Hall to the Australian National Academy of Music Ltd and to recommend whether to proceed to Agreement for Lease, and Lease of the premises.

MOVED Crs Crawford/Nyaguy

That Council:

- 3.1 Notes that it has received, heard, and considered the submissions in response to its Notice of Intention to enter into an Agreement for Lease, and Lease of 208-220 Bank Street, South Melbourne (South Melbourne Town Hall) to the Australian National Academy of Music Ltd (ANAM).
- 3.2 Resolves to enter into an Agreement for Lease and Lease of South Melbourne Town Hall in accordance with the proposed transaction terms advised in the Notice, which have been previously reported by Officers in the Ordinary Meeting of Council on 7



December 2022 (Report title: “South Melbourne Town Hall – Lease negotiations with ANAM - outcome”) and in summary below:-

- 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.
- 3.2.7 Such other terms and conditions as may be required by the Chief Executive Officer or their delegate.
- 3.3 Directs and authorises the Chief Executive Officer (and/or delegate) to do all things necessary to enable the entering into of an Agreement for Lease and Lease with ANAM, including finalising and executing the relevant documentation, affixing the Common Seal of Port Phillip City Council (if required).
- 3.4 Thanks the submitters for their submissions and advises them of the decision to enter into the Agreement for Lease and Lease of the premises and the reason(s) for the decision.

A vote was taken and the MOTION was CARRIED unanimously.

The Mayor adjourned the meeting for a break at 7:56pm.

The meeting resumed at 8:06pm.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of CEO Report- Issue 93

Purpose

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

MOVED Crs Crawford/Nyaguy

That Council:

- 3.1 Notes the CEO Report Issue 93 (provided as Attachment 1) including changes to budget forecasts and project portfolio identified in January 2023.

A vote was taken and the MOTION was CARRIED unanimously.



9. INCLUSIVE PORT PHILLIP

9.1 Draft LGBTIQ+ Action Plan 2023-26 - Endorse for Community Consultation

Purpose

- 1.1 To consider the draft LGBTIQ+ Action Plan 2023-2026 and endorse its release for community consultation.

MOVED Crs Martin/Nyaguy

That Council:

- 3.1 Releases the draft LGBTIQ+ Action Plan 2023-26 (provided as Attachment 1) for a four-week period of consultation between 17 March and 17 April 2023.
- 3.2 Notes that a further report outlining the findings of the community consultation and any proposed changes to the draft Action Plan arising from feedback will be presented to Council in July 2023.

A vote was taken and the MOTION was CARRIED unanimously.

10. LIVEABLE PORT PHILLIP

Nil.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

12.1 Draft St Kilda Live Music Precinct Policy 2023

Purpose

- 1.1 To present the draft St Kilda Live Music Precinct Policy 2023 and seek approval to commence community consultation.

MOVED Crs Bond/Crawford

That Council:

- 3.1 Notes the results of the initial community and industry consultation undertaken as part of the adoption of the Live Music Action Plan where live music precincts were a key recommendation as Attachment 2.
- 3.2 Releases the draft St Kilda Live Music Precinct Policy 2023 for community consultation and delegates to the CEO the ability to make changes that do not alter the substantive content of the document to enable this release to occur.
- 3.3 Notes that community consultation will be opened for a four-week period commencing March 2023.

A vote was taken and the MOTION was CARRIED unanimously.



12.2 Palace Foreshore 23/24 Event Proposal and 2022 Event Review

Purpose

- 1.1 To consider an application for provisional approval for an event permit from Publica Pty Ltd (co-produced with Live Nation Australasia) to hold the Palace Foreshore music festival on the St Kilda Triangle car park and Lower Esplanade, St Kilda during November 2023 and March 2024.
- 1.2 To provide a review of the Palace Foreshore music event that was held on the St Kilda Triangle site 18 November – 10 December 2022.

MOVED Crs Bond/Baxter

That Council:

- 3.1 Notes the post event review of the November 2022 Palace Foreshore event.
- 3.2 Provides provisional approval for an event permit for the Palace Foreshore event in November 2023 and March 2024, pending permit requirements being met and required documentation being provided.

AMENDMENT

MOVED Crs Pearl/Martin

For the inclusion of the following item:

- 3.3 Council officers to work with the applicant and local businesses to ensure that all reasonable measures are taken to limit the negative impact on local businesses and the general community.

A vote was taken and the amendment was CARRIED unanimously.

The AMENDMENT became the SUBSTANTIVE MOTION.

A vote was taken and the SUBSTANTIVE motion was CARRIED.

12.3 Business Parklet Guidelines 2023

Purpose

- 1.1 To present revised Business Parklet Guidelines for 2023 onwards and to seek Council endorsement.

MOVED Crs Bond/Martin

That Council:

- 3.1 Endorse the Business Parklet Guidelines 2023
- 3.2 Notes that the revised guidelines will be used to assess all business parklet applications and renewals from April 2023 onwards.



- 3.3 Amend the guidelines so that businesses will only be asked to prove demand exists for over four parking bays if there is demand from other businesses to utilise these spaces.

AMENDMENT

MOVED Crs Sirakoff/Clark

For the inclusion of the following item:

- 3.4 Amend the permitted number of parking bays that can be allocated for parklets in the Armstrong Street Activity Centre from 14 to 8.

A vote was taken and the AMENDMENT was LOST.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

Cr Nyaguy called for a DIVISION.

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

AGAINST: Crs Cunsolo and Sirakoff

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

12.4 Artist Engagement Services Contract Variation

Purpose

- 1.1 To seek approval from Council to adjustment the value of the Artist Engagement Services Contract (000732) increasing the limit of the contract from \$990,000 (Inc. GST) to \$1,138,500 (Inc. GST) over the three-year term ending on 31 May 2024.

MOVED Crs Crawford/Baxter

That Council:

- 3.1 Approves a variation to increase the threshold value of the Artist Engagement Services Contract 000732 from the currently limit of \$990,000 (Inc. GST) to \$1,138,500 (Inc. GST).
- 3.2 Notes that the increase to the limit of the contract has no budget implications.
- 3.3 Notes that the current contract term finishes in May 2024 and that a competitive market procurement process will commence in 2023 to ensure continuity of service delivery.

A vote was taken and the MOTION was CARRIED unanimously.



13. WELL GOVERNED PORT PHILLIP

13.1 Records of Informal Meetings of Council

The Mayor advised that an amendment was made to the attachment to this report to correct administrative errors with the forms.

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/Baxter

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.

Cr Clark left the meeting at 10:17pm and did not return for the remainder of the meeting.

EN BLOC MOTION

MOVED Crs Pearl/Crawford

That Council moves the following items en bloc:

13.2 Motion of Municipal Association of Victoria State Council Meeting 2023

13.5 Additional Municipal Association of Victoria State Council submissions

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Motion of Municipal Association of Victoria State Council Meeting 2023

Purpose

- 1.1 To seek Council's ratification of submission of motions for consideration at the Municipal Association of Victoria (MAV) State Council Meeting.

MOVED Crs Pearl/Crawford

That Council:

- 3.1 Submits the following motion for consideration at the MAV State Council Meeting on 19 May 2023:

- 3.1.1 that the MAV advocate to the State Government to enact legislative reform to confirm the power of Municipal Building Surveyors to issue a building order, including a building order for minor work, to ensure that Councils and the MBS can require remediation in instances of illegal building work or dangerous buildings or land.

A vote was taken and the MOTION was CARRIED unanimously.



13.5 Additional Municipal Association of Victoria State Council submissions

Purpose

- 1.1 To seek Council's ratification of submission of further motions for consideration at the Municipal Association of Victoria (MAV) State Council Meeting.

MOVED Crs Pearl/Crawford

That Council:

- 3.1 Submits the following motions for consideration at the MAV State Council Meeting on 19 May 2023:
 - 3.1.1 That the MAV advocate to the Victorian Government for stronger planning controls for new development to maximise the use of rooftop spaces (including podium roofs) for infrastructure that enhances the environmental performance of the building. Such infrastructure would include, but not be limited to, solar panels, green roofs and walls, stormwater capture and retention, urban ecology, food organic gardens, and organics recycling. Development should also be designed so that landscaped roofs are accessible to building residents and/or tenants as communal open space to provide health and wellbeing benefits.
 - 3.1.2 That the MAV advocate to the State Government for additional resources for Victoria Police and related government agencies to support Councils addressing anti-social, illegal and challenging behaviour by individuals in public spaces.
 - 3.1.3 That the MAV advocate to the State Government to develop effective regulation to stop hoon driving, because of the impact of anti-social hoon driving on communities.
 - 3.1.4 That the MAV advocate to the State Government to improve Electric Line Clearance (ELC) Regulations relating to tree pruning to prevent unreasonable impacts on urban Councils.
 - 3.1.5 That the MAV advocate for more effective and uniform State Government legislation in relation to short-stay accommodation, including AirBnB, to alleviate amenity impacts, and to consider limiting the amount of time in a given year whereby dwellings can be rented out on a short-stay basis in areas where housing availability has been identified as a particular issue.

A vote was taken and the MOTION was CARRIED unanimously.



13.3 Appointments of Councillors to Committees

The Mayor advised that a late amendment was made to this report to reflect that a Working with Children Check is no longer required for members of the Esplanade Market Advisory Committee.

Purpose

- 1.1 To appoint Councillors to delegated committees, advisory committees and external committees for a 12 month period.

MOVED Crs Martin/Sirakoff

- 3.1 Appoints Councillor representatives to delegated, advisory and external boards and committees as per Attachment 1, effective from the date of this resolution for a 12 month period.
- 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 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 2023/24 financial year.

A vote was taken and the MOTION was CARRIED unanimously.

14. NOTICES OF MOTION

14.1 Notice of Motion – Cr Tim Baxter – Alma Park West Boundary Treatment

MOVED Crs Baxter/Crawford

That Council:-

- 1) Investigate and prepare a report on a range of boundary treatment options at Alma Park West to improve safety of children and dogs leaving the park at Alma Road. Specifically, options to be considered are to include barriers created by either:
 - greening (trees, garden beds, vegetation)
 - and/or fencing.

A vote was taken and the MOTION was CARRIED unanimously.



15. REPORTS BY COUNCILLOR DELEGATES

Cr Martin reported on the Housing First and the Port Phillip Housing Trust in which he is a Council delegate. Today a number of Councillors attended the new property at 48 Marlborough Street along with Julie Collins MP, Commonwealth Minister for Housing, and Colin Brooks, Victorian Minister for Housing, for a tour of the site.

Cr Martin further reported that a property managed by Housing First/the Port Phillip Housing Trust at 6 Tennyson St Kilda has won the Affordable Housing Award at the Urban Development Institute of Australia's Victorian Awards. It has the working title of Home of Hope, and it is now nominated for a national award.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

MOVED Crs Bond/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 Procurement of Parking Technology

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

17.2 Palais Theatre and Luna Park Precinct Revitalisation - Project Update

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

A vote was taken and the MOTION was CARRIED unanimously.

The meeting closed to the public at 10:26pm.

The meeting reopened to the public at 11:21pm

As there was no further business the meeting closed at 11.23pm.

Confirmed: 4 April 2023

Chairperson _____