



MEETING OF THE PORT PHILLIP CITY COUNCIL

MINUTES

6 DECEMBER 2023



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MINUTES OF THE MEETING OF THE PORT PHILLIP CITY COUNCIL HELD 6 DECEMBER 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, Rebecca Purvis, Senior Council Business Advisor, Samuel Yeo, Grants and Partnerships Advisor, David MacNish, Acting Manager Partnerships and Transport, Thomas Mason, Coordinator Transport Safety, Fiona van der Hoeven, Manager City Planning and Sustainability, Dana Pritchard, Manager Open Space, Recreation and Community Resilience, Leo Kelly, Manager Community Building and Inclusion, Darryn Hartnett, Executive Manager Governance and Organisational Performance, Katrina Collins, Senior Governance Advisor, Peter Liu, Chief Financial Officer, Spyros Karamesinis, Head of Management Accounting and Financial Analysis, Marc Jay, Coordinator City Permits.

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/NYAGUY

That the minutes of the Meeting of the Port Phillip City Council held on 15 November 2023 be confirmed.

A vote was taken and the MOTION was CARRIED.



3. DECLARATIONS OF CONFLICTS OF INTEREST

Chris Carroll, Chief Executive Office, declared a general conflict of interest in item 10.2 *St Kilda Triangle - Live Music Venue - Outcomes of Community Consultation, Preliminary Planning Assessment, Commercial Analysis Summary and Next Steps* due to their wife's employment and business interests which sometimes sees them as a competitor of Live Nation.

4. PUBLIC QUESTION TIME AND SUBMISSIONS

Council Report Submissions:

Item 10.1 Gasworks Arts Park – Site Plan Endorsement

- Madeleine Campbell
- Christine Fetterplace
- David Fetterplace
- Victoria Gray

Item 10.2 St Kilda Triangle Live Music Venue – Outcome of Community Consultation, Preliminary Planning Assessment, Commercial Analysis Summary, and Next Steps

- Krystyna Kynst
- Mary Stuart
- Hugh van Handel (read on behalf by Mary Stuart)
- Nathan Klassen
- Peter Holland

Item 10.3 Queens Lane Traffic and Parking Review

- Brian Mears

Item 14.1 Notice of Motion – Cr Nyaguy – Parklets Review

- Adrian King
- Rebecca Tepper

Public Question Time:

Michael Barrett: The Financial report contained in The CEO Report Quarter 1 2023/24, details a budgeted cumulative cash surplus of \$0.890 million forecast for FY23/24 now being reduced to a forecast of \$0.070 million, a \$790,000 reduction. \$200,000 of the \$790,000 is identified due to the reinstatement of the original budget for contracted parking machine maintenance and an undeclared amount of government funding now having to be returned to government. My question is - how much of the remaining amount within the \$790,000 is due to cost overruns in the change over to the new waste disposal contractor and of this amount, does this include amounts apportioned for ratepayer funded City of Port Phillip staff and councillor salaries being re utilised in the rectification of issues associated with the change over to the new waste disposal

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contractor? Does your accounting for the figures presented include money that has been spent on Councillor salaries and staff being diverted from other duties to issues associated with the waste disposal contract?

Lachlan Johnson, General Manager Operations and Infrastructure, confirmed that none of the reduction in the forecast amount is related to costs arising from Citywide's contracting of Council's waste disposal. Those costs have not effected a change in Council's material financial position.

Michael Barrett: At the council meeting of the 18th October 2023 the CEO affirmed that he believed that the tender issued by City of Port Phillip for contacted waste disposal services commencing on 1st July 2023 complied with the Victorian State Government principles of competitive neutrality. It is my understanding that the new waste disposal contractor for the City of Port Phillip (Citywide Service Solutions Pty Ltd - a wholly owned subsidiary of the City of Melbourne), due to it's corporate structure is not required to pay the following charges and costs - land tax, payroll tax, stamp duty, WorkSafe premiums, local rates and charges, a required rate of return on funds estimated to be lower than comparable non-government enterprises and corporate overheads apportioned across the entire City Of Melbourne. Could the CEO re confirm in the affirmative that he believes that the principles of competitive neutrality have been successfully applied in this instance?

Chris Carroll, Chief Executive Officer, advised that City of Port Phillip has complied with its requirements in relation to competitive neutrality, noting that questions around the corporate structure of Citywide in relation to the City of Melbourne may be best put to those organisations. The Mayor added that an independent review is currently underway into the recent change of waste disposal contract.

Paul Pellegrino - What are the necessary steps for Council to change the 11 half hour bays on Nelson Road between Coventry Street and City road to 'Permit Only'? What are the necessary steps needed in order for Council to amend Area 26 permit holders (Nelson Road residents only) to be able to park for unlimited time on the Sol Green Reserve side of the park with incurring infringement notices?

Fiona van der Hoeven, Manager City Planning and Sustainability, advised that information on requesting change in parking restriction is included on Council websites, including the required demonstration of local community support. Officers are happy to make direct contact with Mr Pellegrino and talk him through the process.

Rhonda Small: Given the recognised extent of the current rental crisis, soaring rents and general cost of living pressures, what is Council currently doing – by way of information provision, emergency support or commitment of resources for rental support activities or to fund local organisations – to support the 44% of Port Phillip residents who are renting in the private market? And could more be done to help those really struggling today to meet their rental commitments and live comfortably in our City?

Leo Kelly, Manager Community Building and Inclusion, advised that Council's Housing and Homelessness service advises information to anyone who enquires and also provides direct support, case work and outreach for older people 50+ experiencing homelessness or at risk of homelessness. We continue to work with agencies on solutions for people who are in housing need. In the current budget there is support for legal service advice that provides advice to people experiencing housing stress or insecure housing. Council provide information and referral support in partnership with other services that includes extended support around food relief and partnerships and other information. Our In Our Backyard Strategy facilitates progress and partnerships around affordable housing outcomes. Programs like the community grants scheme currently supports a tenancy brokerage assistance program for people living in Port Phillip

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including assistance around maintaining tenancies. Officers will consider the issues raised tonight alongside other feedback.

Leslie Rosenblatt - A public meeting to address the current rental housing crisis in the City of Port Phillip was held at the St Kilda Betty Day Centre on November 21 and attended by 41 persons, including three Councillors and two officers of the Council. The meeting passed a resolution seeking Council's engagement by way of useful actions to assist renters in the private rental market here in the City of Port Phillip. The details of the resolution were emailed to the Mayor and Councillors on Monday but I don't have time to read it out in full tonight. My question though is whether this Council will take that resolution as a Notice of Motion to be tabled as agenda item for its next meeting. Procedurally, my understanding is that a Councillor might need to move it in order to obtain a seconder for discussion or debate to proceed, or perhaps one of the Council's officers could simply put it up. I would like to hear some procedural clarification now because although I received a phone call earlier today from one of Council's Governance officers, I remain a bit confused as to how to get that resolution before you.

Xavier Smerdon, Head of Governance, advised Council is required to conduct Meetings in accordance with our Governance Rules and the associated Meeting Procedures.

Les is correct that Councillors may ensure that an issue is listed on a meeting agenda by lodging a Notice of Motion in line with Rule 22 of the Governance Rules.

Whether or not Councillors choose to use this provision is a decision for them.

Regarding officers preparing a Council Meeting Report and recommendation that addresses the issues that Les has raised, I believe the General Manager Community Wellbeing and Inclusion is happy to have a conversation with Les and other members of the public to discuss how this could be done collaboratively.

The other option for Les is to lodge a petition or joint letter with the CEO at least seven days before the Council Meeting at which it is to be considered, again, in line with our governance Rules.

Xavier Smerdon advised he was happy to send through further information to assist Les in understanding the requirements of Council's Governance Rules.

John Appleton - Does Council support Southside Justice organisation in helping tenants?

Allison Kenwood, General Manager Community Wellbeing and Inclusion, took the question on notice.

Alexander Darton: Will Council be having an ongoing meeting with renters in the City of Port Phillip in relation to the ongoing housing crisis, and can the Renters and Housing Union (RAHU) be a part of it?

Allison Kenwood, General Manager Community Wellbeing and Inclusion, advised that a meeting will be held, and offered to engage directly with the questioners tonight about said meeting.

Scott Roberts: With regard to the Inkerman Street ongoing consultation, why didn't Council give myself or any other of the almost 50 businesses along Inkerman Street, the courtesy to possibly discuss or formulate a possible Option C or Option D before forcing us to vote on the very poorly thought out and unsubstantiated two options you currently are providing?

David MacNish, Acting Manager Partnerships and Transport, advised options were prepared by a specialist consultant and presented to Council on 18 October. We are keen to understand how changes to either option presented could support businesses in the area. Feedback on the impact to businesses will be considered by Council as well as any changes that may be suggested. There will be another option for businesses and others to provide direct feedback to Council at a future meeting before any decision is made.

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Katherine Aistrop: With respect to the proposed changes for Inkerman Street, how will residents and businesses on the north side of Inkerman Street receive large deliveries, enable tradespeople appropriate access for equipment and move house under proposed Option A?

David MacNish, Acting Manager Partnerships and Transport, advised that at the 18 October Council Meeting, Councillors requested that officers investigate how parking could be reconfigured or restrictions changed to support change or offset any parking loss. Officers are investigating concerns on impact of deliveries, and other access requirements. Any impacts identified will be incorporated into the future Council report for consideration, as will feedback on this issue.

James Johnson: The report to Council in relation to the Inkerman Street Safety Improvement Project - tabled on 18 October 2023 - does not include a waste management plan. In relation to Option 1 (Option A), it states "Council's waste contractor has advised that they undertake waste collections in similar arrangements as Option 1 and Option 2 (over protected bike lanes) in the City of Melbourne. Should the project proceed to detailed design, Council officers will seek further input from waste operators inclusive of assessing the best time to collect waste." As the Report does not articulate how the collection will occur, how can Council be confident there will be an appropriate waste management plan which does not impact the amenity for residents and traders, and which is practicable? Further, what consideration has been given to how businesses who have skip bins serviced by private contractors will be able to have their rubbish collected?

David MacNish, Acting Manager Partnerships and Transport, advised that any impacts on waste collection have been considered by Council, who have met with waste teams and are confident that options presented will not impede waste management. This will be further addressed for consideration at the future Council meeting, including consideration of businesses that have skip bins. Should Council continue with either option, especially Option A, a particular waste management plan will be developed.

Jaz Bradley: Council's "Move, Connect, Live Integrated Transport Strategy 2018-28" reads: 'Our current supply of on-street car parking spaces is barely enough to meet current demand' and 'If current car ownership trends continue, over the next decade there will be a 24 per cent increase in the number of cars owned in the City of Port Phillip.' One of the 2 overarching objectives of Council's Parking Management Policy is to 'provide fairer and more reliable access to parking in all locations and at all times'. Can Council explain how removing more than 50% of parking on the stretch of Inkerman Street in focus (re Inkerman Street Improvement project), meets this overarching policy objective? How would removing this parking accommodate Council's predicted 24% increase in the number of vehicles (to 2028)? Since the removal of more than 50 car parks, cessation of through traffic and construction of the concrete "plaza" in Acland Street in 2016, many traders claim sales plummeted through the floor and never recovered. There are now approx. 23 storefronts vacant in this once thriving strip. In 33 years, not one single client has ever attended my business in anything except a motorised vehicle. That's because it is not possible to load a PA into anything but a car, van or truck. Our clients being able to park near our business, is what brings their business to us. Does Council believe that revoking convenient vehicular access to the small traders on Inkerman Street could have any detrimental effects whatsoever, no matter how insignificant? And if not, why not?

David MacNish, Acting Manager Partnerships and Transport, advised that the Integrated Transport Strategy is a long-term plan to deliver on a variety of transport options for our community and that the Strategy identifies that population growth will place significant pressure on local streets and parking should the per-person vehicle use remain at the current levels.

The Strategy identifies a series of priority actions to make walking, bike riding and public transport, safer and more accessible for our community. To enable mode-shift, there is a

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need to adjust how some roads are used to provide key connections that enable alternate travel options.

With regards to the second question, Council understands that some businesses, such as the business owner asking the question, are reliant on parking. The parking investigation sought by Councillors seeks to provide guidance on how parking restrictions, for example time-limited parking bays during business hours, may be adjusted to support businesses.

John Kaufman: Is there data on the impact of danger to people living in side streets, for example children trying to cross the road while cars drive around looking for parking. Will the views of local residents, owners, traders, have a greater weight of casual bike riders or drivers passing through Inkerman Street? Where is the empirical data showing the impact of both options on residents and traders, why was there not a mass mail out informing owners and residents of the suggested impost and not a third to option - no works - not made available?

David MacNish, Acting Manager Partnerships and Transport, advised Council is working closely with engagement consultants preparing the report, which will come to a future public Council meeting, to provide comprehensive information for Council to consider and determine how best to proceed.

Natasha Middleton: What modelling has been done on the impact of the loss of on-street parking under the proposed changes, on businesses on Inkerman Street and in the surrounding area?

David MacNish, Acting Manager Partnerships and Transport, advised modelling was carried out based along occupation counts at various times along the week. As of now, we have not had specific 1:1 engagement with businesses in relation to parking.

Warren Middleton: How can the Council be confident it is receiving accurate feedback from the community about the proposed changes to Inkerman Street when the survey being conducted did not enable survey participants to select "neither option"? Even after Council changed the survey to allow people to skip the Option A or B question, it made no mention of this on the question page, thereby failing to inform people that 'neither option' was technically then an option. So how will Council ensure that all feedback is weighted equally and the results of an online survey which initially asked respondents to choose between two options is not given precedence?

David MacNish, Acting Manager Partnerships and Transport, advised that Council officers were requested to go out to the community on only two options. No determination was made at the 18 October Council Meeting that a third option would be included. While it does mean disruption to the community, there is a requirement for the road to be resurfaced to maintain the integrity of Inkerman Street. Combining these works with the current proposals helps to reduce the overall impact on the community. The engagement report will clearly show the number of participants who want no change, and we will work closely with the engagement consultants to ensure that anyone reading the report will be able to clearly understand whether respondents have selected Options A, B, or neither option.

Rose Middleton: I am a nine years old. I wanted to know why I am expected to now cross over a bike lane and two sets of traffic. It's not safe for me and my sister and what are you going to do about my safety?

David MacNish, Acting Manager Partnerships and Transport, thanked Rose for speaking and advised that Council takes the safety of everyone very seriously, especially vulnerable members of the community. To ensure this we look at slowing the speed and providing safe crossing locations as part of this project to ensure people aren't needing to look for gaps in traffic to cross the road.

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Paul Haskin : In the introductory section of Council's "Accessibility Action Plan 2023-2025", Council commits to "reducing barriers to people with disability accessing goods, services and facilities". And later, at point 2.4 the Plan reads: "Ensure Council's parking management approach enhances accessibility" With the Disability Discrimination Act 1992 in mind, please tell me how removing 100% of the parking from the north side of Inkerman Street and installing separated bike lanes will enhance accessibility for those with disabilities, and how this move would meet the commitments of its own Accessibility Action Plan?

David MacNish, Acting Manager Partnerships and Transport, advised that Council seeks to provide safe and accessible environments for all members of the community. As part of the parking review that's being undertaken we will assess how many areas have off street parking available as well as what restrictions could be changed to support other businesses. Each option also reduces speed and increases safety overall and incorporates priority at-grade crossings at convenient locations so people of all abilities can cross the road.

Stuart Galloway Has Council consulted Australia Post regarding Option A and the impact on large deliveries to north side residents (in particular)? Has Council completed a survey of bike users along Inkerman Street, including projections for future bicycle traffic and how do we get hold of those results?

David MacNish, Acting Manager Partnerships and Transport, advised that Australia Post adjust their service throughout Melbourne and beyond to locations that have a wide variety of access types. As a result Council has not directly engaged with Australia Post. Current counts show around 300 cyclists per day. An early forecast has been undertaken which identified that either of the proposed options, by linking to the broader bike network, would deliver an increase of 500-900 cyclists per day, with Option B providing the lower end of that range.

Kade Lengyel: Have council considered trialling a 40 kph zone to assess the impact of this prior to implementing these significant changes? We notice a 40 kph zone has now been introduced on Hotham Street recently.

David MacNish, Acting Manager Partnerships and Transport, advised that reduction of speed is an important part of the proposal to make roads safer. At this stage we have not sought to undertake a speed change trial prior to the project being undertaken.

Paul Hermon: As a resident of Inkerman St I have a disability for which I have a disability parking permit. I require safe, convenient parking, which would no longer be available outside the front of my house on the north side of the street. This directly undermines the purpose of the permit and leaves me vulnerable and potentially isolated. What is your plan for someone like me with disabilities? My 2 young daughters with babies and toddlers will be impeded from visiting, which puts strain on maintaining family connections. Additionally older friends with mobility problems will find visiting too problematic which will exacerbate isolation in my own home. How does this align with the much stated imperative for people to remain living in their own home into old age?

David MacNish, Acting Manager Partnerships and Transport advised that we are considering two separate options. Council has not made a decision on which one to proceed with. Parking for members of the community with limited options is important to ensure they remain connected to the community. As part of any proposal we will prioritise parking for those members of our community, including DDA bays in as close a proximity as possible to resident's homes should parking be impacted.

Claire Cau-Cecile: Option A of the proposals for safety improvements to Inkerman Street will result in the total removal of all on-street parking from one side of Inkerman Street and impede direct access to the footpath from the remaining parking on the south side. In those circumstances, how does Option A meet the Council's positive obligation under the Equal Opportunity Act 2010 to prevent discrimination in the provision of services on the basis of age or disability?

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David MacNish, Acting Manager Partnerships and Transport advised that Council puts a high priority on access for community members. Incorporation of the items such as separation in Option A provides a safe location for less able-bodied members of the community to exit and unload vehicles, as well as ensuring safe sightlines for the bike lane. Option B retains the existing scenario.

Brian Tee, General Manager City Growth and Development, advised that issues around the DDA and Equal Opportunity Acts are ones we take seriously and we will not breach those pieces of legislation. Those feedback and concerns will be incorporated into our report, including any amelioration requirements, and will be brought back to Council to allow community to see that feedback.

Donny Pelsoczy (Gym Manager, PCYC): Parking at work is already difficult. If Option A goes through and we lose 116 spots, that will impact how we can service the community and businesses that operate from St Kilda PCYC, including marginalised people who come from community service providers with their carers. Where can people park if there are no more spots?

David MacNish, Acting Manager Partnerships and Transport, advised that the parking review being undertaken will investigate these items.

Helen Phillips: I have lived in this area for 50 years. I love my community as have my many children, foster children, international students. Why were we not told about this in a letterbox drop and how am I going to stop people using someone else's sticker to steal my local disabled spot?

Chris Carroll, CEO, advised that we appreciate the feedback and will take it on notice and consider it as part of the broader process we are working to.

Anne Boyd: We are still coming across residents that have not been notified by Council and were unaware of the Inkerman project. Why were the most adversely affected stakeholders not given the choice to formally object through an Option C - Maintain current parking?

David MacNish, Acting Manager Partnerships and Transport, advised that at the 18 October Council Meeting officers were directed to engage with the community on two options only. There is an open comment section within the survey so people who have strong views can provide open written text. In those instances, where people have identified that they disagree with the project, those will be captured as part of the engagement and not included in options A or B.

Jacob Unfanger: Our customers do not have an option to buy their meat in supermarkets due to religious prohibitions. Already there is limited parking available for customers and workers. What is Council actively doing to support local businesses? If customers won't find parking they will not shop. Where will my customers be able to park?

David MacNish, Acting Manager Partnerships and Transport, advised that businesses are a major stakeholder of the project. Councillors will take this information into account which option to proceed with. We will look at impacts on businesses as part of the parking survey being conducted.

Laurence Mahony: Which bodies were consulted by Council in the process of reaching a decision to make Inkerman Street a bicycle corridor? What were the criteria used to reach that decision?

David MacNish, Acting Manager Partnerships and Transport, advised that the Integrated Transport Strategy went through a separate engagement process in 2017-18 prior to Council's endorsement. Generally bike routes were prioritised in relation to safety, numbers of bike crashes along the corridors, and how these roads connect to other networks within the area, i.e. what created the most direct links for people travelling by bike.

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Geoffrey Edwards: Since when, and why, has Council's first and foremost responsibility to its ratepayers and its residents - and their clearly expressed concerns - been overshadowed by a push to pander to the convenience of a few itinerant cyclists from Merri-bek and Murrumbidgee and other municipalities?

Chris Carroll, Chief Executive Officer, thanked Geoffrey for their feedback.

Stephen Liddicut: Can Council reconcile the anxiety and concerns of some residents and business owners with the Inkerman Street project, and what confidence should people have that the current consultation is not reduced to a shouting match, and that sound judgement will be able to prevail based on sound justice, transparency, and respect?

Chris Carroll, Chief Executive Officer, advised that this is part of the democratic process. People have expressed a range of concerns around the process. This project has been in the public domain for an extended period of time since prior to this Council, as part of the Integrated Transport Strategy 2018-28. Officers have been working to address various concerns around safety, transport, parking. Those analyses have been going for an extended period of time and we are now consulting with the community. That process involves the Have Your Say consultation process, two letterbox drops, and we have tried to make this as visible as we possibly can. This process has been much more extensive than other projects that Council may run. We have sought reasonably, through various endeavours, to make sure that the community is aware of this process. Officers will respond and report all feedback and give further advice to Council and this report will come back to Council at a future meeting. The community will have an opportunity to speak to that again prior to Council making a decision on the feedback it has received. We are trying to run a transparent process that enables community feedback on the various options to be considered. Councillors and officers have heard your feedback tonight and will consider that alongside all other feedback received.

Damian Morgan asked a question of Council. The Mayor disallowed the question in accordance with rule 51.5 of the Governance Rules as they determined it was aimed at embarrassing a Councillor or a member of Council staff.

Elizabeth Guthrie: The changes being proposed for Inkerman Street include three pedestrian crossings, with one located at Blenheim Street, but no crossing at Nelson Street. Since Nelson Street is the main thoroughfare to Balaclava Station, the Coles shopping precinct, St Kilda and Balaclava Kindergarten and Alma Park, why has Blenheim Street been nominated as the crossing location and not Nelson St?

Brian Tee, General Manager City Growth and Development, advised that Nelson Street was considered due to its convenience however the initial assessment showed that there was not sufficient room to install pedestrian lights. Based on feedback we are going to have another look to see if a crossing can be fitted in at Nelson Street, and if so will include it in the report.

The Mayor adjourned the meeting for a break at 8.25pm.

The meeting resumed at 8.36pm.

5. COUNCILLOR QUESTION TIME

Councillor Nyaguy - West St Kilda Beach is frequently used by sports including wind surfers. Recently a sign was installed along the rocky groyne at the end of Langridge Street which impacts kite surfers. In terms of alterations like this and other changes, do Councils usually consult with their sport businesses and other beach users before making changes?

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Brian Tee, General Manager City Growth and Development, advised that before putting up signage we generally do consult with people who might be impacted, and took the question on notice for this specific instance.

Councillor Pearl - In terms of the independent review into Council's waste contract, can the motion that was passed by Council be released to the public and are the Terms of Reference of that review available to the public?

Darryn Hartnett, Executive Manager Governance and Organisational Performance, advised that Council will receive a report in February 2024 in regard to the Terms of Reference. A press release has been released, providing information in regard to this and the purposes of the review to the public. Darryn Hartnett took the first part of the question on notice.

Councillor Pearl - Can officers please provide a full list of community grant and advisory committees that Council has in place and how many meetings have taken place in the last year?

Allison Kenwood, General Manager Community Wellbeing and Inclusion, advised that we currently have 18 committees, including business advisory groups and panels. Currently to date there have been 97 meetings throughout the year. A full list of Council's committees, panels and the number of meetings they have held will be provided to all Councillors.

6. SEALING SCHEDULE

Nil.

7. PETITIONS AND JOINT LETTERS

7.1 Joint Letter Response - Restrict public access to Lane R2243, Princes Street Port Melbourne

A Joint Letter containing six signatures, was received from local residents and was presented to a Council meeting on 2 August 2023.

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

Councillor Nyaguy - has this approach been taken for any other laneways?

Lachlan Johnson, General Manager Operations and Infrastructure, took the question on notice.

MOVED Crs Martin/Crawford

That Council:

1. Acting under section 17(4) of the *Road Management Act 2004 (Vic)*, resolves that the road known as R2243 (Road), adjoining 197 and 199 Princes Street, Port Melbourne and 55 Station Street, Port Melbourne 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;
2. Acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Vic) (Act)*:
 - 2.1. Resolves that the statutory procedures be commenced to discontinue the Road;



- 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;
- 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 enter into an agreement with the adjoining land owners;
- 2.4. Authorises the Chief Executive Officer, or their 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
- 2.5. 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.

8. PRESENTATION OF CEO REPORT

8.1 Presentation of October CEO Report - Issue 101

Purpose

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

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

Councillor Nyaguy – Has the new animal management officer been hired yet? Can a clarification be provided on how animal management fines are broken down? Do we issue fines for poor behaviour? It seems from the report that the majority of fines are for registration issues.

Brian Tee, General Manager City Growth and Development, took the questions on notice.

MOVED Crs Martin/Nyaguy

That Council:

- 3.1 Notes the CEO Report – Issue 101 (provided as Attachment 1).

A vote was taken and the MOTION was CARRIED unanimously.

9. INCLUSIVE PORT PHILLIP

9.1 Response to Notice of Motion - Councillor Baxter - Safe Delivery of LGBTIQ+ Programs, Community Events and Recognition

Purpose

- 1.1 To provide a report back to Council on the 21 June 2023 Notice of Motion, regarding the continuation of work with key bodies on the safe delivery of LGBTIQ+ programs, community events and recognition.



MOVED Crs Baxter/Nyaguy

That Council:

- 3.1 Defers the item to a future Council Meeting.

A vote was taken and the MOTION was CARRIED.

10. LIVEABLE PORT PHILLIP

10.1 Gasworks Arts Park - Site Plan Endorsement

Purpose

- 1.1 To seek Councillor endorsement on the updated Concept Plan for the Gasworks Arts Park (the Project).
- 1.2 To seek a Councillor decision on the future of the wall which borders the new Arts Precinct which is being built by the VSBA (Victorian School Building Authority).

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

Councillor Bond – where did officers get the assessment that the wall was a 1950's wall and that the footings of this wall were covered by some sort of heritage protection or assessment?

Dana Pritchard, Manager Open Space, Recreation and Community Resilience, took the question on notice.

MOVED Crs Bond/Martin

That Council:

- 3.1 Endorses the updated Concept Plan for the Gasworks Arts Park to progress to detailed design.
- 3.2 Supports the Victorian School's Building Authority implementing changes to the Council managed wall which forms the border between Gasworks Arts Park and the new School Arts Precinct as follows:
- Lowering some sections to a minimum of 0.9m
 - Retaining a high wall in some areas (above 1m)
 - Removing some of the wall completely for an emergency exit point through the plaza into the park and consider a gate at this location to improve safety.
- 3.3 Notes that all decisions regarding amendments to the wall will be subject to further design to be undertaken by the VSBA in conjunction with and agreed by Council.
- 3.4 Notes that Serpent Artwork currently on the wall will need to be assessed prior to any final agreement on amendment to that part of the wall.
- 3.5 Notes that as the request for this project has come from the VSBA, the funding for the project will be part of their project costs and are not currently part of Council's budget.



- 3.6 Notes that the ongoing licence agreement between City of Port Phillip and Albert Park College would need to be reviewed if access is opened to Arts Precinct.

A vote was taken and the MOTION was CARRIED unanimously.

10.2 St Kilda Triangle - Live Music Venue - Outcomes of Community Consultation, Preliminary Planning Assessment, Commercial Analysis Summary and Next Steps

Purpose

- 1.1 To note the outcomes of the stakeholder and community engagement program, the preliminary planning assessment and the *Confidential Commercial Feasibility Analysis & Development Options Report*, including the accompanying commercial analysis summary document that is released to the public as part of this report.
- 1.2 To present options for the next steps in the project and request authorisation to progress the project in line with one of the options.

MOVED Crs Bond/Pearl

That Council:

- 3.1 Notes the release of several key project deliverables with the publication of this report on Council's web-page on 1 December 2023. These include: *The St Kilda Triangle – Proposal for a Live Music and Performance Venue - Engagement Summary Report* (Attachment 1) and the *St Kilda Triangle Commercial Feasibility Analysis and Development Options Report Public Summary* (Attachment 3) and the *St Kilda Triangle Planning Pathway Options Assessment* (Attachment 4).
- 3.2 Notes that the *St Kilda Triangle Commercial Feasibility Analysis and Development Options Report* has been provided confidentially to Council due to the commercially sensitive nature of the contents but that a summary of the report suitable for publication has been developed and is included in this report as noted above.
- 3.3 Notes that Council, at a public meeting on 6 September 2023, was presented with the *St Kilda Triangle Design Feasibility for a Live Music and Performance Venue* and the *St Kilda Triangle Potential Live Music / Performance Venue Market Sounding Report*, seeking authorisation to commence community consultation on the indicative site layout (design option 2) set out in the design feasibility report.
- 3.4 Notes that a community and stakeholder engagement program seeking feedback on the outcomes of the design feasibility report commenced immediately following the Council Meeting on 7 September 23 and concluded on 19 October 23, with the key outcomes of the engagement set out in the body of the report, with further details provided in the engagement summary report in Attachment 1.
- 3.5 Notes the outcomes of the planning pathways assessment outlined in this report and detailed in Attachment 4.
- 3.6 Considers the following key findings across the various components of work:

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- There is demand for a flexible 5000 standing live music and performance venue.
 - The 'proof of concept' layout shows that a venue can be effectively accommodated on the St Kilda Triangle with carparking, public realm and other uses.
 - There is strong industry support for a new venue to be located in St Kilda.
 - There is majority support for a live music and performance venue, including strong support by representatives of the Traders Associations for Acland Street and Fitzroy Street, though there is some local opposition to the idea.
 - There was concern expressed by destination venues immediately adjacent about a reduction in parking leading to loss of business.
 - Carparking and traffic movement, the scale of the building and ongoing activation of or need for the venue were raised as concerns by those who did not support the concept and there were mixed views regarding parking.
 - The likely cost of the 'proof of concept' idea that has been explored for a new live music and performance venue is estimated as a range between \$113m-\$139m, including the venue, basement carparking and public realm.
 - The cost estimate that has been developed is useful for understanding the type of cost for a development such as this but would need to be reassessed to reflect any key changes that have been incorporated to the final design and cost of construction at the time.
 - Operators are likely to have capacity to include a capital contribution as part of a bid in a competitive procurement process for a new venue in future, with the quantum being directly related to the length of tenure.
 - Given the regional significance and civic nature of the project, it is likely that significant public funding or other subsidy will be required to support private investment in the development to achieve an outcome that will realise the full benefits possible for the site.
- 3.7 Advocate to the Victorian Government for investment in a business case for a new live music and performance venue on the St Kilda Triangle, with a possible contribution from Council to the business case to be confirmed.
- 3.8 Approves a project budget of \$110k for Officers to engage with the market to further clarify the level of interest in investing in a new live music and performance venue on the St Kilda Triangle, and understand the level of funding contribution that is possible. This could include discussions with any interested parties that were involved in the market sounding, parties that have already expressed interest in the project and an invitation to other interested parties who haven't yet made contact with Council.

AMENDMENT

MOVED Crs Nyaguy/Martin

The vote on the amendment was taken in two parts.

Part A



- 3.9 Requests officers investigate greening opportunities for the St Kilda Triangle using the existing Greening Port Phillip budget.

The vote was taken and the AMENDMENT was CARRIED unanimously.

Part B

- 3.10 Consider a project to progress the upgrade of the pedestrian crossing between the St Kilda Triangle carpark and the foreshore as part of the 2024/25 budget process.

The vote was taken and the AMENDMENT was CARRIED.

The AMENDMENT became the SUBSTANTIVE MOTION.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

Cr Nyaguy called for a DIVISION.

FOR: Crs Baxter, Crawford, Bond, Sirakoff, Martin, Pearl, Clark and Cunsolo

AGAINST: Cr Nyaguy

The SUBSTANTIVE MOTION was CARRIED.

10.3 Queens Lane Traffic and parking review

Purpose

- 1.1 To present the findings of the independent traffic and parking assessment following a Council request made when Council endorsed Planning Application (909/2020) for 464-466 St Kilda Road on 8 December 2021.
- 1.2 Recommend initiatives that aim to reduce observed issues and improve safety along Queens Lane

MOVED Crs Cunsolo/Martin

That Council:

- 3.1 Notes congestion at the intersection of Queens Lane and Kings Way has been a long-standing issue and that major changes to the arterial network of roads surrounding Queens Lane are required to address congestion issues within the lane. These are State owned and managed roads which Council has limited capacity to influence.
- 3.2 Endorses the following initiatives to be actioned along Queens Lane to help mitigate the observed issues where possible and improve safety of all road users:
- 3.2.1 Increase parking enforcement to improve compliance of the clearway and parking controls between Arthur Street and Kings Way and request 'Tow-Away powers' be granted from the Department of Transport and Planning
- 3.2.2 Seek approval from the Department of Transport and Planning to modify the 'Keep Clear' line marking on Kings Way to allow more traffic from Queens Lane to turn when traffic along Kings Way is queued. Implementation of any modification will be subject to Council's budget process.
- 3.2.3 As part of the Council budget process, consider the installation of kerb outstands at Leopold Street and Arthur Street intersections with Queens



Lane to increase safety by improving vehicle and pedestrian sightlines, lower vehicle speeds and shorten crossing distances and provide the opportunity for landscaping.

- 3.2.4 Review the 40km/h signage on Queens Lane and, where there are gaps, add additional signage.

A vote was taken and the MOTION was CARRIED unanimously.

10.4 Preliminary Submission - Fishermans Bend Development Contributions Plan and Open Space Uplift Mechanism (Planning Scheme Amendment GC224)

Purpose

- 1.1 This report seeks endorsement of a preliminary Council submission in response to the State Government's proposed Draft Planning Scheme Amendment GC224 which introduces the Fishermans Bend Development Contributions Plan (**DCP**), Open Space Uplift Mechanism (**OSU**) and associated planning scheme controls.

MOVED Crs Pearl/Martin

That Council:

- 3.1 Endorses the Preliminary Submission to Draft Planning Scheme Amendment GC224 – Fishermans Bend Development Contributions Plan and Open Space Uplift Mechanism (Attachment 1).
- 3.2 Authorises the CEO, or their delegate, to make minor amendments to the submission that do not materially alter the intent.
- 3.3 Notes that officers will prepare a Detailed Submission in response to the State Government's Planning Scheme Amendment GC224 process.

A vote was taken and the MOTION was CARRIED unanimously.

11. SUSTAINABLE PORT PHILLIP

Nil.

12. VIBRANT PORT PHILLIP

Nil.



EN BLOC MOTION

Moved Crs Cunsolo/Pearl

That the following reports be taken En Bloc:

- 13.1 Review of Public Transparency Policy
- 13.2 Appointments of Councillors to Committees
- 13.3 Councillors Expenses Monthly Reporting – October 2023
- 13.4 Records of Informal Meetings of Councillors

A vote was taken and the MOTION was CARRIED unanimously.

13. WELL GOVERNED PORT PHILLIP

13.1 Review of Public Transparency Policy

Purpose

- 1.1 To present to Council for adoption the reviewed Public Transparency Policy required under section 57 of the *Local Government Act 2020*.

Moved Crs Cunsolo/Pearl

That Council:

- 3.1 Adopts the updated Public Transparency Policy (Attachment 1) required under section 57 of the Local Government Act 2020.
- 3.2 Delegates authority to the Chief Executive Officer, or their delegate, to make amendments to the documents to correct any minor drafting errors that do not materially alter the intent of the policy.
- 3.3 Delegates authority to the Chief Executive Officer, or their delegate, to make changes to Appendix One of the policy, Publicly Available Information – Statutory Information, to reflect any possible updates to how information can be accessed.

A vote was taken and the MOTION was CARRIED unanimously.

13.2 Appointments of Councillors to Committees

Purpose

- 1.1 To appoint Councillors to advisory committees and external boards and committees until 26 October 2024, when the general election for the City of Port Phillip will be held.

Moved Crs Cunsolo/Pearl

That Council:

- 3.1 Appoints Councillor representatives to advisory and external boards and committees as per Attachment 1, effective from the date of this resolution until 26 October 2024.
- 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 is being 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 first half of 2024.

A vote was taken and the MOTION was CARRIED unanimously.

13.3 Councillor Expenses Monthly Reporting - October 2023

Purpose

- 1.1 To report on the expenses incurred by Councillors during October 2023, in accordance with the Councillor Expenses and Support Policy.

Moved Crs Cunsolo/Pearl

That Council:

- 3.1 Notes the monthly Councillor expenses report for October 2023 (attachment 1) and that this will be made available on Council's website.

A vote was taken and the MOTION was CARRIED unanimously.

13.4 Records of Informal Meetings of Council

Purpose

- 1.1 To report to Council the written records of Informal Meetings of Councillors at the City of Port Phillip as required by the Governance rules.

Moved Crs Cunsolo/Pearl

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 Council Plan and Budget 2024/25 – 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 2024/25 and the Long-Term Financial Plan.

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MOVED Crs Pearl/Martin

That Council:

- 3.1 Notes the outcomes from a preliminary review of the operating environment and strategic risks (Attachment 1).
- 3.2 Notes the growing challenges caused by the current economic environment including the impact of high inflation increasing the cost base of delivering Council services, infrastructure assets, and imposing further cost of living pressures of the community.
- 3.3 Notes that the Victorian Government continues to set the rates cap below inflation to mitigate cost of living pressures while requiring Council to absorb this shortfall, up to 8.55 per cent over the last three budget years.
- 3.4 Endorses not applying to the Essential Services Commission for a higher rate cap for 2024/25.
- 3.5 Endorses the 10-Year Financial Outlook and key parameters (outlined in Attachment 2).
- 3.6 Notes that officers project a cash deficit of \$100 million (rates capping challenge) over ten years at existing service levels while maintaining our \$3.6 billion of infrastructure and community assets and responding to population growth particularly in Fishermans Bend.
- 3.7 To address this projected deficit and provide capacity/contingency for unbudgeted service requests and/or a reduction in the rate increase or a partial rebate of the waste levy endorses the following parameters for the development of the draft 2024/25 budget:
 - 3.7.1 Organisational efficiency target of 1 per cent of operating expenditure (excluding depreciation).
 - 3.7.2 Focus on delivery of existing Council Plan priorities, services and initiatives, particularly those that have already been commenced.
 - 3.7.3 Review the project portfolio to ensure deliverability and value for money.
 - 3.7.4 Identification of options to keep the waste charge at or below the overall general rates increase. Noting the continued rollout of FOGO services to multi-unit developments in 2023/24 and as a result an anticipated delay in the transition to a fortnightly garbage service for those with a FOGO service.
 - 3.7.5 A review of Council rating strategy to consider the use of differential rating to activate and incentivise development within the municipality, including for high street vacant buildings and vacant and derelict lands.
 - 3.7.6 A global fee increase assumption of rates cap plus 0.25 per cent with consideration of benchmarking, fee cost recovery and affordability for the community.
- 3.8 Delegates authority to the CEO, or their delegate, to reflect any changes made by Council at tonight's meeting, and to make minor typographical corrections (including in any attachments to this report) before final publication.

A vote was taken and the MOTION was CARRIED unanimously.

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The Mayor adjourned the meeting for a break at 10.55pm.

The meeting resumed at 11.02pm.

14. NOTICES OF MOTION

Councillor Pearl left the meeting at 11.10pm and did not return to the chamber.

14.1 Notice of Motion – Councillor Robbie Nyaguy – Parklets Review

MOVED Crs Nyaguy/Martin

That Council:

- 1.1 Requests officers to review the patron and venue demand for current parklets utilising over 4 parking bays, in conjunction with the annual desktop review of the parklet guidelines.

AMENDMENT

Moved Crs Sirakoff/Cunsolo

- 1.2 Notes that feedback received from other traders (via regular Officer engagement) within the relevant commercial precinct referred to in 1.1 will be considered as part of the desktop review.

A vote was taken and the AMENDMENT was LOST.

The SUBSTANTIVE MOTION was PUT.

A vote was taken and the SUBSTANTIVE MOTION was CARRIED.

15. REPORTS BY COUNCILLOR DELEGATES

Nil.

16. URGENT BUSINESS

Moved Crs Cunsolo/Bond

That Council accepts the item of urgent business for consideration.

A vote was taken and the MOTION was CARRIED unanimously.

16.1 Urgent Business - Changes to Planning Delegations (15 December 2023) until the first sitting of the Planning Committee in 2024 and the Appointment of Authorised Officers Pursuant to the Planning and Environment Act 1987

Moved Crs Martin/Cunsolo

That Council:

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- 3.1 Delegates to the Chief Executive Officer (including the power to on delegate), effective for the period 15 December 2023 until the first sitting of the Planning Committee, in 2024, only, the power to:
 - 3.1.1 Determine an application where:
 - The application has not been refused under delegation and 16 or more objections are received.
 - The application raises strategic or substantive policy issues.
 - The application involves substantive non-compliance with the Planning Scheme or Council Policy, but officers consider the application should be supported.
 - The application involves non-compliance with residential parking requirements.
 - The application involves the total demolition of a building in a heritage overlay.
 - The application involves land use for accommodation in the Fishermans Bend Urban Renewal Area.
 - The application involves all development including development for the purposes of accommodation in the Fishermans Bend Urban Renewal Area.
 - The application exceeds six storeys in height in the area covered by sub-precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North precinct.
 - The application is in relation to all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
 - 3.1.2 To provide comments to the Minister for Planning where the Minister is the Responsible Authority or Planning Authority for a statutory planning application or planning scheme amendment.
 - 3.1.3 To instruct Council's Statutory Planners and/or Council's solicitors in relation to any application for review lodged with VCAT, or an application for a planning scheme amendment or an application before an Advisory Committee.
 - 3.1.4 To determine planning permit applications or amendments or requests for extensions of time to planning permits within the Fishermans Bend Urban Renewal Area including applications comprising accommodation.
 - 3.1.5 To determine planning permit applications that exceed six storeys in height in the area covered by Sub Precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North Precinct.



- 3.1.6 To determine all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
- 3.1.7 All determinations made during the period 15 December 2023 until the first sitting of the new Planning Committee will be reported to the first Planning Committee in the February 2024 Statutory Planning Delegations Decisions Report or as applicable.
- 3.2 Notes that this delegation does not preclude planning matters being considered by Council at its Ordinary Meeting of Council.
- 3.3 Prepares, and affixes the Common Seal of the Port Phillip City Council to, an Instrument of Delegation to the CEO that accords with this resolution.
- 3.4 Notes that all determinations made during the period 15 December 2023 until the first sitting of the new Planning Committee in 2024, will be reported to the Planning Committee in the December and January 2024 Statutory Planning Delegations Decisions Report, or earlier as applicable.
- 3.5 Approves the attached Instruments of Appointment and Authorisation and affixes the common seal of Council to the Instrument of Appointment.

A vote was taken and the MOTION was CARRIED unanimously.

17. CONFIDENTIAL MATTERS

MOVED Crs Crawford/Sirakoff

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 Building Services Maintenance Contract

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

Reason:

The report refers to confidential matters concerning the Aged care review which significantly impacts staff. In addition pricing and budget allocation information include for decision making that the preferred supplier would not be privy to and could impact their quoting

17.2 Graffiti Removal Services

- 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.*

Reason:

The report contains commercially sensitive information.



17.3 Declaration of Extraordinary Circumstances - Parking Ticket Machine Software and 4G Upgrade

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

Reason:

Information that would prejudice Council's position and sole provider's position in commercial negotiations.

17.4 Property Matter

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.*

Reason:

Commercial in confidence information that would unreasonably impact Council's commercial position if made public.

A vote was taken and the MOTION was CARRIED unanimously.

The meeting closed to the public at 11.03pm

The meeting reopened to the public at 11.56pm.

As there was no further business the meeting closed at 11.56pm.

Confirmed: 7 February 2024

Chairperson _____